SENATE—*Wednesday, April 1, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, today when women from across our Nation have gathered here at the Capitol to unite in prayer and support of the National Breast Cancer Survivors Day, we ask You for Your guidance and healing power. Guide the persistent efforts of those involved in research. You have guided the laps of the Race For a Cure thus far. We thank You for a cure in time for the women of our time. We salute the survivors of breast cancer. They call us on in the relentless quest for a cure.

As we begin this day's work in the Senate, we pray for those who suffer many kinds of physical disease and thank You for the opportunity to cooperate with You in Your healing ministry by supporting medical research. We commit this day to work for Your glory. You have given us the day; now show the way. In the name of the Great Physician.

Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from New Mexico, is recognized.

SCHEDULE

Mr. DOMENICI. Mr. President, on behalf of the leader, I want to state the following:

Today the Senate will resume consideration of the budget resolution and the pending Coverdell amendment regarding middle-class tax cuts. Also, under a consent agreement, at 12 noon, the Senate will vote on or in relation to the Kyl amendment relating to seniors having a choice of health care providers.

A further vote will occur at 2 p.m. in relation to the Conrad amendment relating to tobacco. In addition, several additional votes will, hopefully, be ordered to occur in sequence at 2 p.m. following the Conrad vote.

Also, Members can anticipate rollcall votes an a number of pending amendments to the resolution and other amendments which are expected to be offered. Therefore, Members can anticipate votes throughout today's session.

Also, the Senate may consider any executive or legislative business cleared for Senate action. As a reminder to all Senators, the first rollcall vote will occur at 12 noon today.

I yield the floor.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order the Senate will now resume consideration of S. Con. Res. 86, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

Kyl amendment No. 2169, to express the sense of the Congress regarding freedom of health care choice for medicare seniors.

Conrad/Lautenberg/Bingaman/Reed amendment No. 2174, to ensure that the tobacco reserve fund in the resolution protects public health.

Conrad (for Moseley-Braun) amendment No. 2175, to express the sense of the Senate regarding elementary and secondary school modernization and construction.

Conrad (for Boxer) modified amendment No. 2176, to increase Function 500 discretionary budget authority and outlays to accommodate an initiative promoting after-school education and safety.

Brownback amendment No. 2177, to express the sense of the Senate regarding economic growth, Social Security, and Government efficiency.

Burns amendment No. 2178, to express the sense of the Senate regarding the use of agricultural trade programs to promote the export of United States agricultural commodities and products.

Smith (Oregon) amendment No. 2179, to express the sense of the Senate on Social Security taxes.

Smith (Oregon) amendment No. 2180, to express the sense of the Senate with respect to the use of marijuana for medicinal purposes.

Smith (Oregon) amendment No. 2181, to express the sense of the Senate concerning increases in the prices of tobacco products.

Kennedy amendment No. 2183, to express the sense of the Senate concerning the enactment of a patient's bill of rights.

Kennedy amendment No. 2184, to increase Function 500 discretionary budget authority and outlays to support innovative education reform efforts in urban and rural school districts.

Kennedy amendment No. 2185, to express the sense of the Congress regarding additional budget authority for the Equal Employment Opportunity Commission.

Wellstone modified amendment No. 2186, to provide a reserve fund to pay for increased Pell Grants by reducing or eliminating corporate welfare tax expenditures.

Wellstone/Moynihan amendment No. 2187, to express the sense of the Senate regarding a report of the Secretary of Health and Human Services evaluating the outcomes of welfare reform.

Wellstone modified amendment No. 2188, to provide additional funds for medical care for veterans.

Thurmond amendment No. 2191, to clarify outlay levels for major functional categories.

Thurmond amendment No. 2192, to clarify outlay levels for national defense.

Lautenberg (for Hollings) amendment No. 2193, to provide a supermajority point of order against any change in the off-budget status of Social Security.

Lautenberg amendment No. 2194, to express the sense of the Senate to ensure that the tobacco reserve fund in the resolution may be used to protect the public health.

Lautenberg amendment No. 2195, to establish a deficit-neutral reserve fund for environmental and natural resources.

Lautenberg (for Kohl/Reid) amendment No. 2204, to express the sense of the Senate regarding the establishment of a national background check system for long-term care workers.

Lautenberg (for Durbin/Chafee) amendment No. 2205, to express the sense of Congress regarding the right to affordable, high-quality health care for seniors.

Reid/Bryan amendment No. 2206, to express the sense of the Senate that the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding and that public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act.

Domenici (for Roth) amendment No. 2209, to express the sense of the Senate that the Committee on Finance shall consider and report a legislative proposal this year that would dedicate the Federal budget surplus to the establishment of a program of personal retirement accounts for working Americans.

Lautenberg (for Johnson) amendment No. 2210, to express the sense of the Senate regarding repair and construction of Indian schools.

Allard amendment No. 2170, to require the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt.

Craig amendment No. 2211, to modify the pay-as-you-go requirement of the budget process to require that direct spending increases be offset only with direct spending decreases.

AMENDMENT NO. 2199

(Purpose: To provide middle class tax relief)

Mr. COVERDELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for himself, Mr. MCCAIN, Mr. CRAIG, Mr. NICKLES, Mr. HELMS, Mr. KEMPTHORNE, Mr. GRAMM, and Mr. KYL, proposes an amendment numbered 2199.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, at another time, I had the distinct honor to serve a former President as Director of the U.S. Peace Corps. In that capacity, and due to the time of the watch, I had the opportunity to see the faces of people who had never been free or who had not been free for so long they could not remember it. It was the time when the wall was coming down and barbed wire was being clipped, and we were among the first Americans over the wall and under the wire.

The faces of those people are forever riveted in my mind. The consciousness of what the lack of freedom does to people has become a study of mine ever since. People's behavior is greatly affected by the condition of their freedom.

Then, after the Peace Corps, I had the opportunity to come to the U.S. Senate and look at America through the unique window this institution provides. In comparing the two experiences, I came to believe that the genesis of all American glory is that we have been a free people, that everything we are to ourselves and to the world is rooted in the fact that we have been free.

Mr. President, we hear the words freedom and liberty evoked over and over. I doubt if there is an American alive who doesn't hear it at least four times a day—that we are free people, that we enjoy freedom, that we experience liberty. But I don't think we reflect very much on what that means, what are the dynamics of American liberty. My suspicion is that if you were to ask a student what it constituted, they might likely point to the fact that we have been able to protect ourselves from evil forces throughout our history and keep ourselves free. They would point to Nazi Germany or Saddam Hussein. Or they might say our freedom is constituted in the fact that we are a republic and we are free because we have the right to choose who will represent us in our Government. But that is just a process; that is a means to an end.

Mr. President, for me, there are at least three core components to American freedom without which we would not be free. I have to say that there has been serious erosion in the last several years—in the last 30 years or so—with regard to each of the three components I choose to believe are core to American liberty. I am asserting that we are not who we are because of our genes; we are who we are because we have been uniquely free, and that freedom has produced the grandest experiment in human behavior in the history of the world.

What are the three components? Well, first is economic liberty. We fought the War for Independence over the issue of economic liberty. I like to use my family as a case in point. My father was of the generation—a grand generation—that did their part in building America and defended it through two world wars. I don't think anything has ever been asked of a generation more than theirs. But he was born in 1912 and he kept, generationally, 80 percent of all his paychecks. So what happened? Well, the American dream, as we have heard a million times. He began his career as a coal truck driver. Then he sold shoes in a department store. Then he sold Hoover vacuum cleaners and became the youngest city manager for that company in Kansas City. And then with those resources he was saving, he opened his own business, and he began to build products and dreams. We have heard it a million times. His granddaughter, my niece, has just begun her business career. Under the current scheme of events, unchanged in her generation, she will keep 40 percent of her paycheck over her lifetime. You don't have to be a rocket scientist here. If her granddad kept 80 percent of his paycheck and she keeps 40 percent, she has exactly half the options and half the capacity to pursue her dreams and to build her career. And I can tell you.

Mr. President, that will make her think and function differently than her granddad in terms of decisions she makes about her housing, her family, their education, and whom to count on, and whom not to count on, and where to turn for resources. No; it is not in our genes; it is that we have been free. We have over the last several generations been consuming everything we had, and the resources of those yet to come—my niece—so they won't have as much to work with. Any time a contemporary generation is in the business of consuming the resources of generations yet to come, they are in the business of abrogating the freedom of the generations yet to come.

The second principle of American liberty is safety. Mr. President, that is a little harder to describe. But it is the safety of persons and property. I typically ask people, in their mind, to go someplace that they know is not safe. And what will you see? You will see boarded up buildings, broken windows, decay, and not very many people. Conversely, travel in your mind to a place perceived to be safe, and what will you see? You will see new buildings, you will see new ideas, you will see entrepreneurship, and you will see lots of people, and they will be engaging in commerce and social activities. A free society must be safe—both persons and property.

Not long ago, I was in Nicaragua at the time of the inauguration of Madam Chamorro, who, in a surprise upset election, threw out the Sandinistas. It was like looking at a still shot. Nothing had moved when that society lost its freedom. When a car ran out of gas, it sat right there. When an axle broke, it sat there. When a building cracked, it broke.

She and her Government were saying, "Invest in this new free society to help us rebuild." And everybody's response was virtually the same. When people perceive this to be safe for their investments, safe for their employees and persons that build and work, the investments will come. But until the Government can assure that in a reasonable degree, they won't. We see that replicated over the world time and time again.

With the Asian crisis, suddenly confidence disappeared and assets moved rapidly away. Why? Not safe. Or any social order that can't resolve differences in a civil manner—every constitution of every State and our Federal Constitution show that government accepts the responsibility for there being a safe society as a principal responsibility.

The third component of American freedom, or freedom, is an educated mind. An uneducated mind, Mr. President, will be denied the privileges of American citizenship. An uneducated people, Mr. President, will not be free. They cannot be free.

We have known through our history that we had to produce an educated population to keep America free. The first thing that happens is, the uneducated mind is pushed away from economic opportunity and the inability to provide for oneself. The worst extreme is that they are pushed to a point of the unsavory components of our social structure. Then they threaten the second principle of freedom, which is safety. We have all seen the erosion in each of these components.

Mr. President, I come here as an optimist. I believe this generation of Americans, like those who went before us, will commit themselves to maintaining American liberty and the standards of liberty and to restore those components that have been weakened or crippled. We have passed the first balanced budget in 30 years. We are already benefiting as a people from financial discipline.

When I first came to the Senate, an average worker in the State of Georgia was keeping 45 cents out of every dollar they earned. Think of it. If Thomas Jefferson were here, he would faint first, and when he awoke, he would scorn us unmercifully that we would have ever allowed this to happen, that an American worker couldn't even keep half of what they produced. At a

minimum, they should keep two-thirds of their paycheck—at a minimum. We passed the first tax relief in 16 years. It wasn't near what it should have been, but it was moving in the right direction. Now that Georgia worker is keeping 48 to 49 cents. It ought to be two-thirds.

I am going to come back to the point. But let me say that I don't believe, on the premise of safety and a safe society, that America will recognize the drug war within 24 months. Eight out of ten prisoners—it doesn't matter, the smallest town jail or the largest city—are there on direct or indirect drug charges. And I don't believe this country will tolerate it. It can't. We cannot accept the fact that 2 million-plus new teenagers are using drugs, or that one in nine in junior high is a regular drug user. That is once a month; or one out of four in our high schools. We are not going to accept this. I am convinced it will be turned around. As I said, you will not recognize it in just 24 months.

With regard to education, we are going to launch a major debate in the Senate on April 20. It will be but one of massive efforts all over this country to reverse the startling data that we receive every week, every month, where only 4 out of 10 students in inner-city schools can pass a basic exam. If we put all the schools together, we get it up to 6 out of 10. That is nothing to brag about. Or one-third of the students or more coming to our universities and colleges cannot read well.

This is how you get ready for the new century? No. You will not recognize education grades K through 12, kindergarten through high school, in the United States within a decade. It is going to change. America will not accept the status quo. I do not know how all the changes are going to come about, but they are going to happen.

We have demonstrated that we are beginning to take charge of our watch and keeping the financial integrity—economic freedom—intact so that Americans will continue to do what they have done throughout our history.

If all we do is protect the economic liberty, the safety of persons and property, and keep our population educated, America will take it from there. Those three components, if we just get them done on a day-to-day basis, we will not have to worry about the next century and America's role in it. It is not all that complicated: keep them free and flexible economically, keep them safe, and keep them educated.

Now I come to this amendment. I have just said that an American worker is keeping less than half of their paycheck. So this amendment is the middle-class tax relief act. What it does is, it says that over the next 5 years we are going to cut discretionary nondefense spending. We are going to be frugal, and we are going to cut it by 6.9 percent. If we achieve that, what we will have done is we will have said we will return to spending at about the level of 1996.

Not an onerous task. That will produce about $200 billion over this time in tax relief. It is designed specifically to reduce the middle-class tax squeeze. The way this works is we help 10 million American families who used to be in the lowest tax bracket—15 percent—but once they made 25,000-some few dollars more, they went over the $25,000 income level, wham, the 28 percent tax bracket. We virtually doubled their taxes as they moved from $25,000 to $30,000. What an incredulous policy.

Again, if you want to know what is culturally affecting America and the American family and the way it functions, it is that. In fact, if you look at the tax burden that those families have borne since 1950 to 1990 and have watched it just skyrocket from 2 cents to 25 cents on the dollar, Federal alone, and then match against it teenage suicide, SAT scores, it all fits. Every time we pushed that burden up and gave them less resources, they were less able to accomplish what the society needs. A lot of people think Hollywood is what has had a profound effect on our culture. Uncle Sam.

I look at it this way. If something marches through your checking account and takes more than half of what you put in it, it has more to do with you than you do. So we take 10 million of those families and we lift the bar and get them back into the 15 percent tax bracket, which means for the first time in many years they will be keeping over half their paycheck. What a marvelous accomplishment. And they will have new resources to do the things we are all complaining about are not happening in America.

Everybody will benefit, but the middle class will be the principal beneficiaries. Everybody is taxed on that first segment of income, so all taxpayers benefit, but the principal beneficiaries are the ones who we push down into the 15 percent tax bracket.

In so doing, we will be reinforcing one of the core components of American liberty—economic. Allow workers to work and save and keep resources to do the job that we need to have done in America—take care of their families, make decisions about education, dream new ideas, build new businesses. This is how it comes about. You have to protect the American worker's economic options. This goes a long way towards accomplishing that.

I am going to share just some of the key components of this. As I said, this middle-class tax relief act returns the middle class to the lowest tax bracket providing broad tax relief. I should note that the cosponsors are Senator MCCAIN of Arizona—Senator MCCAIN will come to the floor here shortly and give his views on this—Senator NICKLES of Oklahoma, Senator HELMS of North Carolina, and Senator GRAMM of Texas, one of our most renowned economists in the Senate.

The proposal raises the income cap under which the 15 percent individual income tax rate applies. Approximately 10.3 million tax filers will be returned from the 28 percent tax bracket to the 15 percent tax bracket. Married couples' taxable income thresholds would rise to $70,000. Approximately 7.6 million married tax filers would be returned from the 28 percent tax bracket to the 15 percent bracket. Single heads of households' income thresholds would rise to $52,000 for single parents. Approximately 375,000 single heads of households tax filers would be returned from the 28 percent bracket to the 15 percent. Singles' taxable income thresholds would rise to $35,000, and approximately 2.3 million single tax filers would be returned from the 28 percent bracket to the 15 percent bracket.

Mr. President, 29 million taxpayers would see lower taxes because more income is taxed at 15 percent as a result of this broad-based middle-class tax relief. It is the only major tax relief proposal focused directly on addressing the middle-class squeeze. It is simple, it is basic, and it is achievable in this Congress.

Mr. President, $39 billion is expected as the annual tax relief from 1999 to 2003, according to preliminary estimates by the Tax Foundation. Nearly $1,200 in average annual tax relief per filer could be expected in the first year alone. It would also provide significant marriage penalty relief without adding complexity to the Tax Code.

There is not a soul in America who doesn't believe we can't find 6.9 percent in savings. In fact, if you ask the American people, the figure would be a lot higher when they talk about what they consider to be waste or not-accounted-for money, et cetera. It is interesting, on the eve of making this presentation, the Wall Street Journal headline yesterday: "United States Fails To Meet Standard Accounting Methods."

> Overall, the General Accounting Office—which acted as the equivalent of an outside auditor in preparing the financial statement—[on the American Government] found widespread problems with recordkeeping and documentation that apparently prevented the Government from properly accounting for billions of dollars in property.

This report is alarming, but it underscores what most of us have known for many, many years, that there is significant waste, significant loss of property and value in this huge, monolithic Federal Government that we have built. It needs to be downsized. We need to return to the idea of empowering the American citizen. We have gone way too far, and we are paying an enormous price for it in flexibility, in responsibility, in the care of our children, in the condition of our schools, in the denial of opportunity. There is no telling,

over these last 30 years, because of the students who have come through these schools with inadequate educations, how many ideas, how many Jonas Salks, how many other U.S. Senators, how many new ideas and dreams never happened because we didn't give them the tools that we have traditionally given them in this country.

We ought to be about that business. We need to restore and protect the economic liberty of the American worker and family. We need to keep them safe, and we need to keep them educated to make it all work. That is what makes American liberty work.

Mr. President, I yield the floor. I reserve the remainder of my time so the cosponsors might also have an opportunity to come to the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the Coverdell amendment be temporarily set aside so I may speak on amendment No. 2181.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

AMENDMENT NO. 2181

Mr. SMITH of Oregon. I also ask unanimous consent that Senator GRASSLEY be added as a cosponsor to my amendment, No. 2180.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. Mr. President, today I rise to speak on my sense-of-the-Senate amendment regarding the use of tobacco revenues to restore solvency to the Medicare Program. During the markup of this resolution, my colleague, Senator LAUTENBERG, offered a very similar amendment that stated it was the sense of the Senate that any tobacco legislation should increase the cost of a pack of cigarettes by $1.50. I voted in favor of this amendment. However, like Chairman DOMENICI, I believe we should use these revenues, not for new programs, but to save Medicare. I stated in the Budget Committee meeting that we were voting on amendment after amendment of very popular, and I am sure well-polled, ideas. When it comes to educating children or taking care of children, providing for schools and all of the other ideas that in the abstract we find very, very appealing, I found the arguments compelling—except for one thing. We have made some serious promises to the American people with respect to Social Security, Medicare, Medicaid—entitlements upon which people, frankly, have come to depend. These programs are in extremis. So, while it would be easy to vote for all of these well-polled ideas, I think it is important that we stand up for the promises of the past.

As we all know, there is a way to protect Medicare and also to address the issue of smoking. The use of tobacco products by children and teenagers has become a public health epidemic. According to the Centers for Disease Control, more than 16 million of our Nation's children will soon become regular smokers. This is a national tragedy. I hear some of my colleagues, even on my side of the aisle, say we should not do this through price. I have to say, in my opinion, all the regulation, all the education materials we can print and provide the schools are fine and good, but next to peer pressure the teens feel to smoke, these things amount to very little —except when you go after price. It is an economic deterrent that may well save them from this vicious habit, a habit which ultimately could take their lives.

Of the 16 million children I have talked about who become regular smokers, approximately one-third of them will die from tobacco-related illness. As this population ages and becomes eligible for Medicare, the health-related costs will escalate. In fact, a report by Columbia University says that tobacco use costs Medicare approximately $10 billion per year and the total economic cost of tobacco-related health costs is more than $100 billion per year. Regardless of the outcome of the tobacco settlement in Congress—and I am one who intends to vote for a settlement. Whatever we can get through this Congress that will help to change these disturbing, shameful trends, I intend to vote for because I believe it is our responsibility to ensure that we provide all the deterrence we can towards this habit and at the same time ensure that the Medicare Program that will bear much of the burden of this habit remains solvent by any and every means, as long as the means are contributing to the end that tobacco use by this generation and generations to come will be on the decline.

Whether we end up with a tax on cigarettes of $1.10 or $1.50 a pack, these revenues should be used to restore what has already been lost; in this case, Medicare dollars due to tobacco-related health care costs.

I thank my colleagues. I hope they will vote for my amendment. I hope we will have a tobacco settlement. And I hope we will keep yesterday's promises first and restore a degree of solvency to Medicare.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I did not understand the entire unanimous consent request. Is it fair to assume that the Smith proposal is now on the list of amendments to be placed for vote as we proceed through this, in accordance with our rules of fairness?

The PRESIDING OFFICER. The Chair will advise the Senator the amendment was previously offered and is one of the amendments that will be disposed of.

Mr. DOMENICI. I thank the Chair.

Parliamentary inquiry. How much time remains for the pending amendment?

The PRESIDING OFFICER. The Senator from Georgia has approximately 30 minutes remaining. The opposition has 60 minutes.

Mr. DOMENICI. I wonder, although we will put in a quorum call with both sides charged equally, I wonder if we could ask the opposition if they have some people to speak against Senator COVERDELL?

Mr. President, I suggest the absence of a quorum, and ask that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2199

Mr. LAUTENBERG. Mr. President, we have heard about the amendment that the Senator from Georgia proposes with Senator MCCAIN, and I want to describe why I am opposing this amendment. While it sounds good on the surface, I think there are a few things we have to talk about and highlight what kind of problems might ensue.

This amendment would cut domestic programs like education, child care, law enforcement, veterans' programs, and environmental protection. It would violate current budget rules. Frankly, I view it as fiscally irresponsible.

This amendment calls for $101 billion in cuts from discretionary programs for use in providing various tax breaks. I note that it is not allowed under the Budget Act. And there is good reason that the Budget Act protects against that. The Budget Act is designed to ensure that if we incur permanent obligations, like permanent tax cuts or new mandatory spending, that we pay for these obligations with permanent savings. That is what the pay-as-you-go system is all about, and it has worked well for many years. People understand very clearly that if you spend it, you have to find a way to get the money.

This amendment flies in the face of these rules, and it threatens to undermine long-term fiscal discipline. The amendment says that we should make cuts in temporary spending—that is, annually appropriated discretionary programs—and use temporary cuts to fund permanent tax breaks. That is a mix and match that does not work.

Mr. President, it does not take a CPA to figure out that this can create serious problems in the long term. I am not opposed to tax cuts for ordinary working Americans, but I do think we should pay for them with permanent

savings. I do not think we ought to introduce gimmickry that says we are going to have permanent cuts and temporary savings.

In addition, I am concerned about what it would mean to cut $101 billion from programs which support education, fight crime, support our veterans, and protect our environment. Many of these programs are critical to the well-being of our country and to millions of ordinary Americans.

The question is raised, Is there waste in Government? Yes, of course, but this amendment does not target waste, it adopts the meat-ax approach to Government, and that is not what the American people want. In the most successful corporations, in the largest corporations, there is waste, but how you get rid of it is to focus on what caused it in the first place and work deliberately toward ending it.

You do not simply say, "OK, we're going to cut our expenses across the board." That goes through good departments; that goes through bad departments; that goes through good management, as well as bad management. That is not the way problems are solved.

I think most Senators from both parties will agree that the era of big Government is over. Government has been shrinking, and it will continue to shrink. As a matter of fact, the executive branch employment is the lowest as a proportion of total civilian employment since the 1930s.

Federal outlays as a percent of GDP stand at their lowest level since the Nixon administration. Nondefense discretionary spending is at its lowest percentage of GDP since the early 1960s.

I think it is important to note where America stands. Total Government spending as a share of GDP is the lowest for the United States than for all G–7 countries, the most advanced countries in the world—France, Italy, Germany, Canada, the U.K., and Japan. That tells us that not only is Government spending proportionately less but that Government is in fact smaller when it comes to employment and programs realistically.

Under the budget agreement reached last year, nondefense discretionary spending in 2002 will reach its lowest level in almost 40 years as a share of GDP. But the McCain-Coverdell amendment would violate the budget agreement. It would lower the discretionary spending caps even further, making draconian cuts in the investments that Americans care about most.

Under this amendment, funding for the National Institutes of Health would be cut by 7.9 percent; education would take a 7.6 percent cut; child care would be hit to the tune of 7.8 percent; the environment, 8.3 percent; transportation, a 7.1 percent cut; and veterans programs, a 7.6 percent cut. And it goes on—crime fighting programs would be reduced 7.6 percent. All to support $101 billion worth of tax breaks.

The kind of cuts that would be required under this amendment could have a devastating effect on our children. It would dramatically reduce funding for education, child care. It would weaken enforcement of environmental laws and undercut our efforts to reduce crime and support our veterans.

I listened to the debate carefully, and I heard descriptions of an America that I really do not recognize—an America where your freedoms are limited, where your opportunities are reduced, an America where it is harder to get by.

I have to ask one question: Why is it that people will die to take the chance and the risk of death to get to our shores, to sneak in our borders, to float on tubes in the Caribbean, hide in the holds of airplanes, take a chance on drowning in the hold of a boat to get here, to get to this place described as a confiscatory structure that does not permit people opportunity?

Mr. President, that bell does not ring true. It may be good politics, it may sound good on the radio when people hear it, but it is not the truth about our society. This is the greatest country on the face of this Earth, and it has been since its creation. And we have been smart. We have been working hard, but we have also been darn lucky, let me tell you. We have an abundance of whatever it is. We have an abundance of oil; we have an abundance of minerals; we have an abundance of space; we have an abundance of agricultural land. Boy, are we lucky—America the beautiful. That was not a coincidence; that is the truth. And people all around this world know it.

That is why our stock market is constantly headed upward. Why? Because people say, if you have money, whether you are in countries A, B, C, D, all the way around the globe, "Boy, I want to put my money in America, because I know it is safe here." We have seen country after country, the richest oil countries, they are packing their money and getting out of their own resource structure, because they know they may have oil in the ground but they do not have freedom on the streets; they do not have a secure societal structure.

And we hear whispers about what Thomas Jefferson might have done. Look at this country. Look at our citizens. Life expectancy has never been better. I remember when I was a child, the man next door to us died. He was 53 years old. And I thought to myself, I said to my friend, "Oh, he was old."

Old? I see lots of guys over 50. I see guys in my decade running in marathons, jogging, healthy, supporting their families, enjoying life. Why are there conversations about, maybe Social Security ought to be raised? I am not endorsing it; I am simply mentioning it. Why? Because we know that people who are 65 are today almost prime-of-lifers.

And, boy, I come from New Jersey, and I want to tell you, when I look at New Jersey's economic structure, we are called "the medicine chest of the country," because we have these pharmaceuticals. I used to read the sports pages actively. Now I read about the new inventions or the new patents actively—what is going to save your hair, what is going to save your heart, what is going to save your lungs. That is the kind of society we are.

What is this gloom, this despair, that hangs over us? "Well, they're taking away our rights. They're confiscating our property." Life has never been better on the whole for the people in the world than in this country, America, these days.

People get in an airplane today that is jammed. It is jammed with ordinary working people. No more of the formality. You do not have to wear a suit and a tie to get in an airplane, as was the custom years ago because it was restricted to an elite few. It is available for everybody. Air traffic today is almost mass transit, because we have made it available.

People go on vacations to places that nobody even heard of when I was a child. It is available. Children are healthy. Look at them. Look at the young people who surround the President's table there, bright, 15 years old. They know what is going on in the world. They have learned. They love the opportunity to be here and to associate with these great Senators, I think.

This is a country where we devote our energy to young people. We want our kids to have appropriate nutrition. We want them to have proper education. Do we succeed in every program? Heck, no. We do not. But we try. We try. And it is a subject of debate here. Right or wrong, it does not matter. It is a free society, as free as any place in the world. I know lots of places where if you talk about things we talk about here—criticism of the President, criticism of this institution, criticism of that institution—you go off with your hands in handcuffs.

This is a great society. It does not need any apologies from anybody about whether or not taxes—yes, maybe taxes are a little onerous at times, but the question is, compared to what? We can talk about what tax rates used to be, the amount of income kept in years and decades gone by, "dreamsville," but today you may pay a little bit more, but you have a lot more left because you are earning more. That is what this society is about.

Entrepreneurships, opportunities, Mr. President. I have been really lucky in my lifetime. Best of all, my luck is

four children and five grandchildren, with number six on the way. That is the best luck I have ever had. But in addition to that, I was able, with a couple of other guys who, like me, came from working-class parents—my father worked in the silk mills of Paterson. Paterson is an industrial city that has fallen by the wayside, one of America's poorest cities trying to fight back. A lot of dilapidation; a lot of problems; but a lot of spirit.

Three of us started a business that started an industry that created more jobs than the computer hardware business. More people are employed in the software service side of the computer industry by far than those in the hardware business, than the IBMs or the RCAs or the Honeywells or the companies that used to be in the computer business. Today, there are more people employed in the service companies like ADP—the company I helped found—by far than companies that made hardware.

I am considered a pioneer. I am in something called the Hall of Fame for Information Processing, a little place in Texas, that has some plaques in there because we were innovators. The company I started—without a dime literally; the three of us came from poverty, not middle-class; poverty—our company today employs 30,000 people across the world and has one of the best records of growth in its stock of any company in America. If you invested $300 in ADP in 1961, it is worth $1.4 million today.

What does it mean? It means that entrepreneurship is alive and well in this country of ours. Look at Intel, look at Microsoft, look at America Online. Look at these companies. You will see success after success after success. There is no shortage of opportunity in America, none at all. The shortage may be in the mentality that fails to see the goodness that we have in this country of ours.

Talk of the gloom and the confiscation of property and taxes and how debilitating it is to pay your way—my gosh, if people want to join a club, they look at the dues and they say, "Well, is it worth it or not? What's it worth to belong to the country club called America?" It is worth everything. People are willing again to fight and to die for the opportunity to be here. Look at how many illegals we have in this country now. Under all kinds of threats—you get shot at the border, you get stopped, you get jailed—they still pour over because they want to be in America. That is where the opportunity is. That is where the freedom is at its fullest.

When I hear talk about how we are losing opportunity, we are losing the chance to succeed, it is summarized in one word that means a lot in America. It is called "baloney"—and I'm not talking about meat. There is plenty of opportunity here. And we have problems. One of the problems is our violence rate—10,000 people, roughly, murdered by handguns, people afraid to walk down the street. One of the people on my staff, 2 days ago, was walking home, living just about on Capitol Hill, a gun was put in her face, took her handbag. Thank the Lord that is all that happened.

Those are the problems that we have. Those are problems we ought to work on. I don't understand why we want to take money away from safety and fighting crime and put it into tax breaks for people who don't need it, especially those at the top. Look at the top incomes in this country. It boggles the mind. I never knew that people could amass the kind of fortunes that we have seen.

We have our weaknesses, but, boy, have we got our strengths.

I urge my colleagues to reject this amendment. Don't play with the system this way—shoot-from-the-hip tax breaks that are permanent, cuts in other programs where the revenue flow is just temporary. This adopts a meat-ax approach to domestic needs while making sure that these tax breaks are there. It violates the Budget Act. We note that. I hope our colleagues will reject this amendment and in that rejection say no, we are not going to play those kinds of games.

I yield the floor.

Mr. MCCAIN. Mr. President, I am proud to join my colleague from Georgia in offering this amendment to incorporate the provisions of the Middle Class Tax Relief Act of 1998 into the assumptions underlying the Fiscal Year 1999 Budget Resolution.

On January 22, 1998, Senators COVERDELL, GRAMM, and I introduced S. 1569, a bill which would deliver sweeping tax relief to lower- and middle-income taxpayers. The bill would increase the number of individuals who pay the lowest tax rates of 15% and significantly lessen the impact of one of the Tax Code's most inequitable provisions—the marriage penalty.

In 1998, the Middle Class Tax Relief Act would place approximately 10 million taxpayers now in the 28% tax-bracket into the 15% tax-bracket. An estimated 28 million Americans would reap some benefit from the broad-based tax relief provisions in the bill, according to the Tax Foundation.

The amendment we are offering today provides the budgetary flexibility to deliver this broad-based tax relief to Americans. It pays for this tax relief by trimming more of the fat from our bloated federal government and closing inequitable and unnecessary tax loopholes for big businesses.

The middle-class tax cut plan in S. 1569 would reduce revenues by approximately $195.5 billion from 1999 through 2003. This amendment establishes a reserve fund, comprised of spending cuts and increased revenues from closing tax loopholes, to fully offset this loss of revenue.

We eliminate $94 billion in special-interest tax loopholes over five years. These inequitable provisions—like the ethanol fuel tax credit, taxation of coal sales as capital gains, special tax treatment of shipping companies' capital construction funds, and dozens of other provisions—benefit corporations and businesses at the expense of middle-class Americans.

The amendment cuts $101.5 billion from non-defense discretionary spending, an average reduction of 6.9 percent over five years. At the same time, we recognize that tax relief cannot come at the expense of those programs that ensure the well-being and health of our nation's elderly and most needy. Our amendment makes no cuts in Social Security or Medicare. It also specifically protects programs that support education and child nutrition, support medical priorities, help low-income families make ends meet, curb illegal drug use among children, and reduce illegal immigration. None of the spending cuts would come from these programs.

The cost of providing middle-class tax relief—$195.5 billion—amounts to only 2 percent of the more than $9 trillion that the federal government will spend over the next five years.

Our amendment supports the enactment of S. 1569 without throwing the budget into imbalance or even affecting the growing federal budget surplus. The surpluses expected in future years are the key to beginning to pay down our massive $5.4 trillion federal debt and shoring up the ailing Social Security system. Middle-class tax relief would, in fact, contribute to a stronger economy and thus to even greater budget surpluses.

Mr. President, this amendment offers Senators an opportunity to reaffirm their continued support for fundamental tax reform for middle-class Americans. Last year, we passed, with bipartisan support, the Taxpayer Relief Act which was a broad-reaching bill to address certain very specific problems, like capital gains taxation, taxes on home sales, and the like. The Middle Class Tax Relief Act continues the momentum for tax relief to remove the overly burdensome tax load that most Americans bear.

The Middle Class Tax Relief Act focuses directly on addressing the middle-class tax squeeze. It is essential that we provide American families with relief from the excessive rate of taxation that saps job growth and robs them of the opportunity to provide for their needs and save for the future.

First, the bill targets tax relief to the individuals who feel the tax squeeze the most: lower and middle-income taxpayers. For example, under this bill, unmarried individuals could

make $35,000 and married individuals could make $70,000, and still be in the lowest tax bracket.

Second, the bill is simple and provides broad-based tax relief. It bases taxation on income alone, rather than the number of school-age children.

Third, the measure results in taxpayers being able to keep more of the money they earn. This extra income will allow individuals to save and invest more. Increased savings and investment are key to sustaining our current economic growth.

Last, the bill minimizes the effect of the marriage penalty. Our current tax code taxes a married couple's income more heavily than it would tax a single individual earning the same amount of income as the married couple. The bill reduces this inequity by taxing a married couple's joint income and a single individual earning the same income as the married couple at essentially the same effective rates.

In sum, the measure is a win for individuals, for families, and for America. Millions of Americans would realize some tax relief from this legislation. Thus, more Americans will be able to keep more of what they earn. This, in turn, will insure that Americans have more of the resources they need to invest in their own individual futures, and America's future.

Mr. President, on a broader scale, I believe we should abandon our existing tax code altogether and create a new system. This new system should have one tax rate, which taxes income only one time. This new system should also reduce the time to prepare tax returns from days to minutes, and the expense to prepare tax returns from thousands of dollars to pennies. But I recognize that scrapping the Tax Code now is not a realistic expectation, so we must settle for a more gradual approach to relieving the tax burden on Americans.

Last year's Taxpayer Relief Act was a step in the right direction to provide tax relief to lower and middle-income families. The Middle Class Tax Relief Act of 1998 represents an important further step toward a flatter, fairer tax system, which also provides immediate tax relief for hard-working Americans and their families.

Mr. President, on behalf of the millions of Americans in need of relief from over-taxation, I urge my colleagues to support this amendment and demonstrate their continued commitment to tax reform and relief.

Mr. SPECTER. Mr. President, I have sought recognition to explain my vote against the Coverdell Amendment, which has a laudable objective of reducing the federal tax burden on millions of American families, but goes about funding such tax relief in a manner which I cannot support.

Specifically, the Coverdell Amendment provides for $101.5 billion/five years in tax relief through making more Americans eligible for the 15 percent tax bracket. The revenues lost through this amendment would be made up by cuts in all non-defense discretionary spending programs and over the same five-year period.

As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I know how hard it is to reduce federal spending. I have used a scalpel, not a meat axe, to cut 134 federal programs over the last five years, with savings totaling $1.5 billion. The cuts proposed in the Coverdell Amendment for FY99 include $1.5 billion from health programs such as the National Institutes of Health and $2.5 billion from education, job training, employment, and social services. Other cuts in the Coverdell Amendment trouble me, such as $737 million in transportation and over $1 billion in cuts for veterans' programs in FY99.

With respect to the tax relief offered by the Coverdell Amendment, I do not believe it actually goes far enough toward flattening the current tax brackets. My own approach toward reducing the tax burden on Americans is my Flat Tax Act (S. 593). I am troubled that Americans spend 5.4 billion hours and $600 billion each year complying with the complexities of the 12,000 pages of the Internal Revenue Code rules and regulations. I believe that the best answer for alleviating the tremendous tax burden on America's working families and businesses is a flat tax, and have proposed replacing the current tax code with a 20 percent flat tax on individuals and businesses that could be filed on a simple 10-line postcard.

S. 593 increases the personal and dependent allowances for families and preserves two key deductions that make the tax burden a little more bearable for working families: deductions of home mortgage interest capped at $100,000 in borrowing, and for up to $2500 in charitable contributions. For example, a typical couple with two children earning $30,000 would save about $1,100. It also eliminates taxes on estates, dividends and capital gains. With respect to businesses, S. 593 would eliminate the intricate scheme of complicated depreciation schedules, deductions, credits and other complexities that go into business taxation. Businesses would be allowed to expense 100 percent of the cost of capital formation, including purchases of capital equipment, structures, and land, and do so in the year in which the investments are made.

With a flat tax, Americans' savings rates will rise, and the pool of capital available for investment in business expansion and job creation will expand dramatically. Reasonable estimates are that a flat tax can lower interest rates by two points, pump an additional $1 trillion into the economy over seven years, and raise the per capita income of every American by $1,900.

Mr. ABRAHAM. Mr. President, I am going to support the Coverdell amendment because I believe that the tax burden on American families is too high and that people—especially hard working low- and middle-income Americans—should be allowed to keep more of what they earn.

The federal tax burden is currently the highest in our nation's history. The National Taxpayer's Union reports that the average American family now pays almost 40 percent of their income in state, local, and federal taxes. The Coverdell amendment addresses this problem by targeting $101 billion in tax cuts at families in Michigan and elsewhere, most of them earning between $25,000 and $70,000. At its very core, Mr. President, the Coverdell amendment is a statement that taxes on middle-class American families are just too high.

Right now, Mr. President, a family in Michigan that earns as little as $42,000 pays an income tax rate of 28 percent—42 percent if you include payroll taxes. The Coverdell amendment cuts that income tax rate to 15 percent.

Right now, millions of middle-class couples are penalized by the tax code for being married. The Coverdell amendment helps reduce this "marriage penalty" and end the tax code's bias against families.

The Coverdell amendment takes a significant step in reducing tax rates for middle-class families and eliminating unfair biases against married couples.

That said, Mr. President, I want to make clear that the offsets included in the Coverdell amendment are not those that I would choose. Overall, the Coverdell amendment calls for a reduction in annual federal spending of about $40 billion out of a total budget of $1.7 trillion, or just over 2 percent. And while these spending reductions will eventually be the responsibility of the Appropriations Committee, I believe they can be accomplished without cutting education accounts or reducing highway spending.

The federal government is projected to spend hundreds of billions of dollars over the next five years on administration, overhead, and personnel expenditures. Targeting these areas for cuts, including eliminating unnecessary government agencies like Commerce, Energy and HUD, and reducing excessive overhead accounts, should be the first priority to offset these tax cuts and are adequate to offset the projected revenue impact.

Mr. President, I support a smaller, more efficient federal government that allows people to keep more of what they earn. For that reason, I support the Coverdell amendment. If the amendment is adopted, however, I intend to offer a series of amendments that would redirect the spending reductions called for by the Coverdell

amendment towards the areas outlined above while protecting important budget functions like health, education, transportation and law enforcement.

Mr. McCAIN. Mr. President, last year's Taxpayer Relief Act was a step in the right direction to provide tax relief to lower and middle-income families.

This amendment to incorporate the provisions of the Middle Class Tax Relief Act of 1998 into the assumptions underlying the Fiscal Year 1999 Budget Resolution, represents an important further step toward a flatter, fairer tax system, which also provides immediate tax relief for hard-working Americans and their families.

This amendment provides broad based middle class tax relief by increasing the number of individuals who pay the lowest tax rate of 15% and significantly lessening the impact of one of the Tax Code's most inequitable provisions—the marriage penalty.

An estimated 28 million Americans would reap some benefit from the broad-based tax relief provisions in the bill, according to the Tax Foundation.

The amendment pays for this tax relief by trimming more of the fat from our bloated federal government and closing inequitable and unnecessary tax loopholes for big businesses.

The amendment cuts $101.5 billion from non-defense discretionary spending, an average reduction of 6.9 percent over five years.

This amendment does not cut any spending from Medicare and Social Security.

It also specifically protects programs that support education and child nutrition, support medical priorities, help low-income families make ends meet, curb illegal drug use among children, and reduce illegal immigration.

Mr. President, on behalf of the millions of Americans in need of relief from over-taxation, I urge my colleagues to support this amendment and demonstrate their continued commitment to tax reform and relief.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent the pending amendment be set aside so I may make some brief remarks and introduce an amendment on behalf of myself and my distinguished colleague from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the Chair. Let me just offer my thanks and congratulations to the distinguished chairman of the Budget Committee for presenting a budget resolution which balances a large number of competing interests without a lot of resources to do it. The discretionary caps are getting tighter, no question about it. The path of least resistance would have been to loosen them.

I am pleased to say the Budget Committee, under Senator DOMENICI's leadership, avoided that path. Now the real test of leadership is before the full Senate to see whether we can keep those caps and move the budget—at long last—into balance.

Even with the limits we face, the Budget Committee managed to assemble a good package that meets a number of critical priorities. That is what budgeting is about—setting priorities. These priorities call for funding the public needs of the current generation, but they also call for self-discipline to avoid increasing the debt burdens on our children and grandchildren.

The budget resolution before the Senate sets those priorities—keeping our obligations to both the present and the future. The best deals are those in which everybody wins without neglecting any critical priorities. I think this budget resolution is one of those kinds of deals.

When you look at who wins, first, future generations win. We will keep our commitment to our children and grandchildren, get control over the Federal budget and stop piling on heavier and heavier debt burdens. We do this by putting the budget into balance and resisting the temptation to spend a surplus that we haven't even seen yet. If we keep to our current path, we may even get to lighten that debt burden a little bit.

We have lived fairly comfortably at the expense of our children. We have borrowed from them about $5.5 trillion and spent it for our own needs and comforts. The living standard we now enjoy will be paid, to a great extent, by our children. I think that is worth saying again. Our children have bought or will buy $5.5 trillion worth of our current prosperity. They will pay for it in higher taxes, higher interest payments, and less funds to pay for the public needs and priorities they face. We certainly should not increase the debt any more.

Now, it appears likely that we will run a small surplus for the next decade or so. Now we have a few crumbs to give back to our children in appreciation for what they have already lent us. Incredibly, some folks around here want us to spend that as well. We owe it to our children, Mr. President—we literally owe it to them—to pay down this massive debt.

We certainly should not increase the debt even more. That's why it's so important to keep to the discretionary spending caps and to keep the budget moving into balance. The budget resolution achieves this goal. It keeps within the discretionary spending caps that the Congress and the President agreed to just last year.

Unfortunately, the President's budget would have broken those caps by $12 billion in 1999, according to the Congressional Budget Office. I find this remarkable. Why is it so hard to keep to an agreement we made just last year?

Breaking the discretionary caps, putting the balanced budget in jeopardy—these would have neglected the priority we have placed on the prosperity of future generations. The budget resolution avoids that temptation, keeps to the caps, and keeps our commitment to stop borrowing from our children and grandchildren.

So, future generations win under the budget resolution. Who else wins? Well, current generations win, too—at every stage of life.

For example, children already born—not just the children of the future—win under the budget resolution. Under the committee version, funding for the child care and development block grant will increase by $5 billion in budget authority—doubling its budget authority over the next 5 years.

I am pleased also that the Budget Committee, on both sides of the political aisle, agreed with my proposal to designate savings from assuming the President's reduction in the School-to-Work Program for local early childhood development initiatives. This would provide another $1.5 billion for our Nation's children.

Clearly, children are winners under the budget resolution. Adults are winners, too. Hardworking American taxpayers come out ahead under the committee plan.

The budget resolution envisions $30 billion in tax relief. Some may criticize that amount for being too little. Of course, we would always like to find more ways to lighten the tax load on America's taxpayers. Let me note a couple of things about the committee's actions on tax relief.

First, we need to keep in mind that any specific tax cut measure will be the responsibility of the Finance Committee. Nothing in the budget resolution dictates to that committee what it must do. In fact, if the committee finds additional offsets, it may cut taxes even more than the budget resolution proposes. The budget resolution includes a "tax cut reserve fund" to make deficit-neutral tax relief—of whatever size, as determined by the committee of jurisdiction—possible.

Second, the Budget Committee's $30 billion in expected tax relief would allow long-needed relief in some crucial areas. These could include $10.5 billion in relief from the marriage penalty and $9 billion in child care expenses.

I am particularly grateful that Chairman DOMENICI included in this chairman's mark an acceleration in the deductibility of health insurance for self-employed persons. This idea, which the full Budget Committee subsequently endorsed, is critical to achieving parity between self-employed persons and their large competitors.

I have long advocated full deductibility as the only fair policy. Although

current law now calls for that to be achieved in 2007, full deductibility needs to be achieved sooner. Current practice still places a relative disadvantage on self-employed persons, since employers do have full deductibility. People who pursue the American dream through independent self-employment should not be penalized or discouraged from getting health insurance by treating them differently.

I am going to support the budget resolution because it is a step forward on this issue and on so many other issues. I urge my colleagues who have their own concerns about the tax package to look at it in the same light. Is it an improvement over current law? Yes. How can we oppose it just because it doesn't include everything we might like? I remind my colleagues of the political adage of not making the perfect into the enemy of the good.

Finally, the budget resolution helps all American taxpayers by endorsing reform of the Internal Revenue Service. My distinguished colleagues from Iowa and Oklahoma Messrs. GRASSLEY and NICKLES, joined with me in the Budget Committee to propose that a tax relief package include improvement of taxpayer rights—especially in IRS property seizure cases—and reform of IRS penalty rules. This proposal was also endorsed by the full Budget Committee and it appears in the budget resolution. I thank the committee for its attention to, and concern for, the rights of our Nation's taxpayers.

The budget resolution is a winning package for American taxpayers, as well as our children. Another group that wins under the budget resolution is our nation's seniors. The budget resolution provides needed support for both Social Security and Medicare.

The Budget Committee's package adopts the President's call to set aside the expected budget surplus until we reform Social Security into a sound and reliable program for the long-term. Social Security, as the President knows, is a key source of support for our seniors as part of their total retirement strategy. That's why the President was right to demand that we "Save Social Security First."

The Budget Committee adopted the President's view. Remarkably, the President himself did not. As the Congressional Budget Office noted, the President's own budget submission would have reduced the expected surplus by $43 billion.

Forty-three billion dollars. That's money spent to "Save Big Government First."

I commend my colleagues on the Budget Committee for including language in the budget resolution to remind the President of his promise to "Save Social Security First" and stating the sense of the Senate that these surpluses should be set aside until we reform Social Security for future generations. The surpluses should not be frittered away on higher spending in violation of last year's budget agreement.

The Budget Committee also resisted the temptation to spend any Federal revenues that might arise from a tobacco settlement, despite numerous amendments from the committee minority to do so. Instead, the committee's plan earmarks those revenues for bolstering the Medicare Program. Given the health care costs that tobacco has placed on Medicare, I can think of no better way to use tobacco revenues. Those costs are part of the reason why Medicare is a troubled program.

The seniors who rely on Medicare are counting on us to take the necessary steps to shore up that program. We took some preliminary steps in the Balanced Budget Act of 1997. By slowing the annual rate of Medicare growth from 8.8 to 5.5 percent, the Balanced Budget Act extended the life of the Medicare part A trust fund through 2006, an improvement over the program's previous expected bankruptcy date in 2001.

However, we all know the effect that the baby-boomers are going to have on the program when they start to retire in 2011. Let's start planning ahead by allocating any Federal tobacco revenues to keep Medicare in business for the customers—our senior citizen constituents—who need it. It would be irresponsible for us to do anything else.

In sum, I say again that the best deals are those in which everybody wins. The Budget Committee has assembled a package that meets that standard. Future generations win, and current generations—children, working Americans, and senior citizens—also win.

Who doesn't win under the budget resolution? Those who would break the discretionary caps, those who would push the budget out of balance, and those who would "Save Big Government First." Anyone who observed the Budget Committee's markup of the budget resolution would have to note the alarming number of proposals from the minority that sought to spend, spend, spend. They no doubt will be the loudest in condemning the budget resolution for failing to adopt the President's new spending schemes.

I find this astonishing. Frankly, the minority should be pleased with this resolution. The Budget Committee kept its word to the President to protect certain functions at funding levels the President agreed to in last year's bipartisan budget agreement.

That agreement designed five budget functions as "protected functions." These are International Affairs (Function 150); Natural Resources and Environment (300); Transportation (400); Education, Training, Employment, and Social Services (500); and Administration of Justice (750). In every case, the budget resolution meets or exceeds the levels we agreed to last year.

With this in mind, it is amazing that the President could attack the committee's budget resolution by claiming it "shortchanges our nation's future." By reducing the debt, by preserving Social Security and Medicare, the plan actually plans for the future. Apparently, the only problem for the President is that we could not keep the deal he signed just last year—and that he wanted to spend, spend, spend, even more than he agreed to last year.

A deal is a deal, Mr. President. I supported the bipartisan budget agreement last year. I will support this year's plan, too, since it complies with what we agreed to last year.

I do think there are a couple of areas where the budget resolution can be fine-tuned. I emphasize that the amendments I will propose are friendly amendments, intended to make a good budget plan better—not to attack it.

The first of these related to housing for elderly persons. The President's budget request proposed slashing this program by some $500 million. In a hearing before the VA/HUD subcommittee, Secretary Cuomo did not explain why the administration is seeking this cut. Senator MIKULSKI and I committed to restoring the cut funds to avoid jeopardizing the supply of specialized rental housing for the elderly poor. We welcome the support of other Senators who share our concerns.

I comment on two particular points. Chairman DOMENICI has included an acceleration in the deductibility of health insurance for self-employed persons. This idea, which the full Budget Committee subsequently endorsed, is critical to achieving parity between self-employed persons and the people who work for the large competitors. I fought this battle on the floor in the past session and in this session, and with the tremendous support of colleagues, we are moving in that direction. I think it is good news that the budget now provides that we move that up.

I will offer one amendment now, and a second amendment I will propose will nudge the Immigration and Naturalization Service to establish circuit rides in the former Soviet Union to recognize the enormous cost imposed on refugees having to travel to Moscow. The amendment is a sense of the Senate, and it states that the budget resolution assumes $2 million in the INS budget.

Again, I emphasize that these are offered in a friendly and cooperative spirit, seeking to make a good budget resolution even better. The budget resolution reported from the Budget Committee is a deal in which everybody wins, and I will be pleased to support it on the floor as I did in committee.

AMENDMENT NO. 2213

(Purpose: Sense of the Senate to fully fund the Section 202 Elderly Housing program)

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Maryland, Senator MIKULSKI, a sense of the Senate to urge we fund fully the section 202 Elderly Housing Program.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Ms. MIKULSKI, proposes an amendment numbered 2213.

Mr. BOND. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert on page 53, after line 22, the following new section, to be renumbered, accordingly:

"SEC. 317. SENSE OF THE SENATE TO MAINTAIN FULL FUNDING FOR THE SECTION 202 ELDERLY HOUSING PROGRAM.

"(a) FINDINGS.—The Senate finds the following—

"(1) The Section 202 Elderly Housing program is the most important housing program for elderly, low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly.

"(2) Since 1959, the Section 202 Elderly Housing program has funded some 5,400 elderly housing projects with over 330,000 housing units, with the current average tenant in Section 202 housing being a frail, older woman in her seventies, living along with an income of less than $10,000 per year.

"(3) The combination of affordable housing and supportive services under the Section 202 Elderly Housing program is critical to promoting independent living, self-sufficiency, and dignity for the elderly while delaying more costly institutional care.

"(4) There are over 1.4 million elderly Americans currently identified as having "worst case housing needs" and in need of affordable housing.

"(5) There are 33 million Americans aged 65 and over, some 13 percent of all Americans. The number of elderly Americans is anticipated to grow to over 69 million by the year 2030, which would be some 20 percent of all Americans, and continue to increase to almost 80 million by 2050.

"(6) The President's Budget Request for fiscal year 1999 proposes reducing funding for the Section 202 Elderly Housing program from the fiscal year 1998 level of $645,000,000 to $109,000,000 in fiscal year 1999. This represents a reduction of over 83 percent in funding, which will result in reducing the construction of Section 202 housing units from some 6,000 units in fiscal year 1998 to only 1,500 units in fiscal year 1999.

"(7) The full funding of the Section 202 Elderly Housing program as an independent federal housing program is an investment in our elderly citizens as well as our Nation.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Section 202 Elderly Housing program, as provided under section 202 of the Housing Act of 1959, as amended, shall be funded in fiscal years 1999, 2000, 2001, 2002, and 2003 at not less than the fiscal year 1998 funding level of $645,000,000.".

Mr. BOND. Deja vu all over again. Senator MIKULSKI and I rise one more time to fight to fulfill our commitment and the commitment of the Senate to fund fully the section 202 Elderly Housing Program at no less than $645 million for each of the next 5 fiscal years.

I want to emphasize our commitment to this program and the elderly housing as the chairman and ranking member of the VA/HUD Appropriations Subcommittee, the Appropriations subcommittee with the responsibility for funding the section 202 Elderly Housing Program, as well as all other programs under the Department of Housing and Urban Development. The purpose of this amendment is to set a floor of $645 million for the section 202 Elderly Housing Program, the amount that Congress appropriated for this program for fiscal year 1998, as opposed to the President's budget request of $109 million for fiscal year 1999—a cut of over $500 million from this $645 million program. The President's budget request is plainly wrong. I cannot state this in strong enough terms. We have an investment in the elderly and our Nation here just as we must invest in the youth of this Nation through good education and good, available health care. I want to be clear that we are not going to shortchange the elderly.

The section 202 Elderly Housing Program is the most important housing program for elderly low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly. This combination of supportive services and affordable housing is critical to promoting independent living, self-sufficiency and dignity, while delaying the more costly alternative of institutional care. Section 202 elderly housing is more than just housing—it is a safety net for the elderly, providing both emotional and physical security and a sense of community.

Moreover, since the inception of the program in 1959, the section 202 Elderly Housing Program has funded some 5,400 elderly housing projects with over 330,000 units. Nevertheless, by the Department of Housing and Urban Development's own estimates, there are over 1.4 million elderly families currently identified as having "worst case housing needs" and in need of affordable housing.

Despite the need for and the success of the section 202 Elderly Housing Program, the President proposes to slash funding for this program from $645 million in fiscal year 1998 to $109 million in fiscal year 1999. This is a cut of over 83 percent in funding and will mean a reduction from building some 6,000 units with fiscal year 1998 funding to building only 1,500 units with the President's proposed fiscal year 1999 funding. We cannot afford this critical loss of housing.

Moreover, the President is proposing to merge section 202 elderly housing into the HOME program. I am a great supporter of the HOME program because it does a good job by providing affordable housing with decision-making at the local level. But there is no rational justification for merging section 202 into the HOME program. Not only is section 202 extremely successful and critically needed, a recent General Accounting Office report indicated that the HOME program has provided few elderly housing units since enactment. In particular, from fiscal year 1992 through fiscal year 1996, over 1,400 section 202 elderly housing projects were developed with some 52,000 rental units for over 47,800 elderly individuals. During that same 5-year time period, the HOME program produced 30 elderly housing projects with 681 units which serve some 675 elderly individuals. In case you missed the figures, section 202, in 5 years, provided 52,000 housing units; the HOME program provided 681 housing units.

However, the problem with the President's request does not stop here. The President also requests funding for 8,800 vouchers for the elderly. Over the last several years, this administration repeatedly has attempted to voucher out assisted housing, including housing for the elderly. Vouchers are a very important housing tool and work well in many instances, but the elderly deserve to have decent, safe, and affordable housing as well as needed supportive services. Section 202 elderly housing accomplishes these purposes, and vouchers do not.

Think with me for a moment about this recurring nightmare image I have of an elderly woman in a walker with a voucher in her hand, searching dark and dangerous streets for needed shelter. That is what they are proposing we do. To put it in context, I remind my colleagues that the average tenant in section 202 housing is a frail, older woman in her seventies, living alone, with an income of less than $10,000 per year. Do we want to tell her to get out of the housing? Do we want to say, "Here is a voucher, start walking up and down the streets and maybe a friend will go along and help you with your walker or push your wheelchair; you are going to have to hit the streets to find new housing"? That is not a comforting image, but it is a compelling one.

Again, the need for section 202 elderly housing: There are currently 33 million Americans aged 65 and over. This is some 13 percent of all Americans. That number will grow to over 69 million elderly by the year 2030, which would be some 20 percent of all Americans, and will continue to grow to almost 80 million elderly Americans by 2050. Cutting back and remodeling the section 202 program will do these Americans a disservice.

I cannot emphasize enough the importance of the section 202 Elderly Housing Program and the need for Congress to stand by elderly families. Over

the years, millions of Federal dollars have been saved by providing elderly families with access to supportive services in their homes and their communities. Without this housing and these services, many elderly persons and families would have had to be relocated to nursing homes and other institutions where care would be more costly and the loss of personal dignity more compelling.

Mr. President, as I close my remarks, I send to the desk a letter from AARP saying that the AARP opposes the President's recommendations concerning section 202 housing and that the Bond-Mikulski floor amendment is a crucial step along the way to press for current funding as the relevant appropriations measure works its way through Congress; I ask that it be printed in the RECORD.

AMERICAN ASSOCIATION OF RETIRED PERSONS,
Washington, DC, March 30, 1998.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: I am writing on behalf of the American Association of Retired Persons to express our support of your proposed amendment regarding supportive housing programs for elderly and disabled persons when the Senate takes up the FY 1999 Budget Resolution this week. These initiatives make a critical difference in the lives of many vulnerable Americans throughout the nation. Given the continuing need for such specialized housing, it is essential that appropriations are subsequently preserved next year in both programs.

Living in Section 202 Elderly Housing means living at affordable rents in a user-friendly environment with features such as special lighting, nonskid floors, and grab bars that prevent serious injuries from falls—features which can help prevent early admission into a nursing home. Section 202 helps meet an acute housing need for frail low income older persons. An estimated eight persons are waiting in line for every one Section 202 vacancy that occurs. Meanwhile, many of these individuals are forced to live an unsafe housing and in crime-ridden neighborhoods—in some instances with windows nailed shut—because they cannot afford to live anywhere else.

The Association opposes the President's recommendations concerning Section 202 Housing. We intend to press for current funding throughout the year as the relevant appropriations bill works its way through Congress. The Bond-Mikulski floor amendment this week is a crucial step along the way.

Sincerely,

HORACE B. DEETS,
Executive Director.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I am proud to stand today with my colleague from Missouri and the chairman of the VA-HUD Subcommittee, Senator BOND, to offer a sense-of-the-Senate amendment to the fiscal year 1999 budget.

This amendment is designed to state the Senate's view that it is absolutely critical that HUD's section 202 program, which is its elderly housing program, absolutely be fully funded. That is what the resolution states. That is what I encourage the Members on both sides of the aisle to support.

For years, I have been an advocate for an affordable and available supply of safe and decent housing for our elderly. For years, I have worked with Senator BOND to ensure adequate funding.

In 1992, as the chair of the VA-HUD Subcommittee, I worked to successfully change the section 202 program from a very expensive loan program to a grant program. Do you know what? It allowed us to build more housing for less cost. I am concerned, though, that there is in the budget resolution a proposed cut of nearly $500 million in housing for the elderly. I am also concerned about the desire to move to more of a voucher approach to elderly housing instead of new construction, forcing the senior citizens of this country who need a modest subsidy to go out and kind of forage on their own to find housing that meets their needs.

Mr. President, our Nation has many responsibilities, but its most important one is to protect and help all its citizens, but it has a particular moral obligation to look out for senior citizens.

Promises made should be promises kept. This generation, which is now the frail elderly, organized to save this country and to save Western civilization during World War II. Many fought on the battlefront and many were the "Rosie the Riveters" who helped this country on the homefront. This is why we need to now look out for them as the frail elderly. The amendment I offer today with Senator BOND seeks to do this. They are our mothers and fathers, who raised and nurtured us; our aunts and uncles, who gave advice; and the neighbors who kept an eye on us; they are the people who we grew up with, who looked out for us in our communities; they are the people, in many cases who, with their blood, sweat and tears, helped build this country into what it is today.

Mr. President, we have the moral obligation to ensure that we do what we can to ensure that those elderly citizens who need our help get our help.

The AARP estimates that there are eight people on the waiting list for every one HUD section 202 unit that becomes available.

Senator BOND has put that into the RECORD.

Our subcommittee has done extensive research on this. What do we find? First of all, that the secton 202 program is the most popular HUD housing program we fund. Why is it popular? It meets compelling needs. It often stabilizes neighborhoods where people are "aging in place." It also enables groups that are nonprofit and faith based to participate in providing housing. The section 202 Elderly Housing Program is important because it meets those needs.

Since 1959, when this program was created under a whole other different type of HUD, we have funded 5,004 elderly housing projects, with over 330,000 housing units. They are primarily lived in by frail, older women in their seventies living with an income of less than $10,000. I think that is a good way to spend taxpayer dollars.

The combination of affordable housing and supportive services under the section 202 program has been absolutely critical in meeting not only the housing needs but in promoting independent living, self-sufficiency, and dignity for the elderly, while delaying more costly institution.

There are 1.4 million elderly Americans who currently have worst-case housing needs. There are 33 million Americans aged 65, over some 13 percent of all Americans, and this number is growing. That is why I have asked HUD to come up with new ideas on how we are going to meet, No. 1, the expanding elderly population, and, No. 2, the expanding frail elderly population. I believe that if we focus our attention and our resources, we will meet our needs. This is why I support the Bond amendment. It is the Mikulski-Bond amendment.

My colleague, Senator SARBANES from Maryland, who is the ranking member on the Housing and Banking Committee, also wants to be a cosponsor.

I will conclude my remarks by talking about the voucher program. This Senator is never going to support a voucher program for the elderly. I will tell you why. When you are old, when you are sick, when you have a pain, when you have a walker, when you have a wheelchair, when you can barely read a newspaper without a magnifying glass, we are not going to give you a voucher, and say, "OK, kiddo, you are out there on your own." We are not going to do that. Senior citizens should not have to go into the marketplace to forage with a voucher to find housing that would meet their needs.

Mr. President, I know you have been in housing for the elderly in your own State. They have special architectural needs—low steps and special kinds of grips in the bathroom—all those kinds of things that, if they fall, they don't fail. You just can't put them in any kind of apartment in the United States of America; they have specialized needs. We can meet those needs.

What is so fantastic—I cannot underestimate nor overstate the fact that faith-based organizations are involved in this. In my home State, the role of Catholic Charities, Associated Jewish Charities, and other organizations from the United Way step forward to make wise use of Federal funds and, at the same time, often value add to what the Federal Government is doing.

I really encourage my colleagues to support the Bond-Mikulski amendment. It is cosponsored by Senator SARBANES. I know that many others will join us. This is one of many budget amendments stating sense-of-the-Senate resolutions. This, I think, is not only the sense of the Senate, Mr. President, it is the sense of the American people.

Senator JOHN KERRY also wants to cosponsor it. Colleagues will be able to cosponsor it as we go forward.

I yield the floor on this amendment. I really encourage my colleagues to support it.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished colleague from Maryland, who has been a real champion in housing—housing for all kinds of people in need, but particularly housing for the elderly. I had the pleasure of beginning my service on the VA-HUD committee under her chairmanship. She has been absolutely invaluable in helping to guide, teach, and cooperate with me as we moved forward. Her statement on the importance of elderly housing is very compelling.

I hope that we will have overwhelming support on both sides of the aisle for this amendment. Since some people are not getting the message, I ask that when a vote is scheduled on this amendment, that the yeas and nays be requested.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. I thank the Chair.

I believe our message has not been getting across that elderly housing works under the section 202 program. You can't expect elderly housing to be covered by the HOME program where there are many competing local needs that must be met. Most of all, do not put Grandmother or Aunt Effie out on the street in her walker with a voucher and expect that she is going to be able to find decent, affordable, appropriate housing.

We need an overwhelming vote. I welcome the fact that we have had a number of cosponsors. I hope we will have a unanimous vote, or an overwhelming vote, to express the sense of the Senate that we are not going to change this program. This is a program that is meeting the needs of the elderly today. We must continue that program, because the needs are only growing greater and we need to do all we can to try to keep up with those needs.

Mr. President, I thank the Chair. I particularly thank my colleague from Maryland.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2213, AS MODIFIED

Mr. BOND. Mr. President, I am advised by the Budget Committee staff that we have to make a modification in the terminology of the sense-of-the-Senate language, and I ask unanimous consent that the amendment be modified, under the last subsection (b), to say, "It is the sense of the Senate that"—at that point include the following—"the levels in this resolution assume that".

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2213), as modified, is as follows:

Insert on page 53, after line 22, the following new section, to be renumbered, accordingly:

"SEC. 317. SENSE OF THE SENATE TO MAINTAIN FULL FUNDING FOR THE SECTION 202 ELDERLY HOUSING PROGRAM.

"(a) FINDINGS.—The Senate finds the following—

"(1) The Section 202 Elderly Housing program is the most important housing program for elderly, low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly.

"(2) Since 1959, the Section 202 Elderly housing program has funded some 5,400 elderly housing projects with over 330,000 housing units, with the current average tenant in Section 202 housing being a frail, older woman in her seventies, living alone with an income of less than $10,000 per year.

"(3) The combination of affordable housing and supportive services under the Section 202 Elderly Housing program is critical to promoting independent living, self-sufficiency, and dignity for the elderly while delaying more costly institutional care.

"(4) There are over 1.4 million elderly Americans currently identified as having "worst case housing needs" and in need of affordable housing.

"(5) There are 33 million Americans aged 65 and over, some 13 percent of all Americans. The number of elderly Americans is anticipated to grow to over 69 million by the year 2030, which would be some 20 percent of all Americans, and continue to increase to almost 80 million by 2050.

"(6) The President's Budget Request for fiscal year 1999 proposes reducing funding for the Section 202 Elderly Housing program from the fiscal year 1998 level of $645,000,000 to $109,000,000 is fiscal year 1999. This represents a reduction of over 83 percent in funding, which will result in reducing the construction of Section 202 housing units from some 6,000 units in fiscal year 1998 to only 1,500 units in fiscal year 1999.

"(7) The full funding of the Section 202 Elderly Housing program as an independent federal housing program is an investment in our elderly citizens as well as our Nation.

"(b) SENSE OF THE SENATE.—It is the Senate that the levels in this resolution assume that the Section 202 Elderly Housing program, as provided under section 202 of the Housing Act of 1959, as amended, shall be funded in fiscal years 1999, 2000, 2001, 2002, and 2003 at not less than the fiscal year 1998 funding level of $645,000,000.".

Mr. BOND. Mr. President, I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2214

(Purpose: To express the Sense of the Senate on the need for long-term entitlement reforms)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 2214.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . Sense of the Senate supporting long-term entitlement reforms.

(a) The Senate finds that the resolution assumes the following—

(1) entitlement spending has risen dramatically over the last thirty-five years.

(2) in 1963, mandatory spending (i.e. entitlement spending and interest on the debt) made up 30 percent of the budget, this figure rose to 45 percent by 1973, to 56 percent by 1983 and to 61 percent by 1993.

(3) mandatory spending is expected to make up 68 percent of the federal budget in 1998.

(4) absent changes, that spending is expected to take up over 70 percent of the federal budget shortly after the year 2000 and 74 percent of the budget by the year 2008.

(5) if no action is taken, mandatory spending will consume 100 percent of the budget by the year 2030.

(3) this mandatory spending will continue to crowd out spending for the traditional "discretionary" functions of government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending.

(4) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that that levels in this budget resolution assume that—

(1) Congress and the President should work to enact structural reforms in entitlement spending in 1998 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic government functions and that every effort should be made to hold mandatory spending to no more than seventy percent of the budget.

Mr. KERREY. Mr. President, for the first time in a quarter century this budget resolution is being debated in an environment, where rather than talking about getting rid of the deficit, we are able to talk with great enthusiasm about what to do with the surplus. We are talking about tax cuts and various spending programs. There is no question that the recovery of the economy of the United States of America—deficit reduction efforts in the past in combination with tremendous changes on the part of entrepreneurs and businesses and individuals out there—has produced the best economic scene I have seen in my entire lifetime, with increases in productivity, growth in the number of jobs, and a reduction in welfare rolls. You have to look long and hard to find bad economic news out there.

In 1990, this Congress debated a deficit reduction act that was largely a result of President Bush's leadership. We put in place at that time the mechanism that we still use today. It has caps on spending that we, for the most part, have lived within. It is that discipline that is required by the law, it seems to me, that requires every time somebody wants to do a new program, they have to find a way to pay for it. You just cannot come down here and throw new spending on a budget or new tax cuts on a budget without having an offset someplace. It is that discipline, coupled with the 1993 act and the 1997 act, that I think the American people appreciate very much. It has produced enormous benefits for the American economy.

But we are now in a state where, unfortunately, rather than merely talking about the easy things, we now need to start facing some very difficult problems that are occurring inside the budget itself. One of the things I find comforting in life is when things don't change. The most impressive force of all in that regard is gravity. It has an increasing impact upon me, my body, and my ability to move and so forth. It stays constant. I am impressed with it.

One of the things that stayed constant over the last 30 or 40 years, indeed a bit longer than that, is that the percent of the entire GDP that we in Washington, DC, use for a variety of spending programs has stayed relatively constant—in the 19 to 20 percent range. This does not go all the way back to the years of the 1940s when, during the war, we went up above that 20 percent mark; but in the 1940s, most of that spending was for plant, for equipment, increases in the productivity of this Nation. Indeed, many have cited that as a principal reason the United States of America came out of the Great Depression, the significant investments that occurred during those war years. So you see that 20 percent figure stayed relatively constant over that lengthy period of time.

This resolution that I have offered up requires us, the Congress, with a sense-of-the-Senate resolution, to look out in the future more than the 10-year budget window that we currently do. You may say why, Mr. President. The reason is that if you look out for 10 years, from 1998 to 2008, that takes you just before the baby boom generation begins to retire. You look out to 2008 and life looks relatively good. It doesn't look very difficult. It looks like we ought to be able to manage relatively easily, and the reason it looks like it is going to be relatively easy is that the number of the Americans over age 65 grows relatively steadily, from about 34 million to about 39 million in 2008. But, from 2010 to 2030, the number of people over age 65 grows by 30 million. The number of retirees will increase by 25 million while the number of workers only increases 4 million.

What happens during that period of time is that the mandatory programs—that is the red, or the entitlement spending; and the yellow is the net interest, the interest on the national debt—they continue to grow until they completely displace the entire Federal budget, until it is 100 percent of the budget at that point. Indeed, in the year 2027, 100 percent of the budget will be mandatory spending programs.

This is a trend. I heard some—perhaps most notably former Secretary of Labor Robert Reich, who is on from time to time—criticizing this evaluation, saying there are going to be increases in productivity or immigration or other things that are going to take care of it. But it has not taken care of it yet.

In 1963, John Kennedy went to Rice University. He gave a speech in the summer of 1963 in which he said that we were going to put a man on the Moon. Why? He said not because it is easy but because it is hard.

In 1963, 70 percent of this budget was discretionary and only 30 percent of the budget was mandatory. In 1973, it had grown to 45 percent mandatory; in 1983, 56 percent mandatory; in 1993, 61 percent mandatory. And in this budget, 68 percent of the budget is mandatory and 32 percent of the budget is discretionary.

Even over the next 10 years, the amount that is available for discretionary—and we allow it actually in the second 5 years to grow at the rate of inflation, which is not likely unless we are going to bust the caps in the second 5 years—at the end of that 10-year period, the amount available for discretionary spending will be approximately 26 percent.

I ask any of my colleagues what that 26 percent figure means. If you budget it this year and say we are going to give the Appropriations Committee 26 percent of available revenue to appropriate, that will force approximately $115 billion in spending cuts.

What is happening is that we are seeing our capacity to build our Nation's defenses, I say to the distinguished occupant of the Chair, who has talked about how our military is being spread pretty thin—it is spread pretty thin right now. We debate from time to time new things we want our military to do. Both our military and intelligence efforts are stretched substantially thin at the moment. But that is not the only area in discretionary spending where people come to the floor and would like to spend more money, whether it is on education, on health care, or the environment, or NASA, or Veterans Administration. On all these things, they may come down and say, "We have to fight the battle against crime, we need more people on our border, we a stronger law enforcement effort." All of these Federal efforts come out of discretionary spending.

Unless we as a Congress begin to understand these trends and the fact that they are not going to go away, it is not likely we are going to do anything about it. I observe the reason we are not doing anything about it, the reason we are not debating it on this floor, is we only have a 10-year view.

The law says to take a look at 10 years—what does it look like in 10 years? Life looks pretty good. It looks like we can handle it. I challenge anybody to construct a discretionary budget with only 26 percent available revenue. Unless we believe this Congress is going to raise taxes beyond the 20 percent mark—which I don't think it either will or should—what we are faced with, even at 26 percent, is, it seems to me, the unlikelihood of being able to construct a budget with that relatively small amount.

Unless we look out to 30 years instead of 10 years, we do not see this crisis coming, we do not see the problem coming.

So what do we do? We do nothing. We do not even debate it or talk about it. Most of us have seen the movie "Titanic." In the movie, people were on the bow, standing watch for icebergs, and they did not have binoculars. It is very much like us. We do not have binoculars either. We can see 10 years, but we cannot see 30. As a consequence, we do not see the iceberg that is out there in the form and shape of the baby-boom generation which, from 2010 to 2030,

will convert 100 percent of the available money we will tax and collect from the American people—100 percent of that budget is going to go to mandatory programs.

There is a price, a big price, for delay, and the price will be paid by the baby-boom generation, who will find themselves saying suddenly, "Oh, my gosh, I have two choices: Either I take substantial cuts in my current benefits or my kids have a tax increase" that raises their taxes beyond what is, I think, by any standard, a reasonable level. We will see demands on this system, in short, Mr. President, that are going to put us in a position where we are going to have to ask current beneficiaries, if we do not make reasonable adjustments today, to pay a rather substantial price.

I know the distinguished Senator from New Mexico has talked about this an awful lot. In fact, he can blame himself for me caring about entitlements. It was he and Senator Nunn who used to traipse down here once a year and offer amendments. The first time the Senator from New Mexico offered an amendment to control entitlement spending, I voted against it. The second year, the light bulb went on, and I said, "Oh, my gosh, this guy from New Mexico might have something right." And, indeed, he persuaded me the second year, and I voted with him.

In 1994, Senator Jack Danforth and I chaired a commission for an entire year looking at the problems of entitlements, and I have not been the same since. I annoy people; I frustrate people. They can ask me what do I think about the weather, do I think Nebraska is going to have a good football team, and as soon as I talk about the weather and our great football team, I find myself immediately talking about the problem of mandatory spending and what it is going to do to our capacity to say that we are securing the blessings of liberty for ourselves and posterity.

We are squandering, it seems to me, an opportunity to say we are endowing our future, and instead we are putting ourselves in a position of saying, "Make certain I get my deal covered, that I get what I am entitled to, and the heck with the future; don't worry about our kids."

AMENDMENT NO. 2215

(Purpose: To express the sense of the Senate regarding passage of the IRS Restructuring and Reform Act of 1997)

Mr. KERREY. Mr. President, I send an additional amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BURNS). Without objection, the pending amendment will be set aside. The clerk will report.

Mr. KERREY. Mr. President, I will talk for 1 minute. I see the distinguished chairman of the Finance Committee on the floor. This is an amendment that this body ought to act on IRS reform legislation prior to our leaving for the recess.

I believe this legislation has been considered long and hard. The taxpayers have a deadline of April 15; 120 million of them will have to file their taxes. We need to pass IRS legislation without delay. We need to give taxpayers new powers. I note with considerable interest that every single freshman in the House sent a letter yesterday to Majority Leader LOTT and to Democratic Leader DASCHLE asking that the House bill, or something that can be conferenced, be taken up before we leave.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 1, 1998.

Hon. TRENT LOTT,
Senate Majority Leader, Russell Senate Office Building, Washington, DC.

Hon. THOMAS A. DASCHLE,
Senate Minority Leader, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER LOTT AND MINORITY LEADER DASCHLE: As April 15 approaches, this letter is to urge in the strongest possible terms the United States Senate to pass sound legislation to reform the Internal Revenue Service (IRS).

As first-term Representatives of the American people from both political parties, we agree that the Congress must give the highest priority to reforming the IRS. Hearings conducted in the House and Senate have made us all too aware of the horror stories of the average American taxpayer being harassed by rogue IRS agents. We believe it is time that the IRS worked for American taxpayers instead of assuming they are guilty of cheating on their taxes.

As you know, on November 5, 1997, the House overwhelmingly passed historic legislation to reform the IRS. This bill incorporates recommendations by the bipartisan National Commission to Restructure the IRS chaired by Senator J. Robert Kerrey and Representative Rob Portman. H.R. 2676, the IRS Restructuring and Reform Act, would shift the burden of proof from the taxpayer to the IRS, create twenty-eight new taxpayer provisions in a Taxpayer Bill of Rights, and overhaul the management of the agency through the creation of an eleven-member independent Oversight Board.

With your leadership, we have the opportunity to provide the comprehensive reform of the IRS the American people deserve. We urge the Senate to adhere to the will of the American taxpayer, honor the work of the bipartisan commission, and join the House in passing IRS reform without further delay.

Sincerely,

BOB ETHERIDGE,
JOHN SHIMKUS,
Members of Congress.

Mr. KERREY. Mr. President, the taxpayers of the United States have a deadline of April 15. All of us know it. We hear about it when we go home. As I said, 120 million people have to have their taxes filed by April 15. There are 140,000 collection notices that go out every single day of the week. Every single working day that the IRS is in operation, 140,000 collection notices go out.

There are approximately the same number of Americans who call the IRS every day. The way it currently operates is, about 40 percent of them cannot get through, and of those who do get through, about 25 percent of them get the wrong answer.

There are many other reasons for to get the laws governing the IRS changed, and get them changed soon. My hope is that the chairman of the Finance Committee and the ranking member will meet as quickly as possible with Mr. ARCHER, Mr. RANGEL, and Mr. Rubin. Let's get this bill conferenced as quickly as possible so that the American taxpayers, who have waited an awful long time for this piece of legislation, will get the power they deserve—indeed, the power they need—in order for them to have confidence that this is still Government of, by, and for the people.

Mr. President, I thank you for this wonderful opportunity to speak, and I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment No. 2215.

The amendment follows:

At the end of Title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PASSAGE OF THE IRS RESTRUCTURING AND REFORM ACT.

(a) FINDINGS.—The Senate finds that—

(1) The House of Representatives overwhelmingly passed IRS Reform Legislation, (H.R. 2676), on November 5, 1997.

(2) The IRS Restructuring and Reform Act has the potential to benefit 120 million Americans by simplifying the tax process and making the IRS more responsive to taxpayer concerns;

(3) The President has announced that he would sign H.R. 2676;

(4) The Senate plans to recess without considering legislation to reform the IRS.

(5) The American people are busy preparing their taxes to meet the April 15th deadline. They do not get to recess before filing their returns; and

(5) Senators should keep their commitment to take up and pass IRS reform legislation before they recess.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the Senate shall not recess until it has considered and voted on H.R. 2676, the IRS Restructuring and Reform Act of 1997.

Mr. DOMENICI. Mr. President, I inform the Senator that we are willing to accept his previous sense-of-the-Senate amendment, and we have Senator BURNS' amendment. I would like to accept them now and then go on to the Senator's second amendment. Is that satisfactory?

Mr. KERREY. Mr. President, I will allow them merely to be accepted. I

was going to ask for a rollcall vote on mine. At some point, my fear is, without a rollcall vote, I say to the distinguished Senator and chairman of the committee, it doesn't necessarily focus people's attention as much as it should. I am not sure it will by making them vote either, for that matter.

I know the chairman of this committee is very enthusiastic about this issue and has spent a lot of time on it as well. I just think this whole budget deliberation occurs in a never-never land where we are talking about surpluses and talking about how good everything is and we literally are ignoring this enormous problem.

As I said, the people who are going to suffer the most are that baby-boom generation, and they will find themselves in a heck of a dilemma if we do not act sooner than later. I appreciate the Senator's willingness to accept my amendment and Senator BURNS' amendment. I agree to allow that to go forward.

VOTE ON AMENDMENT NO. 2214

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 2214.

Without objection, the amendment is agreed to.

The amendment (No. 2214) was agreed to.

VOTE ON AMENDMENT NO. 2178

Mr. DOMENICI. Mr. President, there is pending an amendment No. 2178 by Senator BURNS. There is no objection on this side and, I understand, no objection on the Democrat side.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 2178) was agreed to.

Mr. DOMENICI. I move to reconsider the vote on the two amendments, en bloc.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if Senator LAUTENBERG would join me in just a discussion of where we are. And, obviously, I will yield the floor. I understand the distinguished chairman of the Finance Committee wants to speak. I yield myself time off the budget resolution.

Mr. President, fellow Senators, I understand we have one vote scheduled on or in relationship to the Kyl amendment at 12 o'clock. The distinguished Senator is here. He would like to speak for 1 minute, and there will be 1 minute in opposition. I make that request and ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I would like to just tell Senators that we now have about 29 amendments that are pending, for all intents and purposes. I consider that everybody wants a vote on them, although I hope not. And we still have about 18 hours, so there is plenty of time for more amendments. And, frankly, I just hope everybody understands that today is Wednesday, tomorrow is Thursday, the next day is Friday.

I think that everybody should share with me some concern about whether we can finish this resolution unless there is some cooperation with reference to amendments. I do not ask anything of anyone specifically at this point, but I hope and I urge that, if there are more amendments, you start getting them in to us. There is no time by which you are bound, but I urge that, if you have additional amendments or second-degree amendments, you let us see them. I am sure my friend from New Jersey will join me in that. At some point we have to try to make a little sense of the process on this to see if we can get this work done in a timely manner.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. The chairman of the Budget Committee neglected to mention the fact that voting time is not included in the calculation of the remaining hours.

Mr. DOMENICI. Right.

Mr. LAUTENBERG. That is extra time. So if we have 29 or 30 votes, and even if we were able by some stretch of the imagination to reduce that to 15 minutes, you are talking about more than 7 hours added to the—how much time do we have remaining, may I ask?

The PRESIDING OFFICER. Eighteen hours remaining.

Mr. LAUTENBERG. Eighteen. So we would be looking at prospectively 25 hours or more. So I say to all of our colleagues on both sides, get them in here and let us try to get action done on them. If a rollcall vote can be dispensed with, it will make a huge difference in what time we conclude our business for this week, reminding everyone, all those whose memory is bad and can't recall, the fact that the recess begins for 2 weeks, in case anybody has forgotten, and should we want to hang in through Friday or whatever or however long, I understand we are going to get this done.

Mr. DOMENICI. We could stay in here very late tonight, into the morning and that would put us on a path to where we could start voting and we could see some daylight.

AMENDMENT NO. 2169

Mr. DOMENICI. Mr. President, I am going to yield the floor, but I want to make a parliamentary inquiry. Would the regular order bring the Kyl amendment now to the Senate?

The PRESIDING OFFICER. The Senator is correct. The Kyl amendment is in order. The Senator from Arizona is recognized for 1 minute.

Mr. KYL. Thank you, Mr. President.

Let me take about 30 seconds and then see if anyone on the other side wishes to speak to this. This is a very simple sense-of-the-Senate resolution, and I will read you what the sense is. I cannot imagine people would oppose this principle.

It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to treat seniors on a private basis. . .

Mr. President, there are a lot of details in legislation that might ultimately be passed that we can argue about, but I think there is no doubt that in expressing the principle, we can all be in agreement that just because one turns 65 and is eligible for Medicare does not mean they lose the right to see the physician of their own choice.

Mr. President, I reserve the remainder of my time and will see if there is anyone who wishes to speak in opposition.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished minority leader.

Mr. DASCHLE. I understand we have 1 minute in response.

Let me just say, this is not in any way, shape or form an amendment designed to provide patients with more choice. This will leave seniors totally uncertain about what their Medicare will cover and let doctors determine the degree of Medicare coverage each beneficiary will have. That is what this is about: Jeopardizing patients' rights, putting them in a very uncertain set of circumstances, taking away the certainty and the confidence they have when they are in a doctor's office or in a hospital or in an operating room that Medicare will pay their bills. Let us not jeopardize those patients' rights or their confidence when they are sick that the Medicare Program is working for them.

Mr. GRASSLEY. Mr. President, I want to express my support for Senator KYL's amendment establishing a sense of the Congress regarding Medicare beneficiaries freedom to privately contract with physicians. I understand there has been a lot of misinformation about private contracting and the Balanced Budget Act provision. But the fundamental issue behind this debate has always been clear. What this really boils down to is what is the appropriate role of the government. And I just don't believe that the federal government should tell seniors how they can or cannot spend their own hard earned money. While the Balanced Budget Act

allows private contracting on a limited basis, most beneficiaries will not have this freedom because physicians who privately contract will have to opt out of the Medicare program for 2 years. Most physicians won't be able to do that, and most beneficiaries would not want their doctor to do this. Therefore, I support the Kyl amendment to give seniors the freedom of choice to privately contract.

Mr. MURKOWSKI. Mr. President, this past New Year rang in a harsh reality for senior citizens of America: As of January 1, 1998, senior citizens, for all practical purposes, have been stripped of a health care right afforded to any other insured American—the right to pay out-of-pocket for the doctor of their choice.

I am outraged over this provision—a provision that was added into the Balanced Budget Act of 1997 in the twelfth hour of negotiations between the White House and Congress.

The provision prohibits doctors who privately contract from treating Medicare patients for a period of two years. Therefore, it is now unlawful for a doctor to take a private payment from a Medicare-eligible patient if during the previous two years he has billed Medicare for any service rendered to a patient over the age of 65.

What is the reality of the provision? The reality is that it will be almost impossible for a senior citizen to contract privately for medical services because few or no physicians are going to be able to make ends meet if they can't accept Medicare patients for two years. The reality is that, unlike every other insured American, senior citizens have now lost a significant right—a right of choice in who provides their health care.

Currently seniors are being prohibited from going outside of the Medicare system for procedures that are not covered by Medicare. For example, if a senior fell and broke his hip, Medicare only reimburses for the lowest-cost hip prosthesis. Since seniors cannot pay extra to upgrade, they must settle for lower quality. (Private contracting would enable them to opt for quality.)

Why is the federal government making that decision for seniors? If a 75-year-old women in Fairbanks, Alaska, fell and broke her hip, do you think that the government is competent enough to decide what hip prosthesis is best for her to gain the best mobility for the rough weather conditions of Fairbanks?

Last week I turned 65 years old. The week before—when I was still 64 years old—I could choose any doctor I wanted and pay for that doctor in any manner I wanted. But now I'm 65, and the federal government is suddenly telling me I can't make my own medical decisions—that I no longer may enter into a private contract with my doctor.

Mr. President, I ask you, isn't this a form of age discrimination against seniors? How can the Health Care Financing Administration restrict such a fundamental liberty—the freedom to choose the care and quality of health providers?

The need for a senior citizen to be able to privately contract is magnified in Alaska. Alaska has no HMOs, physician shortages exist in two-thirds of the state and health care costs that are on average 70 percent higher than the rest of the country.

All these factors combine to create a system where doctors can't afford to treat Medicare patients—which means that patient choice for Alaskan seniors is extremely limited. I've received letters from Alaskans who have been turned down by three or four physicians—because the doctors cannot afford new Medicare patients.

I am pleased with Senator KYL's sense of Congress—I believe it is an important stand for Congress to make. The body must do all it can to ensure that Medicare-eligible beneficiaries who choose to pay out of pocket will have an unrestricted right to health care.

Mr. President, even in the socialized medical system of Great Britain, choice is offered to the elderly. In Great Britain, a senior citizen has the choice to pay privately for his or her medical services. Don't the elderly of America deserve that same choice?

Mr. DODD. Mr. President, today I rise to express my opposition to Senator KYL's sense of the Senate Amendment to the Budget Resolution. While this amendment raises important concerns about the scope of seniors' choices in determining their personal health care needs, this proposal may actually restrict the health care options available to our nation's senior citizens and undermine the quality of care afforded all Medicare beneficiaries.

Initially, Senator KYL's amendment simply seems to endorse the important role of choice for seniors when making critical decisions about their personal health. I strongly support efforts to increase the health care options available to Medicare beneficiaries and improve the quality of health care that seniors receive. However, this amendment would move us in the wrong direction. With approximately 96 percent of physicians treating Medicare patients presently, choice of physicians does not appear to be a problem for Medicare beneficiaries. In reality, Medicare allows seniors to choose the doctor of their choice along with providing protections that shield Medicare beneficiaries from unnecessarily high out-of-pocket costs. Ironically, in many ways, Senator KYL's amendment is a problem in search of a solution.

Senator KYL's legislation specifically supports private contracting between physicians and patients for services traditionally covered by Medicare. By allowing doctors to privately contract for these services, this amendment could effectively remove consumer protections designed to protect seniors from excessive out-of-pocket costs. These protections are critically important to the elderly who rely on the affordable and high-quality care that Medicare provides. Private-contracting for Medicare-covered services would cause seniors to pay 100 percent of any given health care service or benefit. Few seniors can afford or have any desire to pay, such exorbitantly high rates. It is also important to note that seniors are perfectly free to contract privately with their doctor on health care benefits not covered by Medicare such as routine physical exams, eye care, and prescription drugs. However, by permitting doctors to charge their Medicare patients whatever they wish for Medicare-covered health care services, we would be subjecting seniors to unnecessarily high-out-of pocket costs and would compromise the quality of care afforded to all Medicare beneficiaries.

I am also deeply concerned that this initiative would create a two-tiered health care system for the elderly, threatening the quality of care afforded all Medicare beneficiaries. Private contracting could create an incentive for wealthier and healthier beneficiaries to opt out of the Medicare program. This could lead to a health care system that provides high-quality coverage to those seniors who could afford the high out-of-pocket costs associated with private-contracting, while leaving the majority of Medicare beneficiaries with substandard care. Almost 70 percent of Medicare beneficiaries have an annual income under $25,000. It is simply unconscionable for these seniors of modest means to be subject to paying 100 percent of their health care bill to services that are normally covered under the Medicare program. Additionally, the implementation of a private-contracting system would provide an incentive for doctor's to give priority to those Medicare beneficiaries who can afford to pay for it at the expense of providing quality and affordable care to the majority of Medicare beneficiaries.

Additionally, the Kyl amendment would offer the potential for increased fraud and abuse within the Medicare program. The Medicare system is already fraught with staggering levels of fraud and abuse. According to the Inspector General of the U.S. Department of Health and Human Services, $23.2 billion annually is wasted on fraud and abuse in the Medicare program. Given the financial challenges that face the Medicare program in the near future, this level of abuse in unacceptable. Allowing physicians to set their own payment rates for certain patients, while simultaneously permitting them to submit claims to Medicare for the

treatment of traditional Medicare beneficiaries for the very same procedures, would create the opportunity for double billing, a serious form of fraud and abuse. While we should be moving to prevent fraud and abuse in the Medicare system, private contracting would offer the potential for increased fraud in the Medicare system.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Yes. I want to point out that the pending amendment is not germane, and I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act.

The PRESIDING OFFICER. The point of order is not sustained.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Might I inquire, how much time is remaining?

The PRESIDING OFFICER. The Senator has some 20 seconds.

Mr. KYL. Thank you.

I want to respond to the distinguished minority leader.

It is true that legislation that would actually change the law would certainly have to consider all kinds of issues dealing with fraud and abuse and similar questions that the distinguished minority leader has raised. We can have that debate at the time such legislation might come before us.

What is before us today is simply a sense of the Senate, an expression of a principle that it is the sense of Congress that seniors have the right to see the physician or health care provider of their choice. I hope we can at least agree on that basic principle.

Thank you, Mr. President.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 2169, the Kyl amendment.

Mr. LAUTENBERG. Mr. President, before we call the roll, I ask unanimous consent that the Senator from Washington be able to send up two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2216 AND 2217, EN BLOC

Mrs. MURRAY. Mr. President, I send two amendments to the desk and ask unanimous consent that they be laid aside.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes amendments numbered 2216 and 2217.

Mrs. MURRAY. I ask unanimous consent reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2216

(Purpose: To increase Function 500 discretionary budget authority and outlays to accommodate both President Clinton's investments in education and the $2.5 billion increase assumed by the resolution for IDEA)

On page 16, line 9, increase the amount by $2,088,000,000.

On page 16, line 10, increase the amount by $81,000,000.

On page 16, line 13, increase the amount by $1,776,000,000.

On page 16, line 14, increase the amount by $1,487,000,000.

On page 16, line 17, increase the amount by $1,437,000,000.

On page 16, line 18, increase the amount by $1,686,000,000.

On page 16, line 21, increase the amount by $593,000,000.

On page 16, line 22, increase the amount by $1,301,000,000.

On page 25, line 8, strike "−$300,000,000" and insert "−$2,388,000,000."

On page 25, line 9, strike "−$1,900,000,000" and insert "−$1,981,000,000."

On page 25, line 12, strike "−$1,200,000,000" and insert "−$2,976,000,000."

On page 25, line 13, strike "−$4,600,000,000" and insert "−$6,087,000,000."

On page 25, line 16, strike "−$2,700,000,000" and insert "−$4,137,000,000."

On page 25, line 17, strike "−$3,000,000,000" and insert "−$4,686,000,000."

On page 25, line 20, strike "−$3,800,000,000" and insert "−$4,393,000,000."

On page 25, line 21, strike "−$7,000,000,000" and insert "−$8,301,000,000."

AMENDMENT NO. 2217

(Purpose: To express the sense of the Senate regarding the expansion of Medicare benefits)

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE ON EXPANDING MEDICARE BENEFITS.

(a) FINDINGS.—The Senate finds the following:

(1) In the 1997 Balanced Budget Agreement, changes were made to Medicare that extended the solvency of the Trust Fund for 10 years.

(2) The Medicare Commission, also established in the Balanced Budget Agreement, has just started the task of examining the Medicare program in an effort to make sound policy recommendations to Congress and the Administration about what needs to be done to ensure that Medicare is financially prepared to handle the added burden when the baby boomers begin retiring.

(3) The problems facing Medicare are not about more revenues. The program needs to do more to improve the health care status of retirees and give them more choices and better information to make wise consumer decisions when purchasing health care services.

(4) Improving the health care status of senior citizens would ensure additional savings for Medicare. Helping seniors stay healthier should be a priority of any legislation aimed at protecting Medicare.

(5) In order to keep seniors healthier, Medicare has to become more prevention based. Currently, Medicare offers very few prevention benefits. As a result, seniors are often sicker when they seek care or are hospitalized.

(6) If the objective is to use tobacco revenues to save Medicare, a portion of these new revenues must be allocated to expanding prevention benefits.

(7) Preventing illnesses or long hospital stays or repeated hospital stays will save Medicare dollars.

(8) Medicare cannot be saved without structural changes and reforms. Simply using a new Federal tax to prop up Medicare will not extend solvency much beyond a few months and will do little to improve the health status of senior citizens and the disabled.

(9) Congress should use these new revenues to expand prevention benefits to ensure that seniors are healthier and stronger. This is how we can truly save Medicare.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume the allocation of a portion of the Federal share of tobacco revenues to expand prevention benefits for Medicare beneficiaries with an emphasis on improving the health status of Medicare beneficiaries and providing long term savings to the program.

The PRESIDING OFFICER. Without objection, the two amendments are laid aside.

VOTE ON AMENDMENT NO. 2169

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2169, the Kyl amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—51

Abraham	Gorton	Mack
Allard	Gramm	McCain
Ashcroft	Grams	McConnell
Bennett	Grassley	Murkowski
Bond	Gregg	Nickles
Brownback	Hagel	Roberts
Burns	Hatch	Roth
Campbell	Helms	Santorum
Coats	Hollings	Sessions
Cochran	Hutchinson	Shelby
Coverdell	Hutchison	Smith (NH)
Craig	Inhofe	Smith (OR)
DeWine	Jeffords	Stevens
Domenici	Kempthorne	Thomas
Enzi	Kyl	Thompson
Faircloth	Lott	Thurmond
Frist	Lugar	Warner

NAYS—47

Akaka	Dorgan	Lieberman
Baucus	Durbin	Mikulski
Biden	Feingold	Moseley-Braun
Bingaman	Feinstein	Moynihan
Boxer	Ford	Murray
Breaux	Glenn	Reed
Bryan	Graham	Reid
Bumpers	Harkin	Robb
Byrd	Inouye	Rockefeller
Chafee	Johnson	Sarbanes
Cleland	Kerrey	Snowe
Collins	Kohl	Specter
Conrad	Landrieu	Torricelli
D'Amato	Lautenberg	Wellstone
Daschle	Leahy	Wyden
Dodd	Levin	

NOT VOTING—2

Kennedy	Kerry

The amendment (No. 2169) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, this is not aimed at any Senator or group of Senators, but it is so that we will all be on notice. In order to be able to complete this budget resolution, we are going to have to stick to the 15-minute votes. I realize that there are markups going on and Senators have a lot of commitments, but for the remainder of today—Senator DASCHLE and I have talked about this—we think it is important we begin to stick to 15-minute votes or 10-minute votes if we have in a group stacked votes, so we will start sticking pretty close to the time that is allocated.

Mr. FORD. Mr. President, will the majority leader yield for a question?

Mr. LOTT. I am glad to yield.

Mr. FORD. We are in a major markup in the Commerce Committee, and if there is any way you could stack a vote or two to let us come over and spend a few minutes and make several votes and then go back to the committee, I think it might be helpful, rather than having us run back and forth. There is hope we might be able to finish that markup, if not late tonight, tomorrow. I am not asking to change your schedule or your votes, just group them together sometime, if you could.

Mr. LOTT. Mr. President, if I could say to the Senator from Kentucky, they are certainly involved in very important work, and we will take that into consideration. As a matter of fact, we are going to enter a unanimous consent request that would allow us to stack some votes. Senator DASCHLE had suggested that, and it seems like a good way to proceed where we will have up to as many as, I think, four votes that are stacked.

Mr. FORD. I thank the Senator.

Mr. LOTT. Would the Democratic leader like to make a comment before I make the UC?

In order to ascertain the remaining workload then ahead of us to bring the budget resolution to conclusion, I now ask unanimous consent that all first-degree amendments must be offered by 6 p.m. this evening. I further ask that at 5:40 p.m. this evening the minority manager be recognized to offer any amendments necessary for the minority side of the aisle, and at 5:50 p.m. Senator DOMENICI be recognized for up to 10 minutes to offer amendments necessary at that point for the majority side.

I further ask that following the scheduled 2 p.m. vote today, all first-degree amendments be limited to 30 minutes, all second-degree amendments be limited to 20 minutes, with any votes ordered on any remaining amendments to be stacked in a sequence to be decided by the two managers. I further ask that the first vote in the stacked voting sequence be limited to 15 minutes and all remaining votes in the sequence be reduced to 10 minutes in length.

We hope they will stack as many as three and four in those groupings. But it will be up to them, after, of course, consulting with the leaders, to make sure we are taking into consideration other things that may be going on.

I finally ask that all time consumed during rollcall votes be counted against the overall statutory time limit and the new time restraints on first- and second-degree amendments expire at the conclusion or yielding back of the overall time limit.

The PRESIDING OFFICER. Is there objection?

Ms. MOSELEY-BRAUN. Mr. President, reserving the right to object—and I will not object—I just want to make certain that the time agreement with regard to the schools amendment has been unchanged.

Mr. DASCHLE. That is correct.

Ms. MOSELEY-BRAUN. That is correct.

Mr. LOTT. That is correct.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. DASCHLE. Mr. President, I didn't want to object, and I was going to make that clarification following the conclusion of the request, but I would only add one clarification, which I know the majority leader will want to do, and that is to allow 1 minute prior to each vote in a stacked sequence, to be sure that we can explain the circumstances, as is normally our procedure in stacked votes. I know that colleagues on both sides of the aisle have requested that in the past.

With that understanding and also with the understanding, of course, that Senator MOSELEY-BRAUN would then be recognized following this UC to offer her amendment, I think this is a good plan and I commend all of those involved, especially our Chair and ranking member. Obviously, we won't get done with this unless we can find a way in which to manage more efficiently the time remaining. This does it, and I appreciate the cooperation of Members on both sides.

Mr. LOTT. Mr. President, I do amend the unanimous consent request to include the 1 minute before each vote and ask for a ruling now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor, Mr. President.

Mr. DOMENICI. Mr. President, might I just ask—everybody might want to know this—if in fact we don't complete all the amendments under the prescription we have just agreed to, then if there are remaining amendments, this agreement does not pertain to this at all, that will be looked at by the Senate; we will get it done one way or another?

Mr. LOTT. That is correct. I think this is a very major step forward. We will still need to assess where we are tonight and in the morning. Any amendments still pending at the end, we will still have to deal with those in as orderly a fashion as we possibly can. But I think this will help us move a number of amendments so that we won't have as many amendments at the end of the session.

Mr. DOMENICI. Mr. President, I thank the distinguished majority leader and the minority leader for helping with this. Obviously, this is a much more orderly process, and I think it has a chance of working to the enhancement of the Senate's ability to do this work right.

I understand that the distinguished Senator from Illinois is going to call up an amendment, after which she is going to yield promptly so that Senator ROTH might speak for a few minutes, and then it will return to her for control of her time and we will have time on our side.

Ms. MOSELEY-BRAUN. Yes. I say to the Senator from New Mexico, I have been asked by the Senator from Delaware and the Senator from North Dakota as well as Senator ROTH—all three have business they would like to attend to before this amendment is taken up, and so I would suggest to the Senator from New Mexico that might be appropriate—let all three Senators go before this amendment is taken up.

Mr. DOMENICI. That is fine with me. I thought the minority leader had asked me to call her amendment up and then go ahead and yield this time. But if you want to do it another way—Senator ROTH, are you satisfied?

Mr. ROTH. I want to speak next.

Mr. DOMENICI. Would it be possible that we could agree then that if you are going to withhold until the following events occur, that Senator ROTH be permitted to speak for 15 minutes? But he would be preceded by two Senators who want to just offer amendments.

Mr. BIDEN. If the Senator will yield, I need 5 seconds, 10 seconds possibly.

Mr. DOMENICI. Is that possible?

Mr. KYL. Mr. President, might I clarify. I would like 5 seconds as well to offer an amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

AMENDMENTS NOS. 2218 AND 2219

Mr. DORGAN. Mr. President, I ask unanimous consent the pending amendment be set aside that I may send two amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes amendments numbered 2218 and 2219.

The text of the amendments follows:

AMENDMENT NO. 2218

(Purpose: To strike section 301 of the concurrent resolution, which expresses the sense of Congress regarding the sunset of the Internal Revenue Code of 1986, and replace it with a section expressing the sense of Congress that important tax incentives such as those for encouraging home ownership and charitable giving should be retained)

Strike page 33, line 3, through page 34, line 3, and insert the following:

SEC. 301. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving;

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) recklessly sunsetting the entire income tax code threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions.

AMENDMENT NO. 2219

(Purpose: To establish a reserve fund for health research at the National Institutes of Health, funded by receipts from tobacco legislation)

At the appropriate place in the resolution, insert the following:

SEC. . HEALTH RESEARCH RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves 21 percent of the Federal share of receipts from tobacco legislation for the health research purposes provided in subsection (b), provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) ELIGIBLE HEALTH RESEARCH.—Of the receipts from tobacco legislation reserved pursuant to subsection (a), the following amounts may be used for the following purposes:

(1) 7.5 percent of such receipts to fund research into the prevention and cure of cancer;

(2) 7.5 percent of such receipts to fund research into the prevention and cure of heart disease, stroke, and other cardiovascular diseases;

(3) 2 percent of such receipts, to be allocated at the discretion of the Director of the National Institutes of Health, to fund the responsibilities of this office and to fund construction and acquisition of equipment or facilities for the National Institutes of Health;

(4) 2 percent of such receipts for transfer to the National Center for Research Resources to carry out section 1502 of the National Institutes of Health Revitalization Act of 1993;

(5) 1 percent of such receipts to fund prevention research programs at the Centers for Disease Control and Prevention;

(6) 1 percent of such receipts to fund quality and health outcomes research at the Agency for Health Care Policy and Research; and

(7) the remainder of such receipts to fund other member institutes and centers, including the Office of AIDS Research, of the National Institutes of Health in the same proportion to such remainder, as the amount of annual appropriations under appropriations acts for each member institute and center for a fiscal year bears to the total amount of appropriations under appropriations acts for all member institutes and centers for that fiscal year.

(c) REVISED LEVELS, AGGREGATE AND ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purposes described in subsection (b), upon the offering of an amendment that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(3) RULE OF CONSTRUCTION.—Revised allocations, functional levels and aggregates submitted or filed pursuant to this subsection shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to Section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

(d) APPLICATIONS OF SECTION 202 OF H.CON.RES. 67.—Section 202 of H.Con.Res. 67 (104th Congress) shall not apply for purposes of this section.

Mr. DORGAN. I ask unanimous consent they be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

AMENDMENT NO. 2220

(Purpose: To permit the use of Federal tobacco funds to reimburse the Veterans Administration for the costs of treating smoking-related illnesses)

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 2220.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 5, before the period insert "and Veterans Administration health care".

Mr. BIDEN. I further ask that my amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 2221

(Purpose: To express the sense of the Senate supporting a supermajority requirement for raising taxes)

Mr. KYL. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purpose of offering an amendment, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. GRAMS, Mr. HELMS, Mr. BROWNBACK, and Mr. HAGEL, proposes an amendment numbered 2221.

The text of the amendment follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING A SUPERMAJORITY REQUIREMENT FOR RAISING TAXES.

(a) FINDINGS.—The Senate finds that—

(1) the Nation's current tax system is indefensible, being overly complex, burdensome, and severely limiting to economic opportunity for all Americans;

(2) fundamental tax reform should be undertaken as soon as practicable to produce a tax system that—

(A) applies a low tax rate, through easily understood laws, to all Americans;

(B) provides tax relief for working Americans;

(C) protects the rights of taxpayers and reduces tax collection abuses;

(D) eliminates the bias against savings and investment;

(E) promotes economic growth and job creation;

(F) does not penalize marriage or families; and

(G) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service; and

(3) the stability and longevity of any new tax system designed to achieve these goals

should be guaranteed with a supermajority vote requirement so that Congress cannot easily raise tax rates, impose new taxes, or otherwise increase the amount of a taxpayer's income that is subject to tax.

(b) SENSE OF SENATE.—It is the sense of Senate that the assumptions underlying the functional totals of this resolution assume fundamental tax reform that is accompanied by a proposal to amend the Constitution of the United States to require a supermajority vote in each House of Congress to approve tax increases.

Mr. KYL. I ask that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. ROTH. Mr. President, this budget resolution contains some provisions that I applaud, but it falls short in several areas: first, the proposed tax cuts are too small to provide the relief that taxpayers need and deserve; second, it does not adequately restrain the growth and reach of the Federal Government. Third, it is not what the hardworking men and women of America desire nor deserve. They deserve better.

The current economic expansion is now 84 months old, the third longest on record. Overall growth rate has been relatively steady and moderate. In the last three months alone, more than one million new jobs have been created, while the unemployment rate has been reduced to a 24-year low. In addition, inflation as measured by the CPI is only 1.6 percent.

In the midst of this prosperity our citizens are burdened by levels of taxation that are increasingly oppressive—all to satisfy the appetite of the Federal behemoth. This condition runs contrary to counsel handed down from President Jefferson—counsel we would do well to heed as we move forward with the budget debate. In his First Annual message to the Congress, President Jefferson wrote that the object of congressional efforts should be "to preserve the general and State governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favorable to the security of liberty and prosperity, and to reduce expenses to what is necessary for the useful purposes of government."

These are among the core principles which have thus far separated our nation from the rest of the world.

It is up to this Congress to apply President Jefferson's principle to "reduce expenses to what is necessary for the useful purposes of government." All else should remain in the hands of our citizens.

Today, revenue levels are at all time highs, approaching 20 percent of GDP in both this fiscal year and the next. Not only are these levels high in historical terms, they are unprecedented for a peace-time economy. In fact, the only time in this century that revenues were higher was during World War II.

Unfortunately, this does not appear to be an anomaly; the Congressional Budget Office projects that unusually high levels of revenue will continue to be extracted from taxpayers for the foreseeable future.

It is worth noting, Mr. President, that these very same revenues are largely responsible for the budget surplus that has generated so much excitement here in Washington. In fact, the current surplus is mainly attributable to additional unanticipated revenues of about $72 billion in 1997, rather than the effect of spending cuts. It is also worth noting that these revenues have been fueled mainly by our strong economic growth in the last year.

Yet, despite the record high level of revenues that the Federal Government now collects to feed its appetite for spending, we are told that we need additional Federal programs! Over the past 2 months, President Clinton has engaged in a well orchestrated campaign to secure approval for spending billions of dollars more on new and expanded government programs. He has set a trap for the American people by promising to do more for them in exchange for higher taxes on their capital and labor.

We have balanced the Federal budget. But that is only one of the steps to be taken to meet Jefferson's objective. We must go on to examine whether the current size and breadth, let alone further expansion, of the Federal Government for these purposes justifies the taxation on the toil of our fellow citizens. Let's never forget that the revenue collected by Washington does not belong to the Federal Government; it belongs to the hard-working men and women of this country.

Mr. President, the budget resolution should allow for immediate and significant tax relief for American taxpayers. However, the $30 billion of tax cuts proposed in the current resolution are not sufficient to provide this relief.

I would like to see this budget resolution contain total tax cuts of at least $65 billion over 5 years. These cuts could take a number of forms, including marriage penalty reforms, family tax relief, and savings and investment incentives.

For example, half of American families face the marriage penalty. The Congress proposed to phase out the marriage penalty for non-itemizers as part of the 1995 Balanced Budget Act, but the proposal was vetoed by President Clinton. In addition to marriage penalty relief, consideration could be given to tax relief for families such as a child care credits for both stay-at-home parents and working parents. Ultimately, whatever the final form that tax cuts take, the crucial consideration is that they be substantive and immediate.

However, we are limited in the ways that we can offset these tax cuts. While the President's Fiscal Year 1999 budget contains a number of revenue raisers, many are rehashed, or controversial proposals that have failed before due to opposition on both sides of the aisle.

We also cannot look to the spending programs within the jurisdiction of the Finance Committee for savings. We are all firmly committed to protecting the reforms we have made to the Medicare, Medicaid and welfare programs, and should make no further changes at this time. In my opinion, the best option is for the cuts to be offset through the use of a portion of the tobacco settlement revenues.

While the lack of meaningful tax relief is my main objection to this budget resolution, I am also disappointed to see that there is no provision to make better use of the budget surplus.

We should not simply spend this surplus, or set it aside; we can do better for our families and the future. I strongly believe that the most productive use of thee surpluses is to fund individual Social Security investment accounts for all workers who contribute to the payroll tax. Therefore, Mr. president, I will be offering a sense-of-the-Senate amendment to instruct the Finance Committee to report a Social Security bill this year. The bill would dedicate the budget surplus to fund Social Security personal retirement accounts. Equally important, my bill will place the Senate on record for putting these surpluses to work for the American taxpayers, and not simply setting them aside to be spend on other less important priorities than social security.

Finally, Mr. President, I must express my concern over some of the methods for shifting funds around under the budget resolution. Budget rules should not be invented to give authority to one committee to achieve budget savings under the jurisdiction of another committee. More specifically, this resolution gives control over the Medicaid program and welfare programs to the Appropriations Committee. Moreover, savings are to be achieved through administrative reforms which may prove to be unfair and unworkable with our partners, the states. Reforming Medicaid and finding program savings in the child support enforcement system or finding other alternatives should be a task for the committee of jurisdiction—namely the Finance Committee.

Mr. President, the American people expect more from us. And it is incumbent upon us to see that they get it.

Mr. President, I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is my understanding the Senator from Illinois, under the rule previously agreed to, has 2 hours for debate on her amendment?

The PRESIDING OFFICER. Two hours.

AMENDMENT NO. 2175

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from Illinois. I call up amendment No. 2175 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN] proposes an amendment numbered 2175.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the March 30, 1998 edition of the RECORD.)

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that Senators DASCHLE, KENNEDY, HARKIN, and MURRAY be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I yield myself as much time as I may require, until such time as someone else comes up to speak.

This amendment expresses the sense of the Senate that the fiscal year 1999 budget resolution assumes that we will enact legislation creating a partnership between State and local governments and the private sector to rebuild and modernize our schools and classrooms for the 21st century. The amendment calls for the enactment of legislation similar to S. 1705, the Public School Modernization Act of 1998, which I have introduced along with a number of my colleagues. Our bill would establish a simple and effective means of helping communities modernize and revitalize their schools.

The bill creates a new category of zero coupon bonds for States and school districts to issue to finance capital improvements. States and school districts would be able to issue $21.8 billion worth of these bonds over the next 2 years. Purchasers of the new bonds would receive Federal income tax credits in lieu of interest, thereby cutting the cost of upgrading the schools by at least a third and in some cases up to 50 percent. The bill will cost the Federal Government only $3.3 billion over five years.

This amendment to the budget resolution is the first step toward enacting that legislation. It sends a signal that we in the Senate are serious about improving education in America.

I call your attention to this report card for America's infrastructure. You will notice that school buildings get a failing grade; mass transit got a grade of C—we have taken up the infrastructure needs for mass transit; bridges, a C-minus; solid waste, a C-minus; waste water treatment, D-plus; roads, D-minus—but schools get an F. We are literally sending our children to crumbling schools in which education becomes well-nigh impossible.

Those children—14 million of them, in fact—every day attend schools that are so deteriorated that they do not even meet basic code; 14 million children in this country every day attend schools which are that dilapidated, Mr. President. From all indications, in failing to provide for the modernization, renovation and repair of school facilities, we are literally causing these children to get less educational opportunity than they should be entitled to, but we are also hampering our Nation's ability to be competitive in the 21st century.

At no point in our history has education been more important to both individual achievement or national prosperity. As H. G. Wells wrote nearly 80 years ago: "Human history becomes more and more a race between education and catastrophe."

Education in America correlates with opportunity for individuals, for families and for our entire Nation. Indeed, the rungs on the ladder of opportunity in America are crafted in the classroom. It is very clear that high school graduates earn more money over the course of a lifetime. As a matter of fact, every year they earn 46 percent more than people who do not graduate from high school. College graduates earn 155 percent more than those who do not complete high school. And, of course, over the course of a lifetime, the most educated Americans will earn five times as much as the least educated Americans. That is on an individual level.

The truth is that education correlates with every indicia of economic and social well-being. Educational attainment can be tied directly to income, to health, to the likelihood of being on welfare, to the likelihood of being incarcerated, and even to the likelihood of voting and participating in our democracy.

It is, however, more than a tool to lift people out of poverty or to have a better standard of living. It is also the engine that will drive America's economy into the 21st century. In a Wall Street Journal survey last year of leading economists, 43 percent of them said the single most important thing we could do to increase our long-term economic growth rate would be to invest more in education, research and development. Nothing else came even close in the survey. One economist said:

> One of the few things economists will agree upon is the fact that economic growth is very strongly dependent on our own abilities.

Another study, looking at the changing nature of the American work force, said:

> The crucial factor accounting for long-term success in the work force is a basic education provided at the primary and secondary levels.

Of course, a recent study by the Manufacturing Institute confirmed that claim. It concluded that increasing the education level of workers by just 1 year raises the productivity level by 8.5 percent in manufacturing.

If we fail to invest in education, we will put our Nation's economic future at risk. Unfortunately, too many of our schools, again, are not in adequate physical condition to meet the educational needs of our children. Too many of our schools are literally crumbling down around the students.

The General Accounting Office, which did a major study, a landmark study, on this issue found that 14 million children attend schools in need of major renovation or outright replacement. Some 7 million children every day attend schools with life-threatening safety code violations. And they concluded that it will cost $112 billion just to bring our schools up to code—$112 billion across the country just to bring our schools up to code. That does not equip them with computers. That is not bells and whistles. That is just to address the toll that decades of deferred maintenance has taken. So this F relates to the $112 billion demand on us as Americans just to get our schools up to code in this country.

I say "the country" broadly, and the truth is that crumbling schools are to be found in every corner of America. Again, according to the GAO, some 38 percent of schools in urban areas are in this kind of dilapidated condition; 30 percent of rural schools are in the same condition; and 29 percent of suburban schools are in the worst condition. Again, this is not statistically all that different between 29 percent in the suburbs, 30 percent in rural areas and 38 percent in urban areas.

Mr. President, the problem with crumbling schools has become so widespread that even Peppermint Patty in the Peanuts cartoon has a leaky school roof. Take a look here. In this series of Peanuts cartoon, Peppermint Patty and her friend Marcie express their frustration over the fact that they cannot get anyone to repair the leaky roof. "It's keeping me awake." The roof is leaking. They still don't take it.

Marcie forgot to mention the repair of the roof as she talked about the fact that the children were having difficulty learning. But the truth of the matter is that we cannot forget about

the fact that our schools are dilapidated.

In my State of Illinois, school modernization and construction needs top $13 billion. Many of Illinois' school districts have a difficult time even buying textbooks and pencils, much less financing major capital improvements. This legislation would free up local resources in my State for education by providing Federal support for rebuilding the schools.

This $112 billion national school repair price tag, as enormous as it may sound, again, does not include the cost of wiring schools and getting them up to speed for modern technology. One of the greatest barriers to the incorporation of modern computers into classrooms is that the physical condition of many school buildings will not allow for it. You cannot very well use a computer if you cannot plug it into the wall.

Again, to quote the General Accounting Office, almost half of all schools lack enough electrical power for the full-scale use of computers; 60 percent of them lack enough conduits in the school to connect classroom computers to a network; and 60 percent of schools lack enough phone lines for instructional use.

Last year, a teacher from Waukegan, IL, came to Washington and was talking about the use of computers in the school and that when they plugged in the computers, when they deployed the computers around the school, fires started all through the school because the wiring was so old.

That situation is replicating itself all over the country. We are seeing situations in which the schools cannot give our children the tools they need to learn so that they can compete in this 21st century because the physical structures simply will not allow it.

This legislation also will give communities the power to relieve overcrowding. Again, according to the Department of Education, enrollment this year is at an all-time high and will continue to grow over the next 10 years. Just to keep up with growing enrollment, we will need to build 6,000 new schools over the next 10 years.

Again, in my State, I visited schools where study halls are held in the hallways because there is no other space. I have seen stairway landings converted into computer labs, cardboard partitions used to turn one classroom into two. There is one school where the lunchroom has been converted into two classrooms, where the students eat in the gymnasium, and instead of gym, they have what is called "adaptive physical education" while they stand next to their desks.

One youngster from Virginia talked about the fact that the congestion in his school is so profound that the kids get into fights in the hallway, and they call it "hall rage," when there is just too much human presence for them to walk around the hallways and they get into disruptive behavior.

The teachers and parents know full well these conditions directly affect the ability of their children to learn, and the research, of course, has backed up that intuition. Two separate studies found a 10 to 11 percent achievement gap between students who attend school in good buildings and quality surroundings and those who attend school in poor buildings after accounting for all other factors.

Other studies have found that when the buildings are in poor condition, again, the students are more likely to misbehave. Three leading researchers recently concluded:

> There is no doubt but that building condition affects academic performance.

Again, if we are going to address the need to provide our youngsters with quality education, we clearly have to look at the factors and the environment in which they are called upon to learn.

Just last month, the results came in on a set of international math and science tests. The results were, quite frankly, profoundly disturbing.

The results of that study placed American students at or near the bottom on every one of the math and science tests that were offered. This cannot be. We cannot go into the 21st century with our children performing below some less-industrialized countries because we do not provide a quality educational opportunity and, frankly, consistent educational opportunity throughout the country.

We know that we have some of the best schools in the world in this country on the one hand. I have some that I visited in the State of Illinois—the First in the World School. Those schools are in good condition, and the youngsters who go there have a great opportunity for education. They have scored above the international norm.

But at the same time we have the other instance of the crumbling schools, the dilapidated conditions and the poor performance across the board as well. We have this patchwork quilt of school facilities throughout the country. Again, I point out these facilities' problems are related to how we finance the system, how we pay for schools.

Crumbling schools are not just accidents; they are the predictable result of the way we fund education. The current system was established a century ago when the Nation's wealth was measured in terms of landholdings. Wealth, of course, is no longer accumulated just in land, and the funding mechanism relying on the local property tax is just not appropriate, nor is it adequate.

The current school finance structure works against most American children and mitigates against most families' best efforts to improve local schools. Again, according to the General Accounting Office, poor and middle-class schools try the hardest to raise the revenue to get the money together to fix up their schools. But the system works against them.

In some 35 States, poor districts have higher tax rates than wealthy districts, but they raise less revenue because, of course, there is less property wealth to tax. Now, this local funding model does not work for school infrastructure, just as it would not work for highways or other infrastructure.

Imagine for a moment what would happen if we based our system of roads on the same funding model that we use for schools. If every community was responsible for the construction of and maintenance of the roads within its borders and no one else contributed, where we did not have a partnership, we relied on the local property tax, in all likelihood we would have smooth, good roads in the wealthy towns, a patchwork of mediocre roads in middle-income towns, and very few roads at all in poor communities.

Transportation, then, Mr. President, would be hostage to the vagaries of wealth and geography. Commerce and travel would be difficult and navigation of such a system would not serve the interests of our whole country.

Mr. President, unfortunately, that hypothetical situation that I have just described in terms of roads precisely describes our school funding system. Schools with a lot of wealth have good schools or are more likely to have good schools, middle-class schools have a patchwork, poor communities have little or nothing to point to.

Again, I made the point, as the GAO found, that the phenomenon of crumbling schools, the infrastructure, finds itself in all kinds of communities, suburban, rural and urban, but, again, it is based on the local property tax in the main.

The American Society of Civil Engineers released a report card on America's infrastructure, and, again, they found that the only category to get an F was the schools.

We have just recently acted, and the ranking member, the Senator from New Jersey, will point out that we just passed the ISTEA bill, the highway and mass transit bill, which addresses a number of these issues. The Senate passed that bill almost with unanimous support, and we put an additional $214 billion into infrastructure in that legislation.

Schools, however, do not benefit from that bill, and that is why I believe we need to talk about a partnership to fund the redevelopment of our school infrastructure. Our children need the same level of commitment for school infrastructure as we have given to our highways.

I think the way we ought to look at this is not in the sense of finger pointing, saying it is the fault of the States or it is the fault of the local governments. I think, if anything, we need to engage a partnership in which we all contribute and we all weigh in to try to fix these schools and give our children an environment that is worthwhile to learn in.

We have a situation in which States—the argument has been made that school construction is just a State or a local responsibility. Some of my colleagues have argued that, notwithstanding the fact that the school districts face a maintenance backlog of $112 billion—and, again, $73 billion in new school construction needed—the States can meet these costs on their own and by themselves.

The truth is that this is not in the interest of our country, that we rely on the accident of State effort and the accident of geography and the accident of wealth in order to make certain that we address this national problem.

We have an interest, as citizens of this great country, to see to it that every child gets an opportunity to learn, that every child gets an environment in which learning can take place, and that every child no matter where they live in the United States is given a chance to take advantage of the new technologies that school modernization would allow.

The General Accounting Office found that only 13 of the States take a comprehensive approach to school modernization and construction. In 1994, for example, the States spent a total of $3.5 billion on school repair and construction—$3.5 billion. So again with $112 billion worth of deferred maintenance, $73 billion worth of needed new construction, the States alone will simply not be able to bear that economic burden.

Some of my colleagues have argued that because the economy is doing so well the States are now in a position to supplement what they spend on school facilities with funds from the surpluses that are beginning to accumulate in the State treasuries. Most States have a surplus. All but two States had some sort of surplus at the end of fiscal year 1997, ranging from a $3.2 billion surplus in Alaska to a $32 million surplus in Alabama. My own State of Illinois ended 1997 with a $108 million surplus. But the sum total of all the surpluses put together is $28.2 billion. If we were to spend every dime of every State's surplus on this issue, you would just begin to make a dent in it.

I think that the notion of the finger-pointing, the notion of blaming one level of Government or another, is something that we, frankly, do not have time for. We do not have time for that argument any longer. I believe we have a responsibility to engage as a national community to work together, giving the States and the local governments control, certainly, giving them responsibility for making certain that the schools are rebuilt, but providing the financial help that we can at the national level in the simplest way possible.

We have the capacity, at the national level, to provide the funding leverage that this legislation will provide that will cost us $3 billion to allow these local communities and school districts to go into the capital markets and raise $22 billion. I think it just makes absolute sense, and I encourage my colleagues to support this sense-of-the-Senate amendment.

Mr. President, I now yield 5 minutes to the Senator from New Mexico, 2 minutes to the Senator from Washington, and such time to the Senator from California as she may require.

AMENDMENT NO. 2223

(Purpose: To establish a deficit-neutral reserve fund for civilian research and development)

Mr. BINGAMAN. Mr. President, before I give my few comments here in support of the amendment of the Senator from Illinois, I ask unanimous consent that it be in order that I send an amendment to the desk and then have that laid aside and then return to the amendment of the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself and Mr. LIEBERMAN, proposes an amendment numbered 2223.

Mr. BINGAMAN. I ask unanimous consent that reading of the amendment be dispensed with and the amendment be set aside and we return to the amendment of the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

"SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CIVILIAN RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to fund civilian scientific and technological research and development, to increase research and development for the health sciences, or to increase research and development to improve the global environment, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

"(1) fiscal year 1999;

"(2) the period of fiscal years 1999 through 2003; or

"(3) the period of fiscal years 2004 through 2009.

"(b) REVISED ALLOCATIONS.—

"(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.".

AMENDMENT NO. 2175

Mr. BINGAMAN. Mr. President, I, first, say that putting together a budget resolution is a very complex, difficult process. I commend those who have worked on this, particularly my colleague from New Mexico for bringing in a budget resolution that is within the constraints of the balanced budget agreement. I think that is certainly progress and is to be commended. I am, however, troubled by many aspects of it. One aspect is that which is intended to be dealt with by this amendment by the Senator from Illinois.

I fear this budget does not reflect the forward-looking perspective that prepares us for the world that we are facing in the 21st century.

I do not think anyone would dispute the paramount importance of education, of research, and of a safe, healthy start for our children. The importance of those items, in my view, are not reflected in this budget. They are not given the priority they should be given in this budget.

Let me give a few examples. In the area of education, and, of course, the Senator from Illinois was talking about this general area of education, the President has proposed at least $1.6 billion more than the Republican budget in 1999 for the budget functions that include education, training, and social services. The Republican budget does not increase Federal spending by 1 cent over last year's balanced budget amendment in that regard.

More specifically, the President and the Senate Democrats have put forth some very significant education proposals, one of which is this amendment

by the Senator from Illinois. The Republican budget does not give the same priority to those concerns. The Democratic alternative and this amendment propose to help communities to renovate and build school facilities, including BIA schools, which are very important in my home State of New Mexico. The Republican budget essentially ignores this request. The Democratic proposal provides for the hiring and training of 100,000 new teachers, which is projected to reduce the average class size in grades 1 through 3 from 22 students in a class to 18 students in a class. Again, the Republican budget ignores that proposal.

In addition, the Republicans claim they are providing an increase of $2.5 billion over the freeze level during this 5-year period for the Individuals with Disabilities Act. It turns out that this funding does not keep pace with inflation.

While this resolution proposes to increase money for one type of block grant, the simple fact is that spending is cut significantly overall and that means that very important programs will have to be cut. Some of those programs—we are not clear as to which ones yet, of course, since that is not specified in the resolution—but some of those might include title I for disadvantaged children, Head Start, training and technology for teachers, and teacher quality.

The resolution also gives short shrift to child care, and again Senator DODD from Connecticut offered an amendment that I support in that regard.

With regard to tobacco, I am tremendously concerned that the budget as presently written precludes any meaningful consideration of programs to reduce teen smoking. While I strongly agree with the chairman of the Budget Committee that we must do something to fix our Medicare Program, I believe we do not need to do so at the expense of the current and future health needs of our children.

I commend our colleagues for the hard work that has gone into this resolution, but I do differ with my Republican colleagues about the ways in which we allocate spending in this bill. We are entering the 21st century as a strong and vibrant and growing economy, but we will only remain that way if we invest in the future and ensure that every American has the opportunity to take advantage of that growth. The way we do this is to focus on these areas of priority—education, training, and the needs of working families.

I hope we can adopt some amendments to this resolution that will allow us to do that more effectively.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

I rise in strong support of this amendment and offer my congratulations to the Senator from Illinois for bringing this critical issue to the attention of the Senate and to the attention of the Nation. Certainly it is an issue of safety and health for many children across our country. For all of us who go out and visit schools on a regular basis, we see classrooms that are in cafeterias, in gymnasiums, and in closet space—of all things—all across this country, and that is wrong. This is an issue that has to be addressed.

Let me also bring to the attention of my colleagues the issue that many of us hear about—the high number of jobs that are available today in the area of technology. The ITEA recently put out a study showing there are 200,000 job openings today. These are $40,000- to $60,000-a-year jobs available in technology, yet we don't have the skills or students with the skills available to go into these jobs because they haven't had the education and the experience in their schools.

I have worked very hard to bring technology to the floor of the Senate as an issue. We have put computers into our schools, technology into our schools. In a few minutes, the Labor Committee will be working on the Reauthorization Act that includes my language to train teachers in technology throughout our schools, but if we don't pass the issue of school construction, far too many of our children will never have access to these skills because they are in classrooms where you cannot plug in a computer.

This issue is critical and I urge my colleagues to support it. I, again, thank my colleague from Illinois for bringing it to our attention and appreciate her long concern and work on this issue.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of this amendment, and in particular to thank my friend and colleague, the senior Senator from Illinois, for her hard work. I am aware that there is another school construction amendment. It is known as the Roth amendment. It is part of the Coverdell tax bill. These amendments, in my view, complement one another.

What the Senator from Illinois has done is structure an amendment so it really benefits some of the older, more stressed urban school districts in America. What the other amendment would do is stress the smaller, suburban rural areas where there is substantial growth going on. So between the two of them, they provide to the States and the cities and the counties of America a truly major, major commitment to new school construction.

This is a $21.8 billion authority for State and local governments to issue bonds to construct and rehabilitate schools. For California alone, this would mean $2.2 billion in bonds. It is the most of any State. Thirty-five percent of these bonds would be used by the 100 largest school districts based on their ESEA title I funding which assists disadvantaged children; 65 percent would be distributed by States based on their own criteria; in addition, the Secretary of Education could designate 25 additional districts based on the State's share of Elementary and Secondary Education Act title I grants, excluding the 100 largest districts.

Under this amendment, California school districts are really helped. Bakersfield would get $19 million; Compton, $30 million; Fresno, $56 million; Long Beach, $48 million; Los Angeles, deeply troubled, and I will show you why in a moment, $488 million; Montebello, $22 million; Oakland, $35 million; Pomona, $18 million; Sacramento, $31 million; San Bernardino, $32 million; San Diego, $69 million; San Francisco, $28 million; Santa Ana, $27 million; and Stockton Unified, $24 million.

This proposal, again, helps the large urban poor districts. California's public school enrollment, much of it in these districts alone, between 1997 and the year 2007, is going to grow by almost 16 percent. That is triple the national projected rate of growth of 4.1 percent. California schools will grow three times faster than schools in the rest of the United States.

Each year, between 160,000 and 190,000 new students will come into California schools. The high school enrollment is projected to increase by 35 percent by 2007. Approximately 920,000 students—that is almost 1 million—are to be admitted to schools in the State during that period, boosting total enrollment from 5.6 million to 6.8 million.

Our school population is bigger than the population of most of the States. That is how important this bill is to California. California needs to build 7 classrooms a day, at 25 students per class, just to keep up with the average growth that is going to take place. We need to build 327 schools over the next 3 years just to keep pace with the growth that is going to take place. We have the largest class sizes in the Nation. Students are crammed into every available hallway, assembly room, and many of them in temporary buildings. Los Angeles—and this is staggering—Unified School District has 560,000 seats for 681,000 students. That means they don't even have seats for 120,000 students. So the absence of seats in Los Angeles is bigger than most of the school districts in a State. And this is just one city in the State.

I could go on and on with examples. But of 60 percent of the schools over 30 years old, most do not have modern infrastructure. Eighty-seven percent of the schools need to upgrade and repair

buildings. The California Department of Education estimates that this State—one State alone—just to stay even, needs $22 billion during the next decade to modernize public schools and an additional $8 billion just to meet enrollment growth. That is $30 billion in the next decade just to stay even.

I have heard a lot of talk on this floor about education, and I can say only one thing: If you talk education and you have crowded and dilapidated schools and you don't have seats for the children in the schools, there is only one thing you can really do, and that is put your money where your mouth is. This is the first step toward "putting your money where your mouth is" amendment.

I am so proud of the Senator from Illinois. There is no single piece of legislation, there is no single amendment on any bill, that will help the school system of the great State of California more than the Moseley-Braun amendment. I want to make that crystal clear.

Here is what it costs. I mentioned the cost and that we need $30 billion just to stay even. Here is what it costs to build a school in California: An elementary school, $5.2 million; a middle school, $12 million; a high school, $27 million.

Our schools must be built to withstand earthquakes, floods, El Nino, and myriad other natural disasters. The cost of building a high school in California is almost twice the national cost. The U.S. average is $15 million; in California, it is $27 million. We have the largest pupil-per-teacher ratio in the country. And thanks to the Governor and the legislature, we are now beginning to reduce class size. K–3 is now limited to 20 students per teacher.

In conclusion, studies show that test scores of students in schools in poor condition can fall as much as 11 percentage points below scores of students in good buildings. I think this amendment is important. I really hope that no one in this body would not vote for this amendment because of the Coverdell bill. The Coverdell bill and the Roth amendment cover very different school districts than does this amendment. If you want to help the big urban school districts of America, where the dilapidated schools are, where the learning really needs improvement, there is only one game in town, and it is CAROL MOSELEY-BRAUN's school construction amendment. I am proud to support it.

Ms. MOSELEY-BRAUN. I thank the Senator from California for her eloquence. I did, however, want to take issue with one little part. This is just a sense of the Senate, but the underlying legislation does relate to suburban and rural schools as well as city schools. The Senator is right about the urban schools. It does a lot more for urban schools than the alternative legislation, but it also covers suburban and rural, because in my State, of course, just outside of Chicago is a place called Illinois, so I have to make sure that is covered.

In fact, if I may, for a moment, pick up where the Senator from California left off, this is a picture from a suburban school. This is outside of Chicago. You can see it is a portable classroom. The doors are falling off, and the gutters are down on the ground. It is in a dilapidated condition. So we see it all over.

Senator FEINSTEIN was exactly right to point out how much will be required for new construction, in addition to fixing the crumbling schools we have already. The GAO points out that we need $112 billion just to repair the schools that are falling down. They also found, however, that we have about $73 billion worth of need for new schools. So what we are really looking at is not just the $112 billion price tag, but a $185 billion price tag.

If you take the argument that somehow this is a local responsibility, it should come out of local property taxes, then what you are really saying is that the local property taxpayers should cough up an additional $185 billion—$185 billion. When you consider that property taxes around the country have been increasing, frankly, at a greater rate than the taxes at the national level have increased, State and local taxes, as a share of income, have risen nearly 10 percent in the last decade. In the last 10 years alone, in my State of Illinois, the property taxes have more than doubled. All across the country, voters reject the property tax hikes to pay for schools and other municipal improvements.

Again, we cannot continue to rely on the property tax alone to build the schools that we need for the next century. I think what is called for here is a partnership—a partnership in which we come together and work together at the Federal, State, and local government level to provide the funding that will be required to help rebuild our crumbling schools.

Mr. President, just yesterday a Manhattan State Supreme Court justice ordered New York City and the New York Board of Education to eliminate hazardous school conditions and to begin regular inspections and maintenance of its 1,200 school buildings. That decision came out of a lawsuit brought on the issue of the crumbling schools. According to that report that was commissioned by the New York board, 40 percent of the schools in New York lack functioning or accessible bathrooms and water fountains with clean water; 760 buildings had serious heating and ventilation problems; an average of 47 percent of the schools in New York are falling into unacceptable disrepair.

Again, this is the kind of dilapidation we are seeing all over. In fact, there is litigation pending in another 16 States on this point. I think this amendment we are considering today expressing the sense of the Senate will go in the right direction.

The point I believe we have to make is that it is appropriate for us at the national level to stop pointing fingers, to stop the divisive blame game that stalls Federal support for school improvements, and that we all have a responsibility to come together and work on this. I am pleased that Senator FEINSTEIN came to the floor to discuss this matter. It was my understanding that the Senator from New Jersey wanted to speak on this matter. I yield to him.

Mr. LAUTENBERG. I thank the Senator from Illinois. I do want to say something about this important piece of legislation.

Mr. President, I stand to support the amendment presented by the distinguished Senator from Illinois. Senator MOSELEY-BRAUN's amendment is a critical issue in terms of how we deal with the educational requirements of our young people.

The Senator from Illinois has had a long record—certainly since she has been here, and I understand before she arrived to the U.S. Senate—of interest and involvement in children, particularly focused on education in the early years. I am delighted to join with her and others here who are supporting an investment in bringing our school facilities up to date, making sure that the place in which children are expected to learn invites the process of learning and doesn't distract them, because it is either too cold, too hot, or too dangerous, or because of water leaking through the roof, or perhaps asbestos in the building, or insufficient facilities to attend to the children's needs. The condition is so outrageous that the GAO says that there are more than 14 million children attending schools that are in need of extensive repair or replacement. Several million attend schools with safety code violations, and, as I mentioned, leaky roofs are in schools that house 12 million students.

The GAO found the problem of crumbling schools transcends demographic and geographic boundaries. Roughly one-third of urban rural and suburban schools report that at least one building is in need of extensive repair, or to be completely replaced. Furthermore, the GAO reports that most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of the schools lack the requisite electrical power. And 56 percent of schools have insufficient phone lines for modems.

When we talk about percentages of 56 percent here and 12 percent there, it

kind of escapes into an amorphous condition that prevents us from really analyzing what the effects of these inadequate facilities represent. It takes a real toll on students, on children.

I came out of the computer business. I arrived here some years ago from the city of Paterson, NJ, where my company was founded and where I was born. We had a population, I would say, of somewhere around 150,000 people with a commensurate number of students. I have been back there many times. I have a fondness of that place of my birth. I know a lot of the people who live in the town. One of my schoolmates was a fellow named Larry Doby, who was just admitted to the Baseball Hall of Fame.

I visit the city regularly. Until recently, I used to go to the same barbershop every couple of weeks since I was a college student. I return there and very often bring people around my old neighborhood to kind of give them a sense of what kind of beginning and opportunity I had. They were amazed at the dilapidated condition of the facility. I met children there and told them I lived in the building. They asked me what floor. I said, "The second floor." The number of the building was 310 Hamilton Avenue. They asked me, "What floor?" I lived on the second floor. "Yes. What apartment?" I said, "In the back apartment." They said, "You lived there?" "Yes. I lived there."

So it established a particular attachment.

I was called on by the board of education at Paterson a year or two ago to see if I could get them some help so they could get the schools wired in preparation for connection into the Internet. They couldn't raise the money within the city. People wanted it; they couldn't afford to pay the taxes necessary. The city was in arrearages all over the place. I arranged for some people I knew in my old company to pay for the facility to be wired. We went down there, and we stood with the people from the telephone company and pulled wire. What a pitiful condition. Can you imagine that you have to depend on someone's goodness, or some company's willingness to step forward so a school can be affixed to the Internet so the kids can learn that there is something besides pens and pencils and pads that are going to be required in the lives that they expect and hope to lead one day? It is pretty discouraging if kids don't know what it is that the outside world holds for them.

I once visited a school in Newark earlier in my days in the Senate. It caused me to write a piece of legislation called "computers in schools" to try to make sure that there was a computer available in classrooms with a reasonable population-to-computer ratio so that the children there would have a chance to learn the applications.

One of the things that we saw in a visit to a school in a very poor neighborhood with high crime in a broken-down neighborhood was that one child I was introduced to was sitting at a computer terminal. They told me that he was in about the third or fourth grade. They told me that this child had such a bad deportment record that they were looking for a way perhaps to expel him from the school. Then they brought in a couple of computers. This child couldn't keep up academically. His behavior, as I say, was bad. They sat him in front of a computer. They taught him a couple of basic exercises that children learn. He was so proficient in such a short time that he began to outdistance the other children.

I tell you this story only because to me it established the fact that children have to be given a chance to learn and develop based on their own ability, based on their own capacity to learn, and not be restricted to staying with a class where perhaps there is some maladjustment to it.

So I fully support this amendment.

Broken-down schools have a negative effect on the ability of students to learn. They see this grim surrounding, and they begin to believe that is the way the world around them exists and will exist for them. Academic research has proven that there is a direct correlation between the condition of school facilities and student achievement.

Georgetown researchers found that test scores of students assigned to schools in poor condition can be expected to fall 11 percentage points below the test scores of students in buildings in adequate condition. Unfortunately, many local educational agencies have difficulty securing financing for school facility improvements. The proposal called for in this amendment would really help. The zero interest school modernization bond and the Federal income tax credits to purchase those bonds in lieu of interest payments would be an important step toward rebuilding and modernizing our Nation's schools.

Mr. President, I say to those who criticize test scores, who intimate that our children are inadequate to the task that they are assigned to, I ask those people to look to where the problem is. It is not simply looking at students' surroundings. We should provide facilities through our Government. Why is it that we encourage this feeling of being forlorn, or outside of the mainstream? It is because the condition of the facility says that these children are not worth the effort that it takes to have them in a better learning condition.

Mr. President, if we want our kids to learn, if we want our children to be competitive in the years ahead, if we expect them to be leaders in the true sense of the word, where we are not just making speeches but we want to do something about it, then this is an excellent opportunity to register our support.

Again, my commendation goes to the distinguished Senator from Illinois for her leadership on this issue.

Mr. KENNEDY. Mr. President, I strongly support Senator MOSELEY-BRAUN's amendment to the budget resolution to help modernize and repair the nation's public school facilities for the 21st century.

Schools across the nation face serious problems of overcrowding. Antiquated facilities are suffering from physical decay, and are not equipped to handle the needs of modern education.

Across the country, 14 million children in a third of the nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It will take over $110 billion just to repair existing facilities nationwide.

Massachusetts is no exception. 41% of our schools across the state report that at least one building needs extensive repair or should be replaced. Three-quarters report serious problems in buildings, such as plumbing or heating defects. 80% have at least one unsatisfactory environmental factor.

In Boston, many schools cannot keep their heating systems functioning properly. On a given day, 15 to 30 schools complain that their heat is not working.

Faulty boilers and leaky pipes are responsible for sewage leaks and backups at many schools in Springfield, Massachusetts.

The leaking roof at Revere High School is so serious that the new fire system is threatened. School Committee members estimate that fixing the roof will cost an additional $1 million, and they don't know where to get the money.

It is difficult enough to teach or learn in dilapidated classrooms. But now, because of escalating enrollments, classrooms are increasingly overcrowded. The nation will need 6,000 new schools in the next few years, just to maintain current class sizes.

The student population in Pomona, California has increased 37% in the last ten years, and most students are now forced to study in poorly ventilated and dimly lit portable classrooms. To accommodate the large number of students using the cafeteria, school officials have had to schedule five different lunch periods every day.

Malden, Massachusetts is in the process of building five new elementary schools to accommodate increases in student enrollment. The estimated cost for constructing these schools will exceed $100 million.

The Senate recently heard testimony from a student in Clifton, Virginia whose high school is so overcrowded that fights often break out in the overflowing halls. The problem is called

"Hall Rage," and it's analogous to "Road Rage" on crowded highways. The violence in the hallways is bad enough. But it's even worse, because it's difficult for teachers to teach when students are distracted by the chaos in the hallways and outside their classrooms.

State governments and local communities are working to meet these challenges. In Massachusetts, under the School Building Assistance Act, the state will pay 50–90% of the most severe needs. 124 schools now have approved projects, and are on a waiting list for funding. The state share should be $91 million this year, but only $35 million is available. More than 50 other projects are awaiting approval. With that kind of deficit at the state and local level, it is clear that the federal government has a responsibility to act.

Incredibly, the Republican budget proposal ignores these pressing needs. The Republican plan cuts funding for education. It refuses to provide needed new investments to improve public education, including school modernization and construction.

Democrats have made it a top priority to see that America has the best education system in the world. Providing safe and adequate school facilities is an important step towards meeting that goal.

I urge the Senate to approve this amendment. Investing in education is one of the best investments America can possibly make. For schools across America, help is truly on the way—and it can't come a minute too soon.

Mr. LAUTENBERG. Mr. President, I do not know, before I relinquish the floor, what the expectation is for Senator CONRAD, who has a vote coming up. What is the order of business, please?

The PRESIDING OFFICER. The vote is expected to occur with respect to Senator CONRAD's amendment 2174 at 2 p.m.

Mr. LAUTENBERG. Has the unanimous consent order been propounded that would give Senator CONRAD an opportunity to discuss his amendment before the vote takes place?

The PRESIDING OFFICER. It has not.

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. LAUTENBERG. It has not. How much time remains on the side of the proponents?

The PRESIDING OFFICER. Six minutes 20 seconds.

Mr. LAUTENBERG. The Senator from Illinois has a question?

Ms. MOSELEY-BRAUN. Yes. I thank the Senator from New Jersey. I was just going to ask if this colloquy was being charged to time on this side because the junior Senator from New Jersey wanted to speak, and I wanted to have an opportunity to close. We are 10 minutes from the hour of 2 o'clock, and I understand there is a vote scheduled by unanimous consent for that time. In just trying to accommodate the time, I was wondering if it was being charged to the time of the proponents of this amendment.

Mr. LAUTENBERG. With all due respect, I thought the Senator from Illinois had suggested that she was wrapped up with her commentary, and in consideration of accepting that condition, it was my understanding we were going to provide Senator CONRAD with time to address his amendment before the vote takes place.

Ms. MOSELEY-BRAUN. The Senator is correct. In the meantime, the Senator from New Jersey came in the Chamber and asked for time to speak, and, again, I would take a minute to close and if the Senator could take 2 minutes.

Mr. LAUTENBERG. I would be happy to yield the floor.

Ms. MOSELEY-BRAUN. I thank the Senator from New Jersey.

I yield 2 minutes to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, if Senator CONRAD, indeed, desires to speak for 5 minutes and the Senator from Illinois desires to speak for 5 minutes, I would ask unanimous consent that this Senator have 5 minutes, the Senator from Illinois have 5 minutes, and Senator CONRAD have 5 minutes, which would mean that the vote would take place at approximately 2:10.

Mr. LAUTENBERG. I will have to raise an objection because there is an understanding being proposed that would include some time for Senator COVERDELL. And I will ask unanimous consent, before there be any further discussion about this, that at 2 o'clock the floor be returned to me so that I can engage in a UC with my Republican counterpart.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, the situation is the vote is at 2 o'clock and Senator CAROL MOSELEY-BRAUN and I will speak until then?

The PRESIDING OFFICER. That is the understanding.

Mr. TORRICELLI. I thank the Chair.

Mr. President, there is a significant chance that this Senate will one day be remembered for having finally begun to address the problems of educational quality in America. President Clinton in his State of the Union Address challenged this Congress to deal with the problems of school construction, class size, and competence. We are now taking up that challenge, and, indeed, in the last few weeks in dealing with the Coverdell-Torricelli proposal, we also address the problem of access to private schools and the rights of families to save money privately to deal with the costs of public and private education.

Today we return to the subject again. Senator CAROL MOSELEY-BRAUN of Illinois, as she has on many occasions, is now bringing forward consistently and repeatedly a message to deal with the plight—the construction of our schools.

I recognize that in this Senate almost everyone has an idea to deal with the problems of education in America. Almost everyone is right except those who think they have the only idea. This problem is so serious in quality and in access that it will require not just this Senate but Congresses to come, not just this idea but many ideas. The quality of education in this country is the most serious threat to the maintenance of not only social order but our quality of life. We recognize it has many components but probably none more difficult than rebuilding our Nation's schools.

It is estimated that it could cost $112 billion to rebuild crumbling schools in America.

Having toured many of these schools in my own State of New Jersey, I have seen students sitting in hallways because there was not enough room. I have seen students with buckets next to their desks to catch the rain, students who did not have restrooms in their own school facilities but were sent to other buildings. Our parents and their parents before them worked and saved and sacrificed to build a system of public education in this country and an infrastructure that was without equal in the world. They met that challenge. The simple and regrettable truth is we have not.

This system of education, which more than anything else in the Nation is the foundation for our country's prosperity, is crumbling around us. One-third of the students in the Nation face exactly the plight that I have outlined, and more will join them unless we stand up to this challenge.

To all of you who are part of the efforts to assure there is access to the Internet, who joined with us in the fight to help private and public savings through Coverdell-Torricelli, who believe in testing, who join any of these fights, join this fight because there is no one front in the war dealing with educational quality in America. It must be fought on all fronts at the same time.

I am very proud to be part of the efforts of the Senator from Illinois, CAROL MOSELEY-BRAUN, who more than anyone else has brought this fight forward and will be principally responsible when we ultimately do succeed.

I thank the Senator for yielding the time.

Ms. MOSELEY-BRAUN. I thank the Senator from New Jersey.

In summation, Mr. President, we have heard some of the stories. There are many other anecdotal stories, stories even in my State about faucets and drains in science labs that don't work and electrical wiring that can't support the computers, a school in Alabama where the water leaks collapsed

the ceiling 40 minutes after the children left for the day.

These stories, frankly, are news to no one. I hope that this Senate will take a good look at the sense of the Senate and not let this vote come down on truly partisan grounds. I have a sense that it will, and that in my opinion is tragic because, if anything, our children are not Republican or Democrat or Independent. Our children require an education, and politics should stop at the schoolroom door. This should be something that would engage nonpartisan support based on the policy objective of the sense-of-the-Senate amendment.

That is what this vote is about. It is about policy. I hope it is not about politics. I hope we will send a signal that we are prepared, because, again, it is only a sense-of-the-Senate amendment, that we will send a signal to the country that this Congress is prepared to take up the challenge of rebuilding our crumbling schools; that we are prepared to do it in partnership with our State and local governments; we are not looking to local property taxpayers alone to carry the burden of the $185 billion it will take to build and repair schools; that we are not going to try to pass the buck to the States and have them raise State taxes to do it; that we can work together to provide a bureaucracy free of raising the capital.

That is all this amendment does. It doesn't tell anybody which school to fix. All it says is here is a way to raise the money, and Uncle Sam is going to give you a tax credit in lieu of interest on these bonds that the local school districts will issue. I think it makes absolute sense. It is a very straightforward way of doing it. It will provide support for all kinds of schools in rural and suburban districts as well as in urban districts where the needs, of course, are the most pronounced, but certainly they are pronounced all over the country.

I encourage my colleagues to support the sense-of-the-Senate amendment, and I yield the floor.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Illinois. We are ready to proceed with the next piece of business. I think the manager, the chairman of the Budget Committee, has something he wants to put down.

Mr. DOMENICI. Mr. President, might I inquire, where are we on the amendment of the distinguished Senator from Illinois?

The PRESIDING OFFICER (Mr. SMITH of Oregon). All time of the proponents on the amendment has expired.

Mr. DOMENICI. We have not used any time in opposition?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2174

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by Senators CONRAD and LAUTENBERG, which will ensure that any revenues generated from an increase in the price of cigarettes is directed first and foremost to protecting the nation's children from nicotine addiction and smoking-induced diseases.

The Republican budget creates a number of serious barriers to these efforts by prohibiting tobacco revenues from being used for anti-smoking initiatives.

In fact, the budget uses Medicare as a smokescreen to make funding more difficult for important smoking cessation programs, counter-advertising to deglamorize tobacco use among children, biomedical research to cure smoking-caused illnesses, and public education to inform the American people more fully about the dangers of tobacco use.

If the current restrictive resolution is adopted, a vote of sixty Senators would be required to waive the restrictions. The result is that millions of Americans who want to quit smoking will have a much more difficult time achieving their goal. Anti-smoking programs are central to any effective measure to reduce tobacco use, and they should be the first priority for the dollars raised by a cigarette price increase.

If these anti-tobacco initiatives are not funded, the problem of teenage smoking in the United States will only increase. According to the Centers for Disease Control and Prevention, a million youngsters start smoking each year—almost 3,000 a day. One third of them will die prematurely from smoking-induced illnesses. The average smoker begins at age 13, and becomes a daily smoker by age 15.

These facts are serious enough. But the crisis is growing worse. A Spring 1996 survey by the University of Michigan Institute for Social Research found that teenage smoking has continued to rise since 1991. It climbed by nearly fifty percent among eighth and tenth graders, and by nearly twenty percent among high school seniors between 1991 and 1996.

The industry strategy is obvious. The tobacco companies target children, because once children are hooked on cigarette smoking, they become customers for life. Ninety percent of current adult smokers began to smoke before they reached the age of 18. By contrast, if young men and women reach that age without beginning to smoke, they are unlikely to take up the habit in later years.

The tobacco companies know these facts. They are fully aware that if they do not persuade children to start smoking, the industry may collapse within a generation. That's why Big Tobacco has targeted children with billions of dollars in advertising and promotional giveaways that promise popularity and success for those who take up smoking.

The Centers for Disease Control and Prevention estimate that the average 14-year-old is exposed to $20 billion in advertising—$20 billion—beginning at age 6. In fact, the name "Joe Camel" is as familiar to children as "Mickey Mouse."

Two recently disclosed industry documents illustrate the blatant marketing to youths. In a 1981 Philip Morris memo entitled "Young Smokers—Prevalence, Implications, and Related Demographic Trends," the authors wrote that:

> It is important to know as much as possible about teenage smoking patterns and attitudes. Today's teenager is tomorrow's potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens. . . The smoking patterns of teenagers are particularly important to Philip Morris. . . Furthermore, it is during the teenage years that the initial choice is made.

A marketing report by R.J. Reynolds researcher Diane Burrows, written prior to launching the Joe Camel advertising campaign, stated:

> Younger adult smokers are critical to R.J. Reynolds' long-term profitability. Therefore, RJR must make a substantial long-term commitment of manpower and money dedicated to younger adult smoking programs.

A related RJR document states that "young adult" refers to the 14–24 age group.

It is no coincidence that shortly after R.J. Reynolds launched the Joe Camel campaign in 1988, Camel's share of the youth market soared from 0.5% to 32.8%.

Unless Congress takes action to reverse this disturbing trend in adolescent smoking, five million of today's children will die prematurely from smoking-caused illness. That's unacceptable.

Although all of us agree that Medicare should be protected for future generations, one of the best ways to keep Medicare strong is to invest in important public health and tobacco control programs that prevent children from beginning to smoke, and that help current smokers to quit smoking. Americans will lead healthier lives, and the burden of tobacco-induced diseases will be greatly reduced.

Unfortunately, the Republican budget earmarks all of the tobacco revenues for Medicare. It prohibits using even one dollar of the tobacco revenues to deter youth from smoking.

Smoking has inflicted great damage on people's health. It is the leading preventable cause of death and disability in the nation. Tobacco products are responsible for a third of all cancers, and 90% of all lung cancers.

Smoking also causes great harm to nonsmokers. A recent study by the Agency for Health Care Policy and Research reports that second-hand smoke is responsible for as many as 60% of cases of asthma, bronchitis, and wheezing among young children. It makes sense to use tobacco revenues to discourage children from beginning to smoke.

These programs work. Smoking cessation programs are among the most effective means to reduce health care costs. At the same time, they save and improve the lives of millions of Americans.

They are also cost-effective. Every dollar invested in a smoking cessation program for a pregnant woman saves $6 in costs for neonatal intensive care and long-term care for low birthweight babies.

Dr. Michael Fiore, Director of the Center for Tobacco Research and Intervention at the University of Wisconsin at Madison, noted that:

smoking cessation programs are the most cost-effective prevention intervention a physician can engage in. . . It is a paradox in America that virtually every health insurance policy pays for the outcomes of smoking, whether it is a heart attack, stroke, or cancer, but only half of them pay the $100 to $200 it would take to prevent these very expensive illnesses.

The Republican budget offers no help in cases like this, and that makes no sense. The Republican budget offers no help to states and communities for public health advertising to counteract the $5 billion a year that the tobacco industry pours into advertising to encourage people to start smoking and keep smoking.

Paid counter-advertising is extremely effective in reducing tobacco consumption. Both Massachusetts and California have demonstrated that counter-advertising can discourage children from beginning to smoke and encourage smokers to quit. It helped reduce cigarette use in Massachusetts by 17% between 1992 and 1996, or three times the national average. Smoking by junior high school students dropped 8%, while the rest of the nation has seen an increase.

In California, a counter-advertising campaign reduced smoking rates by 15% over the last three years.

A soon-to-be-published study by Professor Frank Chaloupka of the University of Illinois found that tobacco counter-advertising can also reduce illegal drugs use among youth.

The Republican budget, however, will provide no funding for these important efforts.

The Republican budget offers no help to the Food and Drug Administration to enforce the laws against the sale of tobacco products to minors, even though young people spend $1 billion a year to buy tobacco products illegally.

Last year, Congress tried to get away with underfunding the FDA's tobacco regulations by providing only $5 million of the $34 million President Clinton requested to begin enforcement of the youth access rule. An amendment by Senator HARKIN to the Agriculture Appropriations bill to restore the funding was defeated on the Senate floor.

Two months later, as public outrage grew, Congress reversed itself and overwhelmingly approved the full amount. A similar outcry from our constituents and the public health community is likely if we do not provide funding for these important enforcement efforts.

Finally, the Republican budget offers no help for medical research on tobacco-related diseases, even though such research can lead to enormous savings for Medicare.

Funding for tobacco-related medical research is vital to fulfilling our hopes for healthy lives for all citizens. The promise of new medical research is boundless. As impressive as the progress of the past has been, it pales in comparison to the opportunities of the future.

In addition, a recent study by researchers at Duke University indicates that expanded funding for medical research can help keep Medicare and other federal health care programs solvent for the long-term.

If the goal of this budget resolution is to protect Medicare, it makes no sense to prevent tobacco revenues from being used to support anti-smoking programs that will reduce future costs for Medicare.

Currently, smoking-induced diseases cost the federal government over $20 billion a year. If we invest in medical research to make Americans healthier, we can save enormous sums, protect these programs for future generations, and prevent many of the illnesses caused by smoking.

The country supports these fundamental priorities, and the Senate should support them too. They have been endorsed by the public health community, and by Doctor Koop and Doctor Kessler. They are included in virtually all of the tobacco bills introduced in Congress by Republicans as well as Democrats. I urge my colleagues to support the Conrad/Lautenberg amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that at 2 p.m. the Senate resume consideration of the Coverdell amendment and there be 5 minutes equally divided for debate on the Coverdell amendment; following that, there be 5 minutes equally divided for closing debate on the Conrad amendment.

I further ask a vote occur on or in relation to the Conrad amendment at 2:10, to be followed by a vote on or in relation to the Coverdell amendment, with 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I note the second vote would be limited to a 10-minute vote so Senators who come down here should know that they cannot go back and expect to spend 15 or 20 minutes back in the office and still be able to vote.

Mr. DOMENICI. That is the current unanimous consent situation in the Senate, is it not, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Senator for reminding us.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

AMENDMENT NO. 2199

Mr. COVERDELL. Mr. President, it is my understanding that we now have 5 minutes equally divided on my amendment?

The PRESIDING OFFICER. That is correct.

Mr. COVERDELL. Mr. President, my amendment is the middle-class tax relief proposal. It calls on the Government to cut nondefense discretionary spending by 6.9 percent over the next 5 years. It would return discretionary spending to a level of 1996. That does not seem too distant a reach for us. It would produce $200 billion in new tax relief to American workers and it would do it by taking 10 million American taxpayers who, simply because they now make over $25,000 a year, have had their taxes increased from 15 percent to 28 percent. In other words, if they got a single raise, or because of inflation, that has taken these very modest income families and doubled their taxes.

So we are saying we are going to lift the bar and we are going to allow those families, 10 million of them, to be pushed back down into the 15 percent tax bracket, remembering that American workers today are keeping less than half their paychecks by the time the Government romps through their checking account. No wonder we have so much trouble in our country in terms of families trying to make ends meet. We don't leave them enough resources to do the job we have always asked them to do. This is a major step to correct that problem. I might add—how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 45 seconds.

Mr. COVERDELL. I might add that one of the functional components of American liberty was and remains the right of workers to have their resources come to them so they can live out their dreams and their lives. We have changed this over the years.

I pointed out this morning, my father kept 80 percent of his lifetime wages, he was born in 1912, and his granddaughter will be lucky if she keeps 40 percent of her lifetime wages. That will functionally change the way this country governs itself and lives. We must restore economic liberty to American workers.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I have 2½ minutes to respond. I won't take 2½ minutes because I want to yield some time to Senator CONRAD. But I want to tell you something. My father kept 100 percent of his wages. They were so meager he couldn't pay

taxes on them. But he had an opportunity to work whenever he could, and he held his head high and he loved America every day that he lived here, and that is what we are talking about. We can beat ourselves to death about how terrible conditions are here when people are living longer, living better, and enjoying life better than ever before in the history of mankind—including in America. I am proud of this country and, as I said earlier: America, America the beautiful.

I yield the remainder of my time to Senator CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2174

Mr. CONRAD. Mr. President, my amendment is designed to allow the reserve fund for possible tobacco revenues to be used for more than just Medicare. My amendment is cosponsored by the distinguished Senator from New Jersey, Senator LAUTENBERG, Senator BINGAMAN of New Mexico, and Senator REED of Rhode Island. While we acknowledge Medicare is an important priority, we understand it is not the only priority. We all understand if tobacco legislation passes, there are other things that are necessary for a national tobacco policy. The health community has told us very clearly we need to fund smoking cessation, smoking prevention. We need to promote and support additional health research. We also need to be able to fund counteradvertising and also ease the transition for farmers. All of those are things that need to be funded by a possible tobacco settlement.

Unfortunately, under the terms of the budget resolution, none of those things are possible, none of them, even though every bill that has been introduced on the floor, every comprehensive piece of legislation, by Republicans and Democrats, has said that these other priorities also need to be funded.

Here are the priorities in each of the comprehensive bills that have been introduced: Tobacco revenue should be provided for smoking education initiatives, to educate our young people. The Republican budget resolution says no, not one dime.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. CONRAD. Mr. President, I ask for 1 additional minute. I ask for an additional 1 minute. I would go on to the amendment itself, that gives me an additional 2½ minutes.

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. DOMENICI. Senator, there is a unanimous consent agreement, so we will not disagree. We will give you the minute. I am not objecting.

Mr. CONRAD. We are saying, in addition, tobacco revenues need to be used for counteradvertising. The resolution says no, none of the money can be used for that purpose.

We say some of the money needs to be used for tobacco-related research. The resolution says no, none of the money can be used for that purpose.

We think some of the money needs to be used to fund smoking prevention and cessation programs. The resolution says no, none of the money can be used for that purpose.

We think some of it should be used to assist farmers in the transition. The resolution says no, none of the money.

We will be told that, in fact, there is money in other parts of the budget, but all of us who are budgeteers understand that those are assumptions. There is no assurance whatever that 1 penny will be available for these purposes from these other funds. And even if they were available, under the assumptions of the Budget Committee, they are woefully inadequate. They only provide about $100 million a year when the health community tells us we need at least $2 billion a year if we are really going to have a chance to reduce youth smoking and protect the public health.

We have an opportunity now to respond and broaden the use of the reserve fund so we can have comprehensive tobacco legislation pass in this Chamber. The only way any of the bills that are before us now will be in order on the floor of the Senate is if my amendment passes.

I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I gather I have 5 minutes to respond?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. DOMENICI. I have 2½ minutes—it was 5 minutes equally divided.

Mr. President, this is a very simple proposition. Do you want to start and create five new entitlement programs or do you want to save Medicare? It is a very simple proposition. We suggested, as Republicans, that Social Security and Medicare are the two most important American programs to save, reform, and make available well into the next century.

We put our money where our mouth is, and we put whatever is left of the cigarette settlement on the highest priority health expenditure of this Nation: the salvaging and reforming of the Medicare system.

In contrast, my good friend who offers this amendment says, "Let's create five new entitlement programs." Even though the money will run out someday, we will have some permanent programs.

Everyone knows this Nation should not have new entitlement programs, and everyone knows that there are many high-priority items in the American budget. We have said in our budget that we have made room for high-priority expenditures, and I will tell you quickly what they are:

$15.5 billion increase in the National Institutes of Health. We have taken Presidential reductions and said we will spend them here;

$825 million for a smoking cessation program, twice the size of the President's;

And then we have said in our settlement of the tobacco fund, if it ever occurs, we pay the States their share and the rest of it goes to the program most in need—Medicare.

Let me tell you, there is no relationship between some of the new entitlement programs that some want to create out of this tobacco settlement, but there is a direct relationship between the insolvency of the Medicare fund and tobacco smoking. As a matter of fact, in 1995 there was $25 billion of costs in the Medicare system that came from smoking. So if you are going to get money from the tobacco settlement, put it where the damage to the senior citizens is occurring, and it is occurring by virtue of their fund for medical care going bankrupt.

I believe the issue is very simple—very simple: Do you want a budget that begins to help with Medicare, or do you want a budget that says not one nickel for Medicare; let's take care of that later with money from somewhere else.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from North Dakota has 44 seconds remaining.

Mr. CONRAD. Mr. President, this issue is simple. The question is, Are we going to have a reserve fund so that there is a solution to the tobacco controversy, that we can use the money in a way that accommodates every comprehensive bill that is before this body, introduced by Republicans or Democrats?

Unfortunately, under the budget resolution, the money can only go for one purpose: Medicare. While that is an important priority, there are other priorities as well—smoking cessation, smoking prevention, health research, countertobacco advertising, easing the transition for farmers. We should not be creating supermajority hurdles in the way of tobacco legislation, and the only way we avoid that is to pass this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. Mr. President, the pending amendment is not germane to provisions of the Budget Act. Pursuant to section 305(b)(2) of the Budget Act, I raise a point of order against the pending amendment.

Mr. CONRAD. Mr. President, I move to waive the Budget Act, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 2174. The yeas and

nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—46

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	
Faircloth	Leahy	

NAYS—54

Abraham	Ford	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chafee	Hatch	Shelby
Coats	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Warner

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2199

Mr. DOMENICI. Mr. President, what is the next order of business?

The PRESIDING OFFICER. There are 2 minutes of debate equally divided before the vote on the Coverdell amendment.

Mr. DOMENICI. Mr. President, there are a number of Senators who want us to tender amendments on their behalf. We will start to accumulate them. When the next vote is over, we will get them in.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank Senator COVERDELL for his leadership on this issue. It is one that is important to American families. It represents an important step toward a flatter, fairer tax system, and it also provides immediate tax relief for hard-working Americans and their families. The amendment provides broad-based middle class tax relief by increasing the number of individuals who pay the lowest tax rates of 15 percent and significantly lessening the impact of one of the Tax Code's most inequitable provisions, the marriage penalty. An estimated 28 percent of Americans would reap some benefit from the broad-based tax relief provisions in the bill, according to the Tax Foundation.

Again, I thank Senator COVERDELL for his leadership on this issue in the ongoing efforts to reduce the tax burden on the American citizens.

I yield the floor.

Mr. LAUTENBERG. Mr. President, first I make the point that the pending amendment is not germane, and therefore I will raise a point of order. Also, Mr. President, I rise in strong opposition to the McCain-Coverdell amendment. The amendment would cut domestic programs like education, child care, law enforcement, veterans, environmental protection, and would violate current budget rules. I think it is fiscally dangerous and irresponsible, and I hope we will marshal a vote against this amendment.

The PRESIDING OFFICER. The Senator from Georgia has 30 seconds remaining.

Mr. COVERDELL. Mr. President, I yield back the balance of my time.

Mr. LAUTENBERG. Mr. President, I yield back the balance of my time.

Mr. McCAIN. Mr. President, pursuant to section 904(c), I move to waive the Budget Act for the consideration of this amendment.

Mr. LAUTENBERG. Mr. President, I raise a point of order that this amendment is nongermane.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to Coverdell Amendment No. 2199.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 62, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—38

Abraham	Faircloth	Kempthorne
Allard	Frist	Kyl
Ashcroft	Gramm	Lott
Bennett	Grams	McCain
Brownback	Gregg	McConnell
Burns	Hatch	Murkowski
Campbell	Helms	Nickles
Coverdell	Hutchinson	Roberts
Craig	Hutchison	Roth
Enzi	Inhofe	Santorum
Sessions	Smith (OR)	Thurmond
Shelby	Thomas	Warner
Smith (NH)	Thompson	

NAYS—62

Akaka	Dorgan	Leahy
Baucus	Durbin	Levin
Biden	Feingold	Lieberman
Bingaman	Feinstein	Lugar
Bond	Ford	Mack
Boxer	Glenn	Mikulski
Breaux	Gorton	Moseley-Braun
Bryan	Graham	Moynihan
Bumpers	Grassley	Murray
Byrd	Hagel	Reed
Chafee	Harkin	Reid
Cleland	Hollings	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Sarbanes
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
D'Amato	Kerrey	Stevens
Daschle	Kerry	Torricelli
DeWine	Kohl	Wellstone
Dodd	Landrieu	Wyden
Domenici	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, will the distinguished Senator from New Jersey yield 2 minutes?

Mr. LAUTENBERG. I am happy to yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, using that 2 minutes, I ask unanimous consent to speak for the purpose of introducing legislation, if it would be appropriate to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1901 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 2174

Mr. FAIRCLOTH. Mr. President, I wish to offer a few remarks to make clear my vote on the Conrad amendment. I don't want to see a potential tobacco settlement degenerate into just a piggy bank for the Clinton Administration's plans to expand social programs. Certainly, the revenues need to go to health care, but I will not let the Senate forget about tobacco farmers. I voted for this amendment today because it included the tobacco farmers, and the Smith amendment does not. I do not want my vote to imply an endorsement of other programs in this amendment, however, and I do not want to see public health programs turned into politicized slush funds. I think that this scenario poses a real danger. However, I want to see the Senate on record in support of farmers, and this amendment recognizes the

need to protect them from the impact of tobacco legislation.

The PRESIDING OFFICER. The pending question is amendment No. 2175 by the Senator from Illinois, Senator MOSELEY-BRAUN.

The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I yield to the Senator from Wisconsin who just wants to make an introduction. I give him 1 minute of my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute.

AMENDMENT NO. 2224

(Purpose: To establish a disability reserve fund)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. KENNEDY and Mr. HARKIN, proposes an amendment numbered 2224.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II, add the following:

SEC. ___. DISABILITY RESERVE FUND FOR FISCAL YEARS 1999–2003.

(a) IN GENERAL.—If legislation generates revenue increases or direct spending reductions to finance disability programs designed to allow persons with a disability to become employed and remain independent and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels, allocations, and limits may be adjusted (but by amounts not to exceed $2,000,000,000 for the period of fiscal years 1999 through 2003) if such adjustments do not cause an increase in the deficit in the resolution.

(b) ADJUSTMENT FOR BUDGET AUTHORITY.—After the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces nondisability direct spending or increases revenue for a fiscal year or years, the Chairman of the Committee on the Budget shall submit appropriately revised allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues for a fiscal year or years.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget shall submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct nondisability-related spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—After the submission of revisions under paragraph (1), the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or nondisability related direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) EFFECT OF REVISED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates submitted under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) REPORTING REVISED SUBDIVISIONS.—The appropriate committee may report appropriately revised subdivisions of allocations pursuant to section 302 of the Congressional Budget Act of 1974 to carry out this section.

Mr. FEINGOLD. Mr. President, I ask unanimous consent my amendment be laid aside at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2225

(Purpose: To state the sense of the Senate regarding the quality of teachers)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator DEWINE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DEWINE, proposes an amendment numbered 2225.

The amendment (No. 2225), is as follows:

At the appropriate place, insert the following:

SEC. ___. FINDINGS AND SENSE OF THE SENATE.Findings.—The Senate finds that—

(1) while it is important to study the effects of class size on learning and study the need to hire more teachers, each type of study must be carried out in conjunction with an effort to ensure that there will be quality teachers in every classroom;

(2) all children deserve well-educated teachers;

(3) there is a teacher quality crisis in the United States;

(4) individuals entering a classroom as teachers should have a sound grasp on the subject the individuals intend to teach, and the individuals should know how to teach;

(5) less than 40 percent of the individuals teaching core subjects (consisting of English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects;

(6) the quality of teachers impacts student achievement;

(7) the measure of a good teacher is how much and how well the teacher's students learn;

(8) teachers should have the opportunity to learn new technology and teaching methods through the establishment of teacher training facilities so that teachers can share their new knowledge and experiences with children in the classroom;

(9) school officials should have the flexibility the officials need to have teachers in their schools adequately trained to meet strenuous teacher standards;

(10) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter kindergarten through grade 12 classrooms as teachers; and

(11) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume—

(1) the enactment of legislation to provide assistance for programs that—

(A) focus on teacher training delivered through local partnerships, with private and public partners, to ensure that current and future teachers possess necessary teaching skills and knowledge of subject areas; and

(B) focus on alternative certification to recruit knowledgeable and eager individuals of sound character to enter kindergarten through grade 12 classrooms as teachers;

(2) that the quality of teachers can be strengthened by improving the academic knowledge of teachers in the subject areas in which the teachers teach;

(3) that institutions of higher education should be held accountable to prepare teachers who are highly competent in the subject areas in which the teachers teach, including preparing teachers by providing training in the effective uses of technologies in classrooms; and

(4) that there should be recruitment into teaching of high quality individuals, including individuals from other occupations.

Mr. DOMENICI. Mr. President, I understand that amendment will be put in the process whereby it will be assigned an opportunity to be voted on, if that is the case, in due course.

Mr. President, I might discuss with the distinguished Senator from New Jersey where we are now. Senator TIM JOHNSON has an amendment that he would like not only to call up but to take 3 or 4 minutes on. I am a cosponsor. I think we should accept it. We might be able to get that one done today.

Mr. LAUTENBERG. I appreciate the fact the manager is going to yield to our friend from South Dakota.

AMENDMENT NO. 2210, AS MODIFIED

(Purpose: To express the sense of the Senate regarding repair and construction needs of Indian schools)

Mr. JOHNSON. Mr. President, I ask unanimous consent to send a modified version of the amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment (No. 2210) as modified, is as follows:

At the end of Title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING REPAIR AND CONSTRUCTION NEEDS OF INDIAN SCHOOLS.

(a) FINDINGS.—The Senate finds that—

(1) many of our nation's tribal schools are in a state of serious disrepair. The Bureau of Indian Affairs (BIA) operates 187 school facilities nationwide. Enrollment in these schools, which presently numbers 47,214 students, has been growing rapidly. A recent General Accounting Office report indicates that the repair backlog in these schools totals $754 million, and that the BIA schools are in generally worse condition than all schools nationally;

(2) approximately 60 of these schools are in need of complete replacement or serious renovation. Many of the renovations include

basic structural repair for the safety of children, new heating components to keep students warm, and roofing replacement to keep the snow and rain out of the classroom. In addition to failing to provide adequate learning environments for Indian children, these repair and replacement needs pose a serious liability issue for the Federal government;

(3) sixty-three percent of the BIA schools are over 30 years old, and twenty-six percent are over 50 years old. Approximately forty percent of all students in BIA schools are in portable classrooms. Originally intended as temporary facilities while tribes awaited new construction funds, these "portables" have a maximum 10 year life-span. Because of the construction backlog, children have been shuffling between classrooms in the harsh climates of the Northern plains and Western states for ten to fifteen years;

(4) annual appropriations for BIA education facilities replacement and repair combined have averaged $20–$30 million annually, meeting only 4% of total need. At the present rate, one deteriorating BIA school can be replaced each year, with estimates of completion of nine schools in the next seven years. Since the new construction and repair backlog is so great and growing, the current focus at BIA construction must remain on emergency and safety needs only, without prioritizing program needs such as increasing enrollment or technology in the classroom; and

(5) unlike most schools, the BIA schools are a responsibility of the federal government. Unfortunately, the failure of the federal government to live up to this responsibility has come at the expense of quality education for some of this nation's poorest children with the fewest existing opportunities to better themselves.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the repair and construction backlog affecting Bureau of Indian Affairs school facilities should be eliminated over a period of no more than five years beginning with Fiscal Year 1999, and that the President should submit to Congress a plan for the orderly elimination of this backlog.

The PRESIDING OFFICER. Does the Senator from New Mexico yield time?

Mr. DOMENICI. I believe he is calling up an amendment and he has time on the amendment.

Mr. JOHNSON. Mr. President, the amendment that is being offered is with the cooperation of Chairman DOMENICI. It is cosponsored by Senators DASCHLE, DORGAN, BINGAMAN, WELLSTONE, MCCAIN, KOHL, CONRAD and MURRAY, and it is a sense-of-the-Senate resolution, which is designed to reflect on the crisis that we have with Indian school funding in the United States today. This is an issue that Chairman DOMENICI has shared with me as a matter of great concern on the Senate Budget Committee.

We recognize the budget resolution assumes $166 million will be allocated for Indian school repair work and replacement work. However, we recognize this is part of the budget resolution and is not binding on the Appropriations Committee.

There is a need to raise the visibility of the very real crisis that exists in terms of BIA school funding and replacement needs. That is the purpose of this sense of the Senate. The BIA manages some 143 schools within the United States. It is a Federal responsibility. This is not a question of whether the Federal Government ought to be involved in these schools or not. In this instance, these schools are Federal property and it is a Federal responsibility.

We have a repair and replacement backlog now of about $754 million. The rate at which we have been replacing some 60 schools that currently are in need of replacement has been at about one per year. So obviously the backlog is getting larger and larger as we go about this kind of underfunded replacement and renovation.

Mr. President, 40 percent of the BIA students attending class are attending class in portable classrooms. We have a fast-growing population attending these schools, and it is clear that something far different from what we have been doing in the past is absolutely essential if, in fact, we are going to meaningfully address this backlog.

It is our concern that we have to infuse more resources into the backlog problem, and that we have greater direction from the White House itself, from the BIA itself, relative to a concrete plan to get this done over a relatively modest timeframe, over the next 5 years.

So this resolution calls on the administration to work with us in arriving at a plan that is infused with sufficient funds to make significant progress over these coming years on this backlog. This resolution will send a signal, and I think an important signal, to the appropriators and to the administration that this is a crisis that we recognize and we acknowledge, and for which there is a bipartisan concern.

So that is the thrust of this resolution. I commend Chairman DOMENICI for working with me, and for the work of his staff, working with my staff, trying to arrive at a strategy that is constructive and is meaningful on this problem. The Senator represents a State with a significant Indian population, suffering many of the same problems that the Native American population in my State of South Dakota suffer. So this is a problem about which we jointly share a great concern.

The chairman is commended for a longstanding commitment to trying to enhance opportunities and the quality of life for the Native American population of his State and around the United States in general. This is one area where we both agree; I believe that higher visibility and a higher level of commitment is badly needed.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if the Senator will yield me 5 minutes?

Mr. JOHNSON. I yield the Senator 5 minutes.

Mr. DOMENICI. First, I want to ask, did the Senator name me as a cosponsor?

Mr. JOHNSON. Yes; I did.

Mr. DOMENICI. I wonder if Senator BINGAMAN of New Mexico has been asked about being a cosponsor?

Mr. JOHNSON. Senator BINGAMAN was also named. We are very proud to have both Senators from New Mexico on this amendment as cosponsors.

Mr. DOMENICI. Is Senator CAMPBELL, the chairman of the Indian Affairs Committee, on it?

Mr. JOHNSON. We do not have Senator CAMPBELL on it. Senator CAMPBELL held a hearing and a mark-up today at his committee, and we have not been able to reach him on this amendment as yet.

Mr. DOMENICI. I wonder if you would mind having him called and we will modify it by adding him on it. I think we should ask to have the chairman on it.

Mr. JOHNSON. That is a good idea.

Mr. DOMENICI. What has been amazing to the Senator from New Mexico is the way the U.S. Government fails to recognize its sole and singular responsibility. We are busy all the time, every year, with budgets that try to do new things. Frankly, the President of the United States had a very long list of new things, new programs. In fact, he had a suggestion that we use a lot of the money for helping classroom size, helping build public schools. But the real problem here is that if we do not rebuild the Indian schools that are run by the Government and put them under some management and maintenance, nobody will. They don't belong to anybody else. They are not being run by the State of Georgia, or the school board of Bernalillo County, Albuquerque. It is either we do it or the Indian young people go to school in buildings that are not fit for occupancy, much less for Indian education.

I don't know what to do about it. The Senator from New Mexico doesn't know what to do about it. I work at it every year. We need to get some proposal to get this huge backlog taken care of and get on with being able to say to our Indian young people and the teachers who are in those schools, "We think enough of you to give you a school that offers you an opportunity like the rest of Americans to get educated." The school building doesn't make the child, but I tell you, you can have a bad enough school building that the child can hardly learn.

So I have asked that this resolution contain another provision, just in an effort to see if we can get there, and that provision, which was in the modification that Senator JOHNSON sent to the desk, asked the President of the United States—if I am not correct—it asked the President to submit to us by a date certain a 5-year plan to see to it that, regarding the Indian schools the

Government owns, the Government must maintain them or they will not get maintained, and those where we have to build a new one because the old one is decrepit, that entire package be put in a 5-year plan and the President recommend to us how we might get that done.

Frankly, I believe unless and until that shows up in a Presidential budget, we are not going to find the resources in the Senate or the House to do what we must do. This is not a little $50 million problem; this is a hundreds-of-million-dollar problem. So I believe we are on to something here in this resolution. It is not just a hollow one; it is one that is to get something back from the Chief Executive of America, and it is going to tell us whether we agree on this problem, and if they do, how do we take care of it in a given number of years.

I anxiously await, and I will see to it that we hold this in conference, because I think it is the kind of thing that should be in the budget. Some sense-of-the-Senates don't belong in, but this belongs in because this is a problem we can't fix in a budget resolution. We can hardly fix it in appropriations, as you know. So, Senator, thanks for your leadership. I am glad to be on board. This will be welcome news in Indian country.

Mr. JOHNSON. I thank the chairman for his supportive remarks here. The chairman has a great understanding, profound understanding, of the immensity of the problem that this country faces relative to Indian schools and the need for White House leadership on this issue. We will work with the White House in that regard, but it is going to require a cooperative effort if we are going to have any success on a problem of this immensity.

Mr. President, I ask unanimous consent that Senators KOHL, CONRAD, INOUYE, and MURRAY be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. And the Senator from North Dakota?

Mr. DORGAN. Mr. President, I will be proud to be made a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me just take 30 seconds.

Mr. JOHNSON. I yield to the Senator.

Mr. DORGAN. Mr. President, I support fully the comments made by the Senators from South Dakota and New Mexico, and in fact I hope in just a moment to be able to speak off the bill on the Moseley-Braun amendment, and I intend to address a few of these issues with respect to that as well. And I am pleased the Senator offered the amendment and pleased to hear the comments of the Senator from New Mexico as a cosponsor.

Mr. CONRAD. Mr. President, I rise today in support of the Johnson amendment, which expresses the sense of the Senate about the need to address the Bureau of Indian Affairs school construction backlog.

The conditions at the schools on America's Indian reservations are some of the worst in the nation. They are truly deplorable. In January, I accompanied the Assistant Secretary for Indian Affairs on a tour of the Standing Rock Community School at Fort Yates, North Dakota. I wish every one of my colleagues in the Senate could see the conditions at this school. The school was built in an open-classroom design, without walls between the classrooms. The noise at the school can be deafening at times, and this is not an environment in which students can learn. How is it that we can have a school in which the physical conditions actually prohibit learning from happening? In addition, the heating and cooling system at the school is grossly inadequate, so it can be 50 degrees in one wing of the school, and 80 degrees in another.

As bad as this is, things have recently gotten worse: the lights at this school and the local elementary school have begun to leak an oily substance that has been found to contain PCBs. The Bureau of Indian Affairs is in the process of removing these lights and conducting additional testing for further contamination. They are also testing the ceiling tiles, which preliminary tests show may contain dioxin. To protect the health of the students, the schools were shut down for weeks. The BIA is in the process of reopening the schools' classrooms and other facilities, as clean-up is completed. These conditions pose serious threats to the health of the children of the Standing Rock Reservation. How can we ask families to send their children to be educated in such deplorable conditions?

In looking at conditions at schools throughout Indian Country, the Standing Rock Community is not an anomaly. In January, the GAO released a report on conditions at BIA schools and the costs to repair these schools. The BIA estimates that the costs of total inventory repair need for BIA education facilities is $754 million.

Data from a 1994 National Schools Facilities Survey conducted by GAO show that BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for educational reform, and are less able to support computer and communications technology, compared to other schools nationwide.

Of the conditions found at BIA schools:

62 percent had at least one building in less than adequate condition, compared with 33 percent of all schools.

79 percent had at least one inadequate building feature (such as roofs, floors, foundations, plumbing, heating, electrical power, and life safety codes). Nationwide, 57 percent of all schools had at least one inadequate building feature.

94 percent had at least one unsatisfactory environmental condition, compared with 50 percent of schools nationwide. Environmental conditions include lighting, heating, ventilation, indoor air quality, acoustics, flexibility of instructional space, energy efficiency, and physical security of building.

These are serious school construction needs—about $754 million worth—that should be addressed, and should be addressed quickly. The Johnson amendment expresses the sense of the Senate that the BIA school construction backlog should be eliminated within five years. We need a serious, sustained effort to get the job done and provide a safe environment in which Native American children can get an education.

The Johnson amendment also requires the Administration to submit to Congress a plan for how this construction backlog will be addressed. As a member of the Senate Committee on Indian Affairs, I intend to work closely with Kevin Gover, Assistant Secretary for Indian Affairs, to ensure that the job gets done. Assistant Secretary Gover visited North Dakota and quickly grasped the magnitude of the school construction problem. He has made a commitment to me and other members of the Committee to take action on this school construction backlog.

We cannot let these conditions persist. We cannot let the BIA school construction backlog continue to grow out of control. And we cannot continue to ask parents to send their children to school where learning cannot take place and where serious health hazards exist. I hope that all of my colleagues will vote for the Johnson amendment and show their support for the well-being of Native American children.

Mr. DOMENICI. Mr. President, today there is a $1.5 billion backlog of repairs, renovation, and replacement for all federally owned and operated BIA schools, including elementary, secondary, and post-secondary schools.

A December, 1997 report by the General Accounting Office (GAO) concluded that "the cost of the total inventory of repairs needed for BIA education facilities (elementary and secondary only) is $754 million. This includes $693 million for repairs to school buildings, including dormitories for students. It also includes $61.7 million in repairs needed for education quarters such as employee housing.

The footnote to this estimate notes that $754 million "does not include the costs of replacing school buildings. BIA's priority list for constructing

education facilities includes eight unfunded school replacement projects with a total estimated cost of $112 million."

THE BIA CONSTRUCTION PRIORITY LIST

Mr. President, we in the Senate who pay close attention to this BIA priority list for school construction are well aware that this list has been frozen for several years now. This means that the eight school scheduled for replacement are the ones on this frozen priority list. I am attaching this list of 16 total BIA schools from the Administration's FY 1999 budget request for the RECORD.

Obviously, a school that is replaced would be deleted from the list of school needing repair. The GAO report includes the costs of schools scheduled for replacement. In short, the GAO estimate does not fully estimate the costs of replacement schools.

To get a rough idea of the costs of replacing these schools, including those that are not on the frozen priority list, I have checked with the Assistant Secretary for Indian Affairs, Kevin Gover. His office informs me that 50% of the 185 BIA schools are over 30 years old and fail to meet current codes and standards.

The GAO, has noted that 25% of BIA schools are over 50 years old, and, of course fail to meet the same standards for safety and teaching.

TOTAL BIA SCHOOLS NEEDING REPLACEMENT AND REPAIR

There are 93 BIA schools that should be replaced—well beyond the current priority list of 16. At an average cost of $180 per square foot, these 93 schools would cost one billion dollars to replace.

Replacing these 93 oldest BIA schools would leave about $200 million in repair and renovation costs for the remaining 92 BIA schools.

This simple arithmetic gives us a current estimate of about $1.2 billion to bring all federally operated BIA schools up to par.

INDIAN COMMUNITY COLLEGES

These Indian community colleges fall into two categories: those run by the BIA and those that are tribally controlled community colleges.

In the first category, those run by the BIA, Haskell (Kansas) and SIPI (Albuquerque) are the only two that are fully federally operated by the BIA. The BIA now has 26 tribally controlled community colleges eligible to receive funds through the Tribally Controlled Community Colleges Act, and one more, United Tribes Technical College, funded through the BIA's Community Development funds.

In total, then, there are 29 Indian Community Colleges with direct BIA funding, and one, Crownpoint Institute of Technology, that is funded primarily through the Carl Perkins Vocational Education program of the U.S. Department of Education.

These Indian community colleges have an estimated repair and renovation cost of about $310 million. Replacement costs, such as the Shiprock branch of Navajo Community College, are not included. The Shiprock branch is estimating the costs for a new campus at about $28 million. The need for married student housing at Crownpoint Institute of Technology is also not included.

TOTAL BIA SCHOOLS AND INDIAN COMMUNITY COLLEGES

For the sake of simplicity, we can easily estimate that total repair, renovation, and replacement costs for all elementary, secondary, and post-secondary BIA schools and tribal schools eligible for BIA funds, exceed $1.5 billion.

GAO REPORT ON BIA SCHOOLS

For the benefit of my colleagues, I would like to submit an edited version of the GAO study on Indian school repair needs. Please keep in mind that this report is focused on elementary and secondary schools only.

The GAO finds that 47,200 Indian students are served by 173 schools. The BIA count is 185 schools and over 50,000 students. The BIA schools range in size from 15 to 1,144 students, with about half of these schools enrolling fewer than 200 pupils.

Growth is very high in these schools with an increase in student enrollment of 25 percent since 1987. Most of this growth has occurred in the last 5 years.

About 10 percent of all Indian students attend BIA schools, funded or operated by the BIA. The vast majority or 90% of Indian students in America attend regular public schools.

BIA schools are located in 23 states, but are highly concentrated in 5 states—North Dakota, South Dakota, Arizona, New Mexico, and Washington.

BIA schools are generally in poorer physical condition that even central city schools and lack more key facility requirements than typical American schools.

The BIA schools are older and less able to support computer and communications technology than average American schools.

CONCLUSION (S. RES. 100 ON EDUCATION OF AMERICAN INDIANS)

In addition to the physical needs of our federally operated Indian schools and colleges, there is a parallel crisis in operating funds for Indian schools nationwide.

American Indian students have the highest dropout rate of any racial ethnic group (36%) and the lowest high school completion and college attendance rates of any minority group.

Average annual funding for Indian college students is $2,900 compared to $6,200 for Americans as a whole.

Senate Resolution 100, introduced in the First Session of this Congress which I introduced with the cosponsorship of Senators CAMPBELL, INOUYE, JOHNSON, DORGAN, and WELLSTONE, discusses the overall situation of Indian education and calls upon the 105th Congress to address these issues through major education bills under consideration.

I urge my colleagues to review Senate Resolution 100, and support its passage by this body in order to draw more needed attention to the major problems we face today in Indian education.

I ask unanimous consent that S. Res. 100 be printed in the RECORD, along with the BIA school construction priority list, and my summary of the GAO report on Indian school repairs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPLACEMENT SCHOOL CONSTRUCTION

Program Description ($19,200,000): During fiscal years 1991 thru 1997, $117.2 million was appropriated to complete construction of schools at Laguna, Choctaw, Dunseith, Pine Ridge, and the Haskell Dormitory, as well as the first eight schools on the Replacement School Construction Priority List (List). Funds appropriated in FY 1998 were used to start construction of the Many Farms School complex. This school is ranked no. 4 on the Replacement School Priority List (List). Funds appropriated in FY 1998 will be used to accomplish site work at both the Sac & Fox Settlement School and the Pyramid Lake High School. These schools are ranked 10 and 11, respectively, on the List. Congress also funded this rebuilding of the Wa-He-Lut School which was completed in seven months and is occupied. The status of each school project on the List is presented below.

Replacement school project	Project status
1. Pinon Community School Dorms	Funded, Construction is Complete, except Employee Quarters for which ***Public Law 93-638*** construction contract due for completion March, 1998.
2. Eastern Cheyenne River Consol. School	Funded, Construction is Complete; school is occupied.
3. Rock Point Community School	Funded, Construction is Complete; school is occupied.
4. Many Farms High School	Funded, Construction anticipated to start in summer of 1998.
5. Tucker Day School	Funded, Construction is Complete; school is occupied.
6. Shoshone Bannock School	Funded, Construction is Complete; school is occupied.
7. Standing Pine Day School	Funded, Construction is Complete; school is occupied.
8. Chief Leschi School	Funded, Construction is Complete; school is occupied.
9. Seba Dalkai School	Design scheduled for completion July 1998; construction funds requested in 1999.
10. Sac & Fox Settlement School	Design 70% complete; requesting construction funding in FY 1999.
11. Pyramid Lake High School	Design completed; requesting construction funding in FY 1999.
12. Shiprock Alternative School	Planning is nearly complete; funded for design; not funded for construction.
13. Tuba City Boarding School	Planning to begin Spring of 1998; funded for design; not funded for construction.
14. Fond Du Lac Ojibway School	Design is underway; not funded for construction.

Replacement school project	Project status
15. Second Mesa Day School	Design to 40% is underway; not funded for construction.
16. Zia Day School	Planning completion is anticipate in second quarter of 1998; funded for design; not funded for construction.

SUMMARY OF GAO REPORT ON CONDITION OF BIA SCHOOLS

(1) BIA reports that the cost of the total inventory of repairs needed for BIA education facilities is $754 million; (2) this includes the cost of repairs to all school buildings, including dormitories for students and employee housing; and (3) data from GAO's 1994 National School Facilities Survey show that, compared to other schools nationally, responding BIA schools: (a) are generally in poorer physical condition; (b) have more unsatisfactory environmental factors; (c) more often lack key facilities requirements for education reform; and (d) are less able to support computer and communications technology.

PERCENT OF INDIAN CHILDREN IN BIA SCHOOLS

While most Native American children attend regular public schools, about 10 percent attend BIA schools, which are funded by BIA and operated either by BIA or by various tribes through grants or contracts from BIA.

BIA schools are found in 23 states but are highly concentrated in 5—North Dakota, South Dakota, Arizona, New Mexico, and Washington.

BIA funded 173 schools (including boarding schools) in school year 1996–97, with a total enrollment of 47,214. The schools ranged in size from 15 to 1,144 students, with about one-half enrolling fewer than 200 pupils.

Enrollment in BIA schools is growing and overall has increased 25 percent since 1987. Most of this growth has occurred in the last 5 years.

GAO ESTIMATES ON NATION'S SCHOOLS

We estimated that the nation's schools needed about $112 billion (+/− 6.6% sampling error) to repair or upgrade facilities to good overall condition. Responses to our survey indicated that about 33 percent of America's schools reported needing extensive repair or replacement of one or more buildings; almost 60 percent reported problems with at least one major building feature, such as plumbing; and about 50 percent reported unsatisfactory environmental conditions.

Furthermore, many reported lacking critical physical capabilities to meet the functional requirements of education reform and key technology elements to support computers and communications technology.

ISOLATION OF BIA SCHOOLS

BIA officials told us that BIA schools are often located in isolated areas and have to provide and maintain extensive campus infrastructures because they are too far from population centers to have access to town or city services. For example, one school we visited had to house and maintain a fire truck on campus because it is too far from the nearest city to use its fire department.

In addition, some schools must provide dormitory space for students and/or housing for faculty and staff because they are so distant from population centers. BIA officials told us that this isolation may also contribute to maintenance difficulties and costs when materials have to be shipped long distances and construction/repair staff have to be housed while on site.

AGE OF BIA SCHOOLS

Officials also told us that about 25 percent of BIA school buildings are at least 50 years old, and many of these buildings are on the National Historic Register. BIA officials told us that this listing often restricts the ability to make education-related renovations and improvements.

BIA TO UPDATE REPAIR INVENTORY

BIA reports that, as of October 1997, the cost of the total inventory of repairs needed for education facilities at all BIA schools is $754 million. This includes $693 million for repairs to school buildings, including dormitories for students. It also includes $61.7 million in repairs needed for education quarters such as employee housing.

BIA's inventory of repairs needed—the facilities backlog—is an amalgam of information collected by architects, engineers, and BIA staff over the years. The inventory describes in detail individual work items required by national standards and codes such as the Uniform Building Code, National Fire Codes, and National Electrical Codes to repair the facilities. The facilities backlog contains the repair cost for deficiencies identified in a building or at a site.

The deficiencies may involve safety and health, access for persons with disabilities, or noncompliance with other building codes. BIA is currently developing a new Facilities Management Information System and will be validating and reassessing the entire facilities backlog and inventory. The validation will include professional estimates of the cost of all backlog repair items and a determination of the relative economic values of repair versus replacement. The system development and validation projects are scheduled for completion in fiscal year 1999.

Our 1994 survey asked school officials to estimate the total cost of all repairs, renovations, and modernizations required to put their school buildings in good overall condition. The amounts reported by the 71 BIA schools responding to our survey were generally in agreement with BIA's estimates of the costs required to address the inventory of repairs needed at these schools.

S. RES. 100

Whereas there exists a unique legal and political relationship between the United States and tribal governments and a unique Federal responsibility to American Indians and Alaska Natives;

Whereas, under law and practice, the United States has undertaken a trust responsibility to protect and preserve Indian tribes, Indians, and tribal assets and resources;

Whereas the Federal Government's commitment to Indian education has been recognized, reinforced, and carried out through most treaties with Indian tribes, Congressional legislation, numerous court decisions and Presidential executive orders;

Whereas this Federal responsibility includes working with tribal governments and their members to improve the education of tribal members;

Whereas the 1990 census shows the poverty rate for American Indians and Alaska Natives was nearly twice the national average—31 percent of Indians live below the poverty level, compared to 13 percent of the total population. Nearly 38 percent of Indian children above the age of 5 were living below the poverty level in 1990, compared with 11 percent of non-minority children;

Whereas the development of tribal economies is dependent on physical infrastructure, capital investment, and highly developed human capital and an educated labor force;

Whereas excellence in educational facilities and services is a key to building the skills necessary for Indian people to develop vibrant tribal economies;

Whereas ever-increasing regional, national, and international economic competition demands that Indians have every competitive advantage accruing from achieving excellence in education;

Whereas there are approximately 600,000 American Indian and Alaska Native children attending schools in this country. An estimated 87 percent of these children attend public schools located on or near reservations and in urban areas; another 10 percent attend schools funded by the Bureau of Indian Affairs (BIA) and an estimated 3 percent attend private schools;

Whereas these schools have experienced an increase in student population of 3–4 percent in the past 5 years, however, annual funding for the education of Indian children has not increased proportionately;

Whereas United States census data shows that the Indian and Alaska Native population has increased significantly in the past three decades. Primary growth concentrations are at ages 5 through 19;

Whereas the 1994 National Assessment of Education Progress (NAEP) showed over 50 percent of American Indian fourth graders scored below the basic level in reading proficiency, compared with 42 percent of all students;

Whereas American Indian students have the highest dropout rate of any racial ethnic group (36 percent) and the lowest high school completion and college attendance rates of any minority group. As of 1990, only 66 percent of American Indians aged 25 years or older were high school graduates, compared to 78 percent of the general population;

Whereas the demonstrated need for improvements to Indian schools and colleges is acute as reflected in the great disparity between average annual college funding per student of $2,900 for Indian students, and $6,200 for non-Indians in America, and the Federal Government should assist in bringing the Indian schools and colleges up to parity with the rest of America;

Whereas tribal scholarship programs nationally are only able to serve an estimated 40 percent of the eligible college student population and funding for graduate scholarships has been cut in half in the past 2 years;

Whereas there is a major backlog of $680 million in funding need for facilities constructions, maintenance and repair for the 185 BIA-funded schools as well as for public schools located on and near Indian reservations;

Whereas there exists an alarming decline in the use of Native languages indigenous to the United States. A 1969 Senate Committee report stated that in 1969 there were 300 separate languages still being spoken. In 1996, the

number had dropped to 206 still being spoken. These languages are spoken nowhere else in the world; and

Whereas, despite these alarming statistics, funding for the education of American Indian and Alaska Native students has been reduced substantially in the past 3 years. The United States Congress in fiscal year 1996 eliminated discretionary education programs in the Office of Indian Education budget which had funded adult education, research and demonstration programs, the Indian Fellowship Program and teacher training and professional development projects. At the same time, funding for reservation-based education programs in the BIA budget was reduced by more than $100 million in the fiscal year 1996 budget: Now, therefore, be it

Resolved, That it is the sense of the United States Senate—

(1) that the Senate recognizes and supports the Federal Government's legal and moral commitment to the education of American Indian and Alaska Native children, which is a part of treaties, Executive orders, court decisions and public laws which have been enacted by the House and Senate of the United States Government;

(2) that funding for all bills, including reauthorizing legislation in the 105th Congress with specific programs for American Indians and Alaska Natives be funded at levels sufficient to meet the ever-increasing educational and economic demands facing Indian people on reservations, urban communities and Alaska Native villages;

(3) that the Senate recognizes the adult literacy needs of American Indians and Alaska Natives through the inclusion of tribal provisions in the administration's proposal to reauthorize the Adult Education Act;

(4) that the administration's bill for reauthorization of the Higher Education Act of 1965, Public Law 102-325, preserve the original purpose and intent of the Tribally-Controlled Community Colleges Act and promote access to higher education opportunities for American Indians and Alaska Natives;

(5) that during the 105th Congress' reauthorization of agricultural research programs, the needs of tribal colleges as designated land-grant institutions must be given close attention, through amendments to the Educational Equity in Land-Grant Status Act of 1994;

(6) that early childhood programs such as Head Start (Public Law 103-252) and Healthy Start contain resources needed to meet a growing number of American Indian and Alaska Native children whose rate of growth exceeds the national average; and

(7) that the Senate recognizes the need for development and implementation of a Government-wide policy on Indian education which addresses the needs of American Indian and Alaska Native people.

Mr. DOMENICI. Mr. President, from what I understand, we have no objection on this side, and I understand there are no objections on the Democratic side. Therefore, I believe if we yield back our respective times, we can accept this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. I yield back my time.

Mr. DOMENICI. If there was time in opposition—I don't know what it is—we yield it back.

The PRESIDING OFFICER. Without objection, the Johnson amendment is agreed to.

The amendment (No. 2210), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I yield 10 minutes, or such time as may be needed, to the Senator from North Dakota. The time is to come off the resolution.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for such time as he may consume.

AMENDMENT NO. 2175

Mr. DORGAN. Mr. President, I very much appreciate Senator LAUTENBERG yielding me the time. I am going to visit a bit some of the items that were just discussed about Indian schools and schools generally. I wanted to come and talk about the Moseley-Braun amendment.

We talk a lot about family values in this Chamber. It seems to me that every family that sits around in the evening and talks about their lives must certainly talk about the schools their kids are going to. We have 14 million students who attend schools in this country now, schools that are in need of extensive repair—extensive repair.

This afternoon, we sit in a nice Chamber. We have people here who enjoy their lives, and they are well dressed. We talk about education and theory in the abstract. In Cannonball, ND, today there is some little kid sitting in school, and I bet you that child is smelling sewer gas backed up from the pipes, because that is the way the school is down in Cannonball. That school is 70 years old. There are 150 kids attending that school with two bathrooms and one water fountain, and that school is in serious disrepair.

I just mention that one, but I could mention thousands of schools across this country that are in desperate need of repair. Senator MOSELEY-BRAUN has proposed an amendment that says in this Budget Act let us make room for school construction, for the Federal Government to provide some incentive, some small incentive to State and local governments to help repair and rebuild our schools.

I have two children in public school this afternoon. Last year in public school, one of those children was in a classroom with 30 students. That is too big. This year, one of them is in a temporary classroom or an expanded mobile home. That is too bad. It is a good school, and both of them are getting a good education. The fact is, we can do better in all of these areas, especially with respect to school construction. We know what the problem is and we know how to fix it. The issue of the budget on the floor of the Senate is a matter of priorities. What do each of us think is important for this country.

I watched last week during consideration of the supplemental appropriations bill someone come into this Chamber and offered an amendment that went just like that, just that quick, for $170 million for missile defense. It wasn't debated, it wasn't discussed, it was just added. And there it was, $170 million.

Let me talk about these schools for a moment, and let me talk specifically about the Indian schools, because while we are talking about the 14 million students who are in school today in schools that need extensive repair, let me talk just for a moment about the students in the Indian schools run by the BIA. These are schools owned by the Federal Government. They are owned by us. We have no one else to blame if we don't fix those schools, and it doesn't take a rocket scientist to figure out how to fix it. You can look at the school, find out what is wrong and spend the money to invest in that school to help those children.

Let me tell you about the Ojibwa school. That is up on the Turtle Mountain Indian Reservation. Those children walk between portable classrooms in the middle of the winter up to six times a day in bone-chilling weather. A health and safety inspection of that school and temporary classrooms in 1995 found 156 violations—fire hazards, broken windows, roof leaking, wooden stairs and landings for portable classrooms had deteriorated so much to the point they were no longer safe, wires hanging exposed from some classrooms.

The Cannonball School is a public school. It is not a BIA school. It is on the Standing Rock Indian Reservation for grades K through five. The school is 70 years old. It has been condemned as a fire hazard, but the local tax base cannot support building a new school. The second level of the school isn't used because the stairs are unsafe. The water and sewer systems are old and regularly back up.

Last week, when we talked to the Cannonball School superintendent, she said two classes had to be moved in with other classes because the smell of sewage got so bad in the classrooms of these young children. One wing of the school doesn't have running water. Mr. President, 145 students and 40 staff share two bathrooms and one water fountain. The electric wiring is so old that it cannot support computers in

the classrooms, but it doesn't matter, because there can't be computers in these classrooms. The classrooms are 8 foot by 12 foot. The music classes take place in what used to be the janitor's closet, 8 foot by 10 foot.

Standing Rock Reservation: Standing Rock School has PCBs leaking from the light fixtures. PCB, as we know, is a carcinogen. It is very dangerous. Federal law says that PCB levels over 50 parts per million are unsafe. In the Fort Yates school, the PCBs leaking from the light fixtures measured not 50 parts per million, which is unsafe, but 143,000 parts per million. That is in our school. That is with kids attending school.

What happened? They shut the school. The took the kids out of the school and placed them around town in portable classrooms, some in a home. Six classes have been meeting in the school gymnasium. The others have been meeting in portable trailers and a private home. The extra classes, like physical education, music and art, of course, have been suspended, and the school officials don't yet know when the students will return to their classrooms.

PCBs leaking from light fixtures in a school that is in disrepair—this happens to be on an Indian reservation where, incidentally, in 9 months, 48 teenagers attempted suicide. In the last 9 months, 48 attempted suicides, 6 of which were successful.

If I sound a little angry about this, I am. Every single year I have come to the floor of the Senate to talk about this problem, and these kids go to school in conditions for which we ought to be ashamed. This Congress can do something about it, and the budget process is a process in which we make decisions. If someone stands up here and says, "No, school construction doesn't count because we have other priorities," I ask them, "What is your priority if it is not your children?" By "your children," I mean this country's children.

All across this country, when our kids go to school, I hope every parent wants their child to walk into a school that is safe, secure, and in good repair. I defy anybody in this Chamber to stand up and say to me that kids who go to school where sewer gas leaks into the classrooms and they have to move kids out of those classrooms because of the stench of sewer gas, I defy anybody to say it is a good thing for kids. If it is not a good thing for kids, and we know it is going on around this country—and anecdotically we see it in a GAO report and other investigations—then let's decide we want to do something about it. The question isn't whether, the question is what.

Senator MOSELEY-BRAUN has made a proposal. Her proposal is modest. I suspect it will be voted down. It will be voted down because we have people who construct the budget and say, "Here are our priorities; this is what we want to spend money on, and it doesn't include this."

The amount of school repairs necessary in this country last year—3 percent of the funds available to meet the needs of school repairs was allocated to the State and local governments last year. If this Congress doesn't have the nerve and the will to say on behalf of our kids that you matter, this is a problem we know we can fix and we are going to put in our budget the provisions that allow us to say to kids, "We're going to invest in your young lives," if this Congress doesn't have the capability to do that, then there is something, in my judgment, fundamentally wrong with the priorities we have established for public spending.

I said yesterday that everybody in this Chamber will be dead in 100 years. Everybody. Nobody will be around here feeling good, working. They will all be dead. We will all be dead. Only historians will evaluate through our budget, by looking back at the budget process in this Congress, the 105th Congress, what were our values; what did we think was important; what did we decide to invest in; what did we think would improve this country.

I hope historians will not look back at us and say, "Well, oh, they had discussions about a terrible deplorable condition in some schools in their country, but they decided not to invest in schools, because, somehow, schools took a backseat, schools were in second place to a range of other priorities, some of them very strange priorities."

I hope historians will say that this Congress, yes, in tight fiscal times decided that one of the most important investments they could make in America was to make a good investment in the education of our kids.

No kid in this country can go to school and learn the way we expect children to be able to learn unless those schools are in decent repair. They must be safe, in decent repair, good places of learning. You have to have a teacher who knows how to teach, a student who is willing to learn, and a parent involved in that education. When you have that at work and have invested in good school facilities that are necessary to make that take place, then we will have done our job as a country.

I wanted to come and say Senator MOSELEY-BRAUN has offered an amendment that is very, very important. I can think of a thousand reasons why people will stand up and say they are against it. None of them are good. Mark Twain was once asked to debate—I have told my colleagues this before. He said, "Of course."

"We've not told you the subject."

He said, "Doesn't matter, as long as I can take the negative side; that takes no preparation."

It takes very little preparation to oppose. The Senator from Illinois has proposed something that ought to rank right at the top of the list of what is important for this country. When we vote today, I hope the American people who listen to this debate will call the offices and say, "We agree that this represents the first priority for the Congress, the first priority for this country, to invest in the lives and education of the American children."

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I yield such time as needed to my colleague from Illinois so that she may discuss her amendment. And until such time as my colleague is ready——

Ms. MOSELEY-BRAUN. I am. I thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from Illinois is recognized for such time as she may consume.

Ms. MOSELEY-BRAUN. I thank the Senator from New Jersey for his indulgence, for allowing additional time to talk about this issue because it is such an important issue and we were limited by virtue of the agreement on this budget discussion so we did not get the time to really go through all the details. But I did want to pick up on a couple points that were made while the Senator from North Dakota spoke. He was so eloquent in his support of the legislation. But he touched on two themes that I would like to touch on or respond to now.

The first one goes to, whose job is it? Whose responsibility is it to see to it that our children go to school in environments that are suitable for learning? Whose fault is it? Whose fault is it that we have crumbling schools, that we have schools that fall below building codes? We have schools where the ceilings are falling in because of faulty plumbing. We have schools where the wiring is insufficient to maintain a computer. We have schools with broken windows in this country.

Almost fully a third of the schools, according to the General Accounting Office, fall below the code standards, decent environments for learning, just basic kinds of facilities requirements. This is not bells and whistles. This is not anything exceptional, just the basic level of facilities and infrastructure. Almost a third of the schools in this country fall below that level.

So as you go through the debate, a lot of this debate really comes down to, whose fault is it that it is this way? And what the sense-of-the-Senate

amendment proposes is that we stop playing the game, the blame game, that we stop trying to pass the buck, that we stop trying to point the finger to assess the blame, to make it somebody else's problem, because, indeed, the children of this country are all of our problem.

We will not be able to maintain the standard of living that we all talk about and maintain as the American dream, we will not be able to maintain that American dream into the next century if we do not give every one of our children an opportunity to learn, if we do not give every child the best access to education that we can possibly make available to them. Quite frankly, we cannot give quality education to children in school buildings that are literally falling down.

It should be intuitive to everybody in this Chamber, but beyond intuition, the fact is that the studies actually have confirmed that performance is directly related to the condition of the environment in which learning is supposed to take place.

Children who go to schools that are falling down consistently score below children in quality facilities, across the board, on all the tests. We should have gotten a warning call as a nation just a couple weeks ago when the results came in on the international tests in math and science. What those results said to us was that the United States has fallen behind most industrialized countries.

The United States scored below Slovenia. I do not mean to disparage Slovenia, but we scored below Slovenia in math and in science. How can we possibly expect to compete in this global economy with this kind of laissez faire attitude, this kind of neglect, this kind of, I would even suggest, triage of our children, that leaves their education up to how much their parents happen to be able to afford?

That gets to the point of—there was a chart over there, and it has kind of fallen. I do not know where it went. I actually would like to use it for a second. It was on the opponents' side. It was a quote from one of the White House assistants in 1996 when this proposal got cut out of the budget. In spite of the fact that the White House said at the time they were in support, the fact is—and everybody in this room knows; and I am not embarrassed about it anymore—that the White House said, "Well, we have some other priorities. We can't afford to do this now." So they punted on the school construction proposal. They essentially let it get cut out at the table because there was opposition on the other side of the aisle, and the majority objected to it. The White House said, "OK, fine. We'll let it go." So the proposal fell once again that time just under the circumstances of that debate.

But that loss, in my opinion, should have just been temporary because, if nothing else has happened, I think in the ensuing years people have had a chance to take a look at the whole question of whose fault it is and whose responsibility it is. The truth is, we cannot just expect to pay for rebuilding our crumbling schools based on the local property tax.

Right now our school finance structure proceeds from the local property tax. That is one of the reasons why we have this patchwork of schools across the country. In much the same way General Eisenhower, when he set up the Interstate Highway System, concluded that the only way we were going to serve the national interest in transportation from one end of the country to the other was to have a system that had some congruence and some core communication and some networking, if you will, to it. So we were able then to get around the wealth of a specific community by saying we are going to have one good road that takes us from one end of this country to the other.

Well, so it is with facilities. If we just rely on the local property tax, we will be forced then to have a school system where in wealthy communities there will be good faculties, in middle class communities there will be a patchwork of full school facilities, and in poor communities there will be school facilities with broken windows and falling bricks and leaky roofs. That is the situation we are in. And that is the situation we have come to.

Let me suggest this debate and this sense of the Senate does not say that State and local governments do not have a role to play or that we should take this up as a new program for the Federal Government. Indeed, we should not. If anything, this calls on all levels of government to go into a partnership, to work together, to collaborate, to get beyond the blame game and the finger pointing and the skirting of responsibility, to say let us work together to make this happen, to fix these crumbling schools.

The property taxes have already—already—been rising. In fact, State and local taxes as a share of income have risen nearly 10 percent—nearly 10 percent. And the increase in State and local taxes has been greater than the increase in Federal taxes. It is stunning. People think, "Oh, taxes are terrible." Well, most of the tax hikes have come at the State and local level. This is going to dawn in the general conversation fairly soon, I suspect, because the problem is not coming from here, it is coming because we are pushing off to State and local governments a lot of responsibility that we could help them with. That is the point, not that we are going to take it over; we can help them.

Indeed, if we do not create a more equitable partnership to modernize our schools, the local property taxpayers will have to come up with an additional $153 billion—$153 billion. This sense of the Senate suggests that we have that partnership, that we work together, that we provide some financial assistance to local governments, that we provide an opportunity for them to give some relief of the local property taxes, that we support State efforts to rebuild the schools, that we work together for our children, because they are all our children and we have a stake as citizens of this great country in the education of each and every one of them.

It seems to me that if we form this partnership, we will be able to meet this challenge, we will be able to provide our children with decent facilities, we will be able to give them the tools they need to take up the challenges of this technological age of their time.

I thank the ranking member for giving me this time. It appears that the majority is prepared to take the floor. But I yield back to the Senator from New Jersey. I thank the Senator so much for his support of this. He has been a builder. I have to say one thing about the Senator from New Jersey. He likes and he understands the importance of infrastructure; of the basics; of making certain that our roads are good in this country, because that is how business gets done; of making certain that we have infrastructure with the bridges so we do not have accidents, so that people can get from one place to the other, can get to work; of making certain that our children have the quality education and that the infrastructure is adequate to that end.

It seems to me that there can be no more fundamental priority for us. And this is an opportunity for us to provide for educational excellence, again, in collaboration and cooperation and in partnership with State and local governments on ways in which they retain control. There is not a lot of bureaucracy with the proposal. Actually, this is not a proposal. The sense of the Senate is so general, I would expect it to have unanimous—it could very well, if it were not so partisan an issue, it could very well have unanimous support in this Senate. It should have. It should have.

The politics, frankly, should stop at the schoolroom door, and it should stop on something like a sense of the Senate that just says, look, this makes sense for us to do. It does not legislate, it does not mandate, it does not dictate anything. A sense-of-the-Senate amendment, as the Presiding Officer knows, is just a statement of what we think is the right thing to do.

And I hope that we could have unanimous support for the right thing to do by our children, by our school facilities. I hope to have 99, if not 100, votes. It would be very nice. But I am a realist in this matter. I know that it is going to fall prey to partisan politics. I think that is a shame too, because I

really think the time when we have to just have these partisan divides on these kinds of issues, that time has passed.

I think the American people have gotten to the point where they are tired of the blame game, they are tired of the finger pointing, they are tired of the argument, the argument of, "This is what's wrong with America, and isn't this a shame?" Let us move to the constructive, to the positive, and talk about what is right with America, what is right with our generation. Our generation is as capable as any of the generations that have gone before us of meeting the challenges of our times. I submit to you that this crumbling school initiative is precisely such a challenge.

When I went to school, we were in schools largely my parents' generation built, my grandparents' generation built. What is our generation going to leave as its legacy to the kids? Schools based on whether or not your parents are wealthy? Schools based on whether or not you live in a community that has a big shopping center so there are a lot of property taxes? Are we going to just leave it to an accident of geography whether or not a youngster has a chance to be educated in a decent facility? I hope not.

I hope we take advantage of this opportunity and see this sense-of-the-Senate amendment as an opportunity—as an opportunity—for us to come together as Americans for something that we all believe is the right thing to do.

I want to again thank the Senator from New Jersey. I yield to the Senator from New Jersey and thank him again for his indulgence and for all of his great support in this matter.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if I might ask a couple questions.

Ms. MOSELEY-BRAUN. Absolutely.

Mr. DOMENICI. How much is the program that you envision going to cost the Federal Treasury?

Ms. MOSELEY-BRAUN. $3.3 billion.

Mr. DOMENICI. $3.3 billion?

Ms. MOSELEY-BRAUN. Yes.

Mr. DOMENICI. Can you explain how we will get so much for so little?

Ms. MOSELEY-BRAUN. In the first instance, this sense of the Senate does not prescribe a level. The sense-of-the-Senate amendment is conceptual; it does not go to $3.3 billion. That is the underlying legislation that has that figure in it.

How do we get so much for so little? That is a very good question. I will tell you how. What we do is provide the issuers of the zero coupon bonds with the ability to give, basically, a tax break to purchasers of the bonds. So instead of having even an interest rate buydown, an individual will get a tax credit when they buy one of these instruments. They will get a tax credit instead of interest. That will allow for the leveraging to the $22 billion or thereabouts of the bond issue.

Mr. DOMENICI. Let me make sure I understand a couple more things.

Ms. MOSELEY-BRAUN. $21.8 billion. The $3 billion I mentioned will leverage into $21.8 billion worth of these bonds over the next 2 years. Again, it is calling for a partnership. It calls for private-sector investment—private-sector investment—in helping to rebuild these schools. It is not all out of the Treasury. It is largely the private sector stepping forward and saying, "As purchasers of these instruments, we want to help achieve a national goal."

Mr. DOMENICI. In a sense, if this sense of the Senate is ever carried out, the Finance Committee would have to find room on the tax side for $3.3 billion of tax cuts; is that correct?

Ms. MOSELEY-BRAUN. We have the tradition of paying for those things that are authorized out of the Finance Committee.

We passed a bill last night that wasn't fully paid for, as I know the distinguished Senator from New Mexico is aware. However, yes, we would have to find the "pay for." There is no question about it. Whether or not that would come out of some of the various revenue streams mentioned in connection with the bill we passed out last night or some other—we can be innovative. The chairman of the Finance Committee is sitting here, and he is one of the most innovative persons I know in coming up with things like that. We can work together to find the revenue stream to support the $3.3 billion. It is a small price to leverage $21 billion of private-sector investment to achieve the goal of helping to start down the path of meeting this $112 billion worth of deferred maintenance.

Mr. DOMENICI. I don't have any further questions. I think there are some other Senators on our side that do, and in due course they will come down. I have nothing further.

Are you finished on your side?

Ms. MOSELEY-BRAUN. I yielded for the Senator from New Jersey.

AMENDMENT NO. 2209

Mr. ROTH. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask for the immediate consideration of amendment No. 2209.

The PRESIDING OFFICER. That will be the pending question.

Mr. ROTH. Mr. President, this amendment deals with a vital national issue—Social Security reform. This amendment is cosponsored by Senators BREAUX, GREGG, ROBB, HATCH, NICKLES, GRAMM, GORDON, SMITH, and SANTORUM.

Let me say first that as the chairman of the Finance Committee I am acutely aware of Social Security's future financial problems. I am sure these problems are familiar to most members, but nonetheless they bear repeating.

In just 14 years, in 2012, revenues to the Social Security trust funds will no longer cover benefits. Social Security will then cash in Treasury bonds that are now accumulating in the trust funds. This will place major pressure on the Federal budget and crowd out other important spending.

By 2029 the bonds will be gone. Social Security will then be able to cover only 75 percent of benefits directly from revenues. The long-term debt of the Social Security system—the difference between revenues and benefit through 2075—is estimated to be an astounding $121 trillion.

The purpose of my amendment is simple. Nevertheless, it is important and urgent. The amendment instructs the Finance Committee to dedicate the budget surplus to establishing Social Security personal retirement accounts.

Despite its simplicity, I know that many of my colleagues will have at least two questions about this amendment. First: "Why establish personal retirement accounts this year, rather than wait until next year?" And second: "Why not begin with comprehensive Social Security reform, rather than start with personal retirement accounts?"

Mr. President, the easy course would be to wait until next year to begin Social Security reform. But the fact is, Social Security reform will be a big job. I am very concerned that trying to do it all in one year—in 1999—will simply not be possible.

Americans have learned that big, comprehensive proposals, with many parts, often run into problems in Congress and can easily take several years to enact. Particularly proposals that deal with an important, sensitive program like Social Security.

The place to start with Social Security reform is to establish a program of personal retirement accounts—funded by the budget surpluses. Dedicating the surplus to personal retirement accounts allows us to get started on reform without running into controversies over changes to the traditional program.

Personal retirement accounts themselves would be a big, new feature of Social Security. We will need to explain these accounts to the American people, and writing a bill will require thoughtful action by the Finance Committee.

Mr. President, let me note for the record that there is a growing bipartisan consensus that personal retirement accounts must be an essential feature of Social Security reform. And I want to emphasize the word "bipartisan."

In the Senate, Senator BOB KERREY, another member of the Finance Committee, was an early and vocal advocate of personal retirement accounts.

In the last Congress, he and Senator Alan Simpson, now retired, introduced a ground-breaking Social Security reform bill with personal retirement accounts that grew out of their experience on the 1994 Bipartisan Commission on Entitlement and Tax Reform.

Other Democrats support this concept. For example, Senator ROBB, another cosponsor of my amendment, proposed a sense-of-the-Senate to last year's budget resolution that would have funded Social Security retirement accounts.

And just two weeks ago, Senator MOYNIHAN, the ranking Democrat on the Finance Committee and a recognized expert on Social Security, introduced a comprehensive Social Security reform package that included personal retirement accounts.

On the Republican side of the aisle, there is strong support as well. Senators JUDD GREGG, DON NICKLES, PHIL GRAMM, RICK SANTORUM, and ROD GRAMS, among others, have been enthusiastic advocates of Social Security personal retirement accounts.

Let me explain why Social Security personal retirement accounts find so much support—not only in Congress, but among the American people. While proposals differ, the basic objective of this program is to provide each working American with funds to be deposited into personal retirement accounts.

With even conservative investment, such accounts have the potential to grow to provide a secure and generous retirement nest egg. Indeed, for the first time Americans could look forward to having real personal wealth in old age, not just enough to keep body and soul together.

A recent report by the Congressional Research Service provides many illustrations of what Social Security personal accounts may offer. For example, for an individual who is 28 years old today and earns an average wage—about $27,000, just 1 percent of an amount equal to his or her wages invested over the next 37 years in the S&P 500 would grow to $132,000, which would be worth about 20 percent of his or her Social Security benefits. By the way, CRS assumed a 10-percent rate of return for the S&P 500. In fact, over the past 10 years, the compounded annual return on the S&P 500 has been 18 percent.

Mr. President, using the budget surpluses to create retirement accounts represents an opportunity to get these accounts up and running. Once in place, we can then begin looking at Social Security benefits for the long run. It will help insure that Social Security benefits continue to provide a secure foundation of retirement income. Establishing these accounts this year—as a new program in addition to the current Social Security program—would allow us to demonstrate their value in providing retirement benefits for working Americans in the years to come.

Creating these accounts would also give the majority of Americans who do not own any investment assets a new stake in America's economic growth, because that growth will be returned directly to their benefit. More Americans will be the owners of capital—not just workers.

Creating these accounts will help Americans to better be prepared for retirement, generally. According to the Congressional Research Service, 60 percent of Americans are not actively participating in a retirement program other than Social Security; this, in spite of the fact that Social Security was never intended to be the sole source of retirement income.

Mr. President, could there be a more important use of the budget surplus? Some may believe that the budget surplus should be used to reduce the debt, not dedicated to personal retirement accounts. That is exactly what we will do by using the surplus to create these accounts. Social Security, a $121 billion unfunded liability over the next 75 years, is a huge debt and we need to recognize it as such.

Retirement accounts and other solvency proposals would be a critical first step in reform. At the same time, it would tackle that debt and protect benefits. Most observers expect a surplus upwards of $60 billion this fiscal year, enough to get started on retirement accounts and to begin reducing the Federal debt. Some may be concerned that the President and others have called for a year-long national dialog on Social Security reform. They may be erroneously believing that doing reform this year might undermine the national dialog. On the contrary, I can think of no better way to focus it than with specific proposals and action by a U.S. Senate committee.

Mr. President, Congress has talked for a long time about the need to do something to shore up Social Security. The time has come for action. It is indeed a blessing that we have a surplus to work with. Now let's put that surplus to work. The Finance Committee must get started on Social Security reform this year. The place to start is by dedicating the budget surplus to fund personal retirement accounts. This amendment will get the ball rolling. I urge Members to support it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise in support of the Roth amendment. Clearly, there is a long way to go before we have rendered Social Security solvent way into the next century. But it is even more obvious that this is the era when part of what a citizen who is working should have for retirement should be a personalized savings account or an annuity that comes from that personalized savings account. There can be no doubt that it can be structured in such a way that it will turn out to be better for the senior citizen. They will be assured of the benefits that they are getting now and, in most cases, will come out far, far ahead.

In the meantime, if it works right, the surpluses of the U.S. Government, if used partially for this, will be invested in a safe way, not solely in IOU's from the Federal Government, which is where they go now, which is the law now; rather, they will be invested where they can, without much risk, yield significantly more and, when compounded, the power of compounding is enormous.

So in a very real sense I come here today saying to the distinguished Senator, Senator ROTH, chairman of the Finance Committee, that the time has come for some significant reforms that will not put in jeopardy the Social Security system, but rather in the long run make sure that it is not short of money, that its liabilities will not be there to destroy the system, but rather that in years to come, it will be more solvent, and that ultimately, with part of it being compounded because of the annual return that will come from safe investments, it is clear that everyone gains. The seniors gain, the 21-year-old paying into the system today gains, and the American economy is the beneficiary of individuals investing in this economy across the board so that the working people of the United States will own an interest in the American companies that produce our wealth.

Frankly, I am delighted that we are going to discuss this today. If we discuss it for a long time, that is fine with me. If we discuss it for a short time and it passes, that is fine with me. But clearly, we discuss a lot of things that are not nearly as important to our future, and we adopt sense-of-the-Senate resolutions that are, in many instances, not even important to the fiscal policy of our Nation and the future well-being of our people.

This is moving in the direction of reform and personalized accounts, and is a very appropriate thing to be doing on a budget resolution. It has everything to do with what we do with our surpluses, if we have them, what we do with capital needs in the future, and how we assure senior citizens that they are going to be guaranteed a Social Security check or better, because they will have invested some portion of it in personalized accounts.

I yield the floor.

Mr. SANTORUM. Mr. President, may I have some time under the bill?

Mr. DOMENICI. How much time does the Senator want?

Mr. SANTORUM. Fifteen minutes.

Mr. DOMENICI. I yield Senator SANTORUM 15 minutes, and then Senator NICKLES needs 15 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise in very strong support of Chairman ROTH's amendment. There is nobody in this Chamber who has done more to look out for the retirement security of Americans than Senator ROTH from Delaware. It is with his Roth IRA and other kinds of innovation in his work on the Finance Committee that he has helped to provide for retirement security for millions of Americans, which is legendary. I commend him for that and for firing, if you will, here on the floor of the Senate, the first salvo in what I believe will be a long debate, and I hope will not be a hostile debate, on the issue of transitioning Social Security.

What we have seen is now a bipartisan agreement that personal savings accounts must have a very significant role in transitioning Social Security. Why is that? Social Security is in trouble. It is not in trouble next year or the year after, but Social Security, which was "saved" back in 1983 with the most recent revision—it was supposed to save it for generations to come, but it is now scheduled to go bankrupt some 30 years sooner than originally expected. That number is not set in stone either. It is now 2029 when the system goes bankrupt. In the year 2013, the system starts running a deficit, paying out more than it takes in. Now is the time, before that bulk of the population, the baby boom generation, goes into retirement, to begin to look at how we can begin to solve this problem. Well, there are things you can do within the current structure, like changing benefits—when I say "changing," I don't mean raising them, I mean cutting benefits—increasing taxes, and do a whole lot of things to try to preserve a pay-as-you-go system that will not work over time because of very simple demographics, the most important of which is that people are living much longer, which is a good thing, and also we have very low birth rates in this country. You have people living longer and fewer people to pay for them. So you are looking at dramatic increases in taxes or cuts in benefits, and that is a mindset of a finite, fixed pie.

What Senator ROTH is suggesting here is, let's grow the pie. So when he says let's grow the pie, let's invest this money, not, as Senator DOMENICI said, in Treasury bonds that earn a very small rate of return—in fact, if you are entering the work force now, the rate of return on Social Security taxes you are going to pay is below zero. That is not a good deal for young people in this country. But what we have to do is transition the system using the ideas of growth in producing more retirement income for people who are just entering the work force, or who have been in the work force a relatively short period of time, but at the same time, make sure that we do not change what has been promised to those at or near retirement.

That is our challenge. But with challenge comes tremendous opportunity; in crisis comes a tremendous will to be innovative in using the private market systems that work so well in this country to provide wealth. As the Senator from Delaware said, our modest amount of money being paid on Social Security was never intended to be the sole source of retirement. As a result, it is a very modest amount. People living on Social Security today will tell you that if that is their only income and they have no other pension income or savings income, they are hard pressed to make a living. This is not an adequate savings system. What we need to do is enhance that, create an opportunity for more growth in people's wealth and, at the same time, protect those who are in the system or have been in the system such a long period of time, so that they will keep at least what we have promised in the past.

We can do that, but we must use the power of the marketplace, the power of investment and savings. In so doing, we will not only open up the opportunity for wealth and a better retirement income for generations to come, but open up huge economic benefits for this country with the amount of money that is going to be poured into the capital markets and the debt markets, to be able to finance future economic expansion and growth, better jobs, and higher standards of living and real wage growth. I heard earlier today from Jose Pinero, who was the Secretary of Labor during the time Chile went to a private personal saving system there, some 17 years ago. He said that 30 years prior to Chile going to that system, they had a real wage growth of 1 percent a year, on average. Since they passed the personal savings accounts in Chile, they have had a real wage growth of 7 percent a year, for almost 15 years, in that country.

What they have done is dramatically increase—over double; two and a half times—their savings rate. People now understood. Senator ROTH said a very important thing, that only 40 percent of the people in this country have some investment in the marketplace and understand the dynamics of how the market works, how our economy works. That is a disability, if you will, for millions of Americans who don't have that advantage. The average, ordinary Chilean has that knowledge now and understands the marketplace and uses that knowledge to their own benefit—and not only their own benefit in their personal savings account, but in their life and in their savings and other skills of interacting in the economic marketplace. It creates such synergy that it will have a dramatically positive impact on the future of this country.

This is the opportunity that is before us, and what I am so excited about is what I see is a real chance for a bipartisan solution to this problem. With Senator MOYNIHAN's proposal of putting 2 percent aside in private savings, I think that is a very healthy initiative. We want to build, in my opinion, from that as to how we can transform this system to provide the security for those at or near retirement, put it in the law, which is not the case today, so that those benefits will be there as long as they are alive, that we will not change the benefit structure as long as they are alive—there is no law that says that right now—guarantee it. Then we can create opportunities for those, frankly, who have very little expectation that Social Security will be there.

I talk to a lot of young people. I have been to over 110 high schools in my State since I have been in office. I can tell you, when I ask the question, "How many believe Social Security will be there when you retire?" if anybody raises their hand, the other kids in the crowd look at them and laugh at them. They have no expectation that Social Security will be there. They think it is, in fact, a pyramid scheme, a ponzi scheme, some sort of thing that the folks who are in power right now are just going to make them pay and then slash the heck out of Social Security when it comes their time.

Well, what we are going to do here is create hope. One of the things I hear so much about is how young people are cynical in this country and they don't believe in our institutions and our culture, and what we are doing here is, in fact, giving them something they can hold, they can have a passbook with their money in it so they can track it every day and see how it grows, and they can say, "This is my money," from the first day they worked flipping that first hamburger at a fast food restaurant. That money goes into their account and is building for their retirement security. They can see that happening with them at work. They can see hope. They can see the potential for wealth and for a good life. They will understand the dynamics that are so important for all of us to understand that have to survive economically in this country and in the world that is out in front. This is truly not something we should be looking at and saying, how are we going to fix Social Security? Such a problem, such a crisis. What are we going to do and have money? But to walk hand in hand and jump at the opportunity to create a whole new way of looking at providing opportunities for millions of Americans upon their retirement and energizing and uplifting an economy through that process, this is a great opportunity for all of us.

What the chairman of the Finance Committee has done today is to lay down the first mark on the budget where it should be laid down, because

what we will be doing by allowing private investment is dramatically lower—not everyone talks about how we are going to use the surplus in transition. That is a big concern we have to worry about—how we transition these costs. That is the big nut we have to crunch. But at the end, what will happen is that budget deficits and the huge unemployment liability in $7 trillion or $8 trillion of unfunded liability in the Social Security trust fund today will in effect over time vanish because of the dynamics of allowing private savings to occur.

This is in fact a multifaceted solution to many problems that are out there, one of which is the long-term problems of the budget deficit in the outyears when the baby boomers are beginning to take retirement—not only Social Security but Medicare as well—when the budget deficit comes back again. You hear so much about surplus. It comes back again. That is the era, that is the time that we can, by acting now, keep surpluses coming long into the future and grow the economy, create stability, create hope for those who now do not have it.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Pennsylvania for his statement. I also compliment Senator ROTH for his resolution. I am happy to cosponsor this resolution. I hope we will have overwhelming bipartisan support for it, and hopefully everyone can understand what we are talking about doing. We are talking about saving Social Security.

The President during his State of the Union speech says we want to save Social Security; we don't want to spend one dime of the surplus. Senator ROTH is trying to save Social Security. Because we do not just save Social Security by not spending the surplus either in the form of additional outlays—frankly, the President is violating that as we speak because he wants to have a supplemental appropriations bill and doesn't want to pay for it. He is already violating what he said in the State of the Union Address.

But I agree. We should save Social Security. This resolution says that we should take the surplus and allow individuals to set up personal savings accounts. I think that is the way to save Social Security. I think that is the way to fund Social Security. Right now we don't fund Social Security. It is an unfunded paying system. One generation pays for retired generations, or working employees today pay the Social Security tax. Social Security taxes are enormous. They have grown, and they have exploded in cost.

As a matter of fact, somebody paying Social Security today is paying a total—if you look at Social Security taxes, their contribution today is a total of $10,465 if they have the maximum amount of income, which is $68,400. That is a lot. That actually includes Social Security and Medicare, I might mention. So that is a lot. Social Security is 12.4 percent of $68,000. That is a lot of money. That is over $9,000 that people are paying. If somebody happens to be making $68,000, they are paying a lot. What do they have to show for it? Nothing. They can't open up a bank account and say, "Here is my money for an investment." Basically they are funding a previous commitment.

Senator ROTH is saying we should take the surplus and allow people to set up their own individual retirement accounts, let them be able to invest in the marketplace, let them be able to enjoy the rewards of compounding interest. Right now the rate of return on Social Security as an investment—some people say 1 percent, some people say 1.2 percent, or 1.3 percent. That is not a very good rate of return. It is pathetic if you consider what the market has done in the last several years. The marketplace—the Dow Jones or Standard & Poors 500—has been compounding in the 20 and 30 percent range for the last 4 years. But to have individuals be able to enjoy this? The answer is no, not in Social Security.

Senator ROTH has done something else. I really appreciate it, because it is important. He said not only should they be able to invest a portion, but also we should be able to use that money to reduce the unfunded promises that we now have in Social Security.

I want to do this proposal for two reasons.

One, I want millions of Americans to become millionaires. If we let them take—some people say 2 percent. I think it should be up to maybe 5 or 6 percent, maybe half of their Social Security tax. Of the Social Security tax of 12.4 percent of their income up to $68,000, you would let them put 6.2 percent of their income in for 40-some-odd years before they retire, and you will find that we will have lots of people who started out maybe making $20,000 a year who are going to be millionaires.

Senator ROTH's example is they put in 1 percent at age 28, and they can have over 100-some-odd thousands. That is 1 percent. Let's get it up, and it can really compound, and individuals can have hundreds of thousands of dollars, if not over a million dollars.

I want those individuals to be wealthy, whether they are on the lower end of the income scale or in the higher end. We want them to be independent.

Likewise, I want to reduce the unfunded promises that we don't have the money to pay for. I am really concerned about what our kids are going to have to pay for 20 years from now. If we do not do something, as Senator ROTH is proposing—Senator MOYNIHAN, Senator BREAUX, and Senator KERREY, and others of us have been working on it—our kids are going to be inheriting a debt that is twice as large as our national debt. Everybody is bragging around here. We are patting ourselves on the back. "Hey, we balanced the budget." We are balancing the budget on using a great deal of Social Security surplus. That debt right now has accumulated, the Federal debt—usually people say about $3.3 trillion or $4 trillion. The unfunded vested promises that we have in Social Security today is almost $10 trillion, twice as large as our national debt.

What this change by going to a capitalist-funded retirement system would do would provide security, provide retirement funds for individuals, and likewise could reduce the Government's obligations in the future—to me that is a very positive thing—so future generations won't have to have a payroll tax that is maybe twice as high as the payroll taxes we have today. I think it is a very positive thing.

I might mention—I see a couple of colleagues on the floor who talked about how we should not use Social Security funds to balance the budget. Today the Social Security trust fund, this year 1998, $101 billion more will go in than goes out. That is a surplus. Yet, we are using that surplus just like every administration has used it since we have had Social Security.

What I would like to see it do—I might mention the Budget Committee has already passed it. I was interested. I was going to introduce a resolution that says we should pass in 2 or 3 years—3 years, let's say—the budget resolution that doesn't use one dime of Social Security trust funds to balance the budget.

I tell my colleague from North Dakota, who has talked about this on more than one occasion, that I am willing to do it. It won't be easy, but we should do it. I tell my colleague that in 10 years the Social Security surplus will be $197 billion, almost $200 billion. I don't think we should use these Social Security revenues to balance the budget. If we balance the budget without that, we can make these moneys available for personal security accounts. Now you are talking about real money. You are talking about $200 billion in the year 2008 alone that can go into personal security accounts that can be invested in the stock market, that can be invested in mutual funds, that can be invested in bonds, that can be invested in T bills. Let the individual decide how he wants to invest it. We allow Federal employees to invest in the stock market, in bonds, and in T bills. Federal employees are able to do this. My colleague from Pennsylvania mentioned that they do it in Chile.

They make investments. Surely Americans are capable of making these investments. I think it would be exciting to allow people to be able to invest their own money. It is their money. It is not the Government's money. We have been taking it from them. Shouldn't we allow, out of that 12.4 percent, the individuals to take maybe 4 percent or 5 or 6 percent and be able to invest it for themselves? In exchange for that, they will be a lot more dependent on themselves and a lot less dependent on the Government.

This is a mandatory tax. Shouldn't we allow them to have part of that for themselves so they can have an account and look at it on a monthly basis, so it is there, and it is something they can count on, not for an unfunded Government promise that we hope will be there. Demographically, everybody who has ever looked at this problem says we have a real problem. Some people say we don't have problems until 30 years. That is hogwash. We have problems, as Senator ROTH mentioned, in 12 years.

It is estimated that by the year 2010 or 2012, for Social Security that line of more money going in switches. More money goes out. No later than 2012, more money goes out than in. We will start drawing on the trust fund. What is in the trust fund? Nothing but Government IOUs. That is the promise. The way we finance those—you say they are the same things as T bills or the paper equivalent. It is just an IOU. The way we pay for these is we issue more T bills. In 12 years we have a big problem. We will have enormously high payroll taxes and a lot of debt. You have to issue more debt. I think that is a bad solution. This is the right solution, and I will tell you that millions of people in the private sector have done this. We did it in my company. We went from a defined benefit to defined contribution plan. Our employees love us. I think we should give every American an opportunity to do this for at least part of their Social Security. It doesn't have to be for all of it. Some people say 2 percent. I said maybe it should be half of it—maybe 6.4 percent, 6.2 percent. The Government, the employer portion, can still go to meet current obligations. But, likewise, we would be reducing current or future obligations. I think that is very important.

What Congress has done in the past—we have had problems with Social Security—is raise taxes. We raised the base. We raised the tax rate.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart showing payroll taxes—Social Security taxes and employer taxes combined. For the record—my colleagues can see this—if you look at Social Security and if you look at disability, Medicare, if you add those taxes together, in 1998, for a person making maximum of the base, the base amount, which is $68,000, it shows they are paying in payroll taxes alone $10,465. That is a lot of money. I am saying we should allow individuals to take part of that, a few thousand dollars of it, and be able to put it into their own account and likewise reduce Government's obligation at the same time. I think it is awfully important.

I ask unanimous consent to have printed in the RECORD a chart that I have prepared that shows the budget deficits and Social Security and how that equates. It shows that we are becoming more and more reliant over the next several years on Social Security surpluses that I mentioned before, which disappear by the year 2012.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

BUDGET DEFICITS & SOCIAL SECURITY

	On-budget deficit	Social Security deficit/surplus	Unified budget deficit/surplus [1]
1962	(5.9)	(1.3)	(7.1)
1963	(4.0)	(0.8)	(4.8)
1964	(6.5)	0.6	(5.9)
1965	(1.6)	0.2	(1.4)
1966	(3.1)	(0.6)	(3.7)
1967	(12.6)	4.0	(8.6)
1968	(27.7)	2.6	(25.2)
1969	(0.5)	3.7	3.2
1970	(8.7)	5.9	(2.8)
1971	(26.1)	3.0	(23.0)
1972	(26.4)	3.0	(23.4)
1973	(15.4)	0.5	(14.9)
1974	(8.0)	1.8	(6.1)
1975	(55.3)	2.0	(53.2)
1976	(70.5)	(3.2)	(73.7)
1977	(49.8)	(3.9)	(53.7)
1978	(54.9)	(4.3)	(59.2)
1979	(38.7)	(2.0)	(40.7)
1980	(72.7)	(1.1)	(73.8)
1981	(74.0)	(5.0)	(79.0)
1982	(120.1)	(7.9)	(128.0)
1983	(208.0)	0.2	(207.8)
1984	(185.7)	0.3	(185.4)
1985	(221.7)	9.4	(212.3)
1986	(238.0)	16.7	(221.2)
1987	(169.3)	19.6	(149.8)
1988	(194.0)	38.8	(155.2)
1989	(205.2)	52.4	(152.5)
1990	(277.8)	58.2	(221.2)
1991	(321.6)	53.5	(269.4)
1992	(340.5)	50.7	(290.4)
1993	(300.4)	46.8	255.1()
1994	(258.8)	56.8	(203.1)
1995	(226.3)	60.4	(163.9)
1996	(174.0)	66.4	(107.3)
1997	(103.3)	81.3	(22.0)
1998	(92.0)	101.0	8.0
1999	(104.0)	113.0	9.0
2000	(121.0)	123.0	1.0
2001	(117.0)	130.0	13.0
2002	(72.0)	139.0	67.0
2003	(94.0)	148.0	53.0
2004	(88.0)	158.0	70.0
2005	(96.0)	170.0	75.0
2006	(64.0)	179.0	115.0
2007	(59.0)	189.0	130.0
2008	(59.0)	197.0	138.0
Totals for 1999–2008	(874.0)	1,546.0	671.0

[1] The unified budget deficit/surplus includes the on-budget deficit, the Social Security surplus, and the Postal Service deficit/surplus.

PAYROLL TAXES

TAX RATE AND WAGE BASE

[Employee and employer combined]

	Tax rates (in percent)				Wage base	
	Social Security (OASI)	Disability (DI)	Medicare (HI)	Total (in percent)	OASDI	HI
1950	3.00	n/a	n/a	3.00	3,000	n/a
1955	4.00	n/a	n/a	4.00	4,200	n/a
1960	5.50	0.50	n/a	6.00	4,800	n/a

TAX RATE AND WAGE BASE—Continued

[Employee and employer combined]

	Tax rates (in percent)				Wage base	
	Social Security (OASI)	Disability (DI)	Medicare (HI)	Total (in percent)	OASDI	HI
1965	6.75	0.50	n/a	7.25	4,800	n/a
1970	7.30	1.10	1.20	9.60	7,800	7,800
1975	8.75	1.15	1.80	11.70	14,100	14,100
1980	9.04	1.12	2.10	12.26	25,900	25,900
1985	10.40	1.00	2.70	14.10	39,600	39,600
1990	11.20	1.20	2.90	15.30	51,300	51,300
1995	10.52	1.88	2.90	15.30	61,200	No limit
1996	10.52	1.88	2.90	15.30	62,700	No limit
1997	10.70	1.70	2.90	15.30	65,400	No limit
1998	10.70	1.70	2.90	15.30	68,400	No limit
1999	10.70	1.70	2.90	15.30	70,800	No limit
2000	10.60	1.80	2.90	15.30	74,100	No limit
2001	10.60	1.80	2.90	15.30	76,800	No limit
2002	10.60	1.80	2.90	15.30	79,800	No limit
2003	10.60	1.80	2.90	15.30	82,800	No limit

TOTAL PAYROLL TAX CONTRIBUTION [1]

[Employee and employer combined]

	Social Security (OASI)	Disability (DI)	Medicare (HI)	Total
1950	90	0	0	90
1955	168	0	0	168
1960	264	24	0	288
1965	324	24	0	348
1970	569	86	94	749
1975	1,234	162	254	1,650
1980	2,341	290	544	3,175
1985	4,118	396	1,069	5,584
1990	5,746	616	1,488	7,849
1995 [1]	6,438	1,151	1,775	9,364
1996 [1]	6,596	1,179	1,818	9,593
1997 [1]	6,998	1,112	1,897	10,006
1998 [1]	7,319	1,163	1,984	10,465
1999 [1]	7,576	1,204	2,053	10,832
2000 [1]	7,855	1,334	2,149	11,337
2001 [1]	8,141	1,382	2,227	11,750
2002 [1]	8,459	1,436	2,314	12,209
2003 [1]	8,777	1,490	2,401	12,668

[1] The Medicare (HI) contribution shown above is based on the OASDI wage base. The HI wage base was eliminated beginning in 1994, making the maximum HI contribution unlimited.

Mr. NICKLES. Mr. President, we need to wean ourselves and get off of this addiction to this and take that money and allow people to put it in their own account. That to me is a challenge. We shouldn't be sitting back and saying, "Oh, we balance the budget. Aren't we proud of ourselves? We are doing good. We have a unified budget."

I think we should have a unified budget. But I think we should go back and let's balance the budget without using Social Security. Then let's allow people to take that amount of money and be able to put that in their own account.

I might mention that in the 10 years, if we did that, there would be over $1.5 trillion that could go into individual accounts and we would have more constituents that would be happier with us than anything else we would do. We would do more to secure their retirement and their future than anything else we could do.

I have even told the President's representatives. I said, if the President really wants to go down in history and show that he has done something significant, this change, this evolution of allowing at least part of Social Security to be funded as a defined contribution in a personal savings accounts would be an astronomically positive

impact for not only this generation; I think it would be a positive impact for future generations, which history will record as having truly been a great thing to do for seniors, a very positive thing to do for future generations as well.

So I compliment my colleague from Delaware, the chairman of the Finance Committee. I tell him that, as a member of that committee, I will work energetically to try to see that we can make this happen as soon as possible.

Mr. President, I yield the floor.

Mr. GREGG. Mr. President, I wish to join my colleague, Senator JOHN BREAUX, in delivering a statement as to why we support the sense of the Senate language put forth by the chairman of the Finance Committee, Senator ROTH.

For the past year, Senator BREAUX and I have co-chaired the National Commission on Retirement Policy, convened by the Center for Strategic and International Studies. Our task is to review the situation facing our Nation with respect to retirement income in the 21st century.

We will soon be releasing a final report of our findings and recommendations, and we need not preview them here in detail. Suffice to say that each of the major sources of retirement income—Social Security, employer-provided pensions, and personal savings—will be under severe strain in the 21st century, as a consequence of the aging of our population, and the declining ratio of workers to retirees.

The situation facing Social Security is sufficiently dire to command our immediate attention. We, as co-chairs of the NCRP, wrote to President Clinton last December, urging him to make this issue a priority in his state of the union address, and we were extremely pleased that he did so. Social Security will begin running operating deficits in the year 2012 under current law, and even if the $2.89 trillion that the Federal Government will owe Social Security is repaid in full, the Trust Fund would still run dry in the year 2029. The unfunded liabilities of the Social Security—the gap between projected outlays and projected revenues—is on the order of $3 trillion. The true "unfunded liability," however, is much greater, because those taxes haven't been collected yet, and therefore all of the future liabilities of the program are in a sense unfunded, to be financed from tax revenue at the time that they are paid.

We have carefully studied this problem for a year, and we believe that there are several problems that must be solved simultaneously. The actuarial soundness of Social Security is but one of these. There is also a huge problem residing in the size of the tax burden that is awaiting the future economy if we do not advance fund some of Social Security's future liabilities. A solution to this problem is no solution at all if it achieves actuarial soundness at the price of an unfair tax burden on tomorrow's economy, or at the price of further worsening the quality of the deal that today's young workers will receive from the Social Security program.

It is for this reason that Senator BREAUX and I believe that personal accounts must be a component of the Social Security solution. Tough choices will need to be made in order to bring the outlays and the revenues of Social Security back into balance, and we believe that personal accounts should be established within this context. Creating a funded savings account component within the Social Security system is perhaps the only way to give something back to today's young workers to improve their treatment by the Social Security system relative to a set of traditional solutions alone. This is one way that we have found to prevent the income provided by the Social Security system from declining below the level that we expect from the program.

Before turning to Senator BREAUX, let me also note the flexibility of Senator ROTH's language with regard to the administration of such accounts. This language does not commit the Senate to any particular method of administration. Senator BREAUX and I, after a year of study, have reached the conclusion that the best way to administer personal accounts is through the existing payroll tax collection system. That money is already being paid in a timely way by employers on behalf of individual employees, and is a structure that we can practicably work through to set up accounts in every wage-earner's name through a refund of some portion of the payroll tax. The Roth language is flexible enough to permit a variety of approaches to administering the accounts, as it should be. I hope that Senators who differ as to the best administrative mechanism will be able to unite behind it.

Mr. BREAUX. I thank Senator GREGG for his unwavering leadership on this issue. It has been a pleasure to work with him over the past year. I also want to thank Chairman ROTH for his leadership. Times have certainly changed since the days when no one would even talk about Social Security reform. Today, we have key members of the Senate presenting innovative ideas about how to address the looming liabilities of the Social Security program. I applaud Chairman ROTH's efforts because he is moving this debate forward.

This is critical because the motto must be "sooner rather than later". There is no better time to tackle entitlement reform than during good economic times. While SS's financing is projected to pay full benefits until 2029—the strain on the Federal budget will begin much earlier, only 10 years from now. The Social Security Advisory Council could not agree on an approach to reform Social Security; however, they all agreed that early action should be taken. This call has been echoed time and time again by the General Accounting Office, Alan Greenspan, Chairman of the Federal Reserve Board, as well as most other experts.

The budget resolution already contains Sense of the Senate language regarding the budget surplus and Social Security reform. It reads as follows: "Congress should use unified budget surpluses to reform Social Security for future generations . . ." I support Chairman ROTH's Sense of the Senate because it takes this language a step further. It suggests that individual accounts are the direction in which Social Security reform should move. I agree with this.

The American people will hear again and again over the next several months about the financial instability of Social Security—about the promises made that we can no longer afford to keep. Americans will also hear about what is necessary to put Social Security on sound financial footing—the difficult sacrifices and the tough choices. This dialogue will only compound the already low level of confidence most Americans have in our nation's public retirement system. I adamantly believe we must do something to reverse this trend. We must provide some good news in the middle of this debate. If we include individual accounts within Social Security reform we are giving all Americans a new chance to provide substantial retirement savings for themselves—that is the good news.

This Sense of the Senate does not dictate or even suggest how these individual accounts should be administered or that they be done independently of fundamental Social Security reform. Senator GREGG and I have our own ideas about how Social Security should be reformed and, specifically, how individual accounts should be set-up and administered. I look forward to our ideas being discussed and debated during the coming weeks and months, along with all the other ideas being put on the table. The Aging Committee, which I am pleased to serve as Ranking Member, is looking at this issue closely. I hope the Finance Committee will hold hearings as soon as May.

In looking to Social Security reform we cannot lose sight of the larger budget picture and the difficult steps we have taken in this Congress to get our country's books in order. What we tried to do with the balanced budget—and what we should be trying to do with the surplus—is reduce this country's overall financial liabilities. As stated in the budget resolution, Social Security's unfunded liability stands at around $3 trillion. Obviously, Social Security is a large part of this country's debt and must be addressed.

Again, it must be addressed sooner rather than later. In conclusion, I want to again thank Chairman ROTH and Senator GREGG for their efforts in moving this debate forward.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, a few moments ago I had an opportunity to discuss with the chairman of the Budget Committee how we might proceed, because one of the things we are running into is that, although we had agreed to have a half-hour limit on amendments equally divided, as a result of courtesy, we have extended time on the resolution. It, thusly, then challenges whether or not we are ever going to get done here, because we have almost 30 amendments. If we take 30 amendments, you have 2 hours each, 7 or 8 hours of votes to accompany that, that is another, who knows, 7, 8, 10 hours.

So what we are going to do, unless there is a difference in the conversation as I remember it from what the distinguished Senator from New Mexico agreed, we are going to permit approximate time on this side equal to the two speakers that we just had. Then we are going to eliminate further time off the bill itself for amendments.

With that, I yield some time to the Senator from North Dakota, as he sees fit.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Chair and I thank the ranking member. We have just seen a proposal unveiled on the floor of the Senate which has some interesting aspects. I must say some of the concepts here are ones that I am interested in. But I am concerned about the specifics of the proposal that is before us in this regard. The chairman of the Finance Committee suggests we ought to devote the budget surpluses to building private accounts in Social Security. I am on record as one member of the Finance Committee who favors moving towards private accounts over time. But I must say, I am concerned about the specifics of the proposal of the Senator from Delaware in that it is based on, I think, a false assumption. I see the false assumption as being that we have budget surpluses.

I am certain there are people listening here, here in the Senate Chamber and people listening at home, who wonder what is this talk about budget surpluses and Social Security surpluses? What does this all mean? It is confusing. Unfortunately, the language we use here in Washington, I think, contributes to that confusion. We talk about budget surpluses but what we do not tell people is the way we have calculated their surpluses is that we have included the Social Security trust fund surpluses. This year that amounts to over $100 billion. And by throwing that money into the pot, by, in effect, raiding Social Security, we say there is a $8 billion surplus in the budget.

There is not a surplus in the budget. The truth is there is a significant deficit. Oh, yes, on a unified basis—if you take all the funds of the Federal Government and throw them into the pot and look at all of the expenditures of the Federal Government, we are in balance. That is what they call the unified budget. But the problem with that is, and the little dirty secret here, is that $100 billion of the Social Security surplus is being put into that calculation.

If any private company tried to balance their books in this way, they would be headed for a Federal institution all right, but it would not be the Congress of the United States. They would be headed for a Federal facility all right. It would be a Federal prison, because that is fraud. That is fraud. To take money for one purpose and use it for another is fraud. Unfortunately, that is the pattern and practice here and has been for 30 years. We are taking Social Security trust fund surpluses, throwing those into the pot, and this year we are saying we have balanced the budget.

If any company tried to take the retirement funds of its employees and throw those into the pot and say they balanced the operating budget of the company, they would be in violation of Federal law. So I think we want to be cautious when we have a proposal that in many ways is attractive. I want to say to the Senator from Delaware, I am on record as favoring a partial privatization. I like the idea of individuals being able to have several percentage points of Social Security trust fund payments that they make be reserved in private accounts that they could invest. I like that basic concept.

But how do you fund it? How do you fund it? It seems to me the first thing we have to do is stop the practice of looting Social Security. If we are going to secure the long-term prospects for Social Security, we ought to stop raiding it. We ought to stop looting it. And we ought to stop the talk that we have a budget surplus. Because the only way we got a budget surplus is by counting those Social Security trust fund surpluses, which we are going to need for the day when the baby boom generation starts to retire.

We have a demographic time bomb just over the horizon, and it is the baby boom generation. When they start to retire in the year 2012, all of a sudden everything that looks rosy now is going to change and change quickly. In fact, by the year 2029 we anticipate the Social Security fund will have run through these massive surpluses that are being built now. They are not built up in terms of money actually in the bank, but built up in terms of IOUs that are being registered and accumulated based on borrowing by the other parts of Government that are spending those moneys, even though we know we are going to need those funds when the baby boomers start to retire.

I think the basic concept the Senator from Delaware has merit. But I am very concerned about the specifics that he has proposed, because to take these so-called budget surpluses that we have on paper that only exist because we are raiding Social Security and use those funds before we use them to preserve and protect Social Security, has the prospect of undermining our first responsibility and our first obligation. Our first responsibility and our first obligation is to keep the promise to the tens of millions of people who are relying on that Social Security check.

Before we go off and raid the Social Security trust fund surpluses in order to claim we have a budget surplus, we ought to stop that practice. We ought to clean up our act, stop raiding Social Security, stop looting Social Security, and then we can move in the direction proposed by the Senator from Delaware. But I think the proposal that he has before us at this moment is based on a misnomer. And the misnomer is that there are budget surpluses. There are only budget surpluses because we are taking $100 billion a year from Social Security surpluses and throwing those into the pot when we make the calculation of budget surpluses. So we say we have a budget surplus next year of $8 billion, but we are taking $100 billion from Social Security surpluses in order to make that claim.

So I just say to my colleagues, I favor the notion of having some portion of Social Security in an account where people control their own investment. I like that idea. But we have to work through the transition costs of this very carefully or we will undermine and threaten the solvency, the long-term solvency, of the Social Security trust fund itself. That should not be anything that we do.

Our first obligation, I believe, is to stop raiding the Social Security trust fund, stop raiding those funds, and move to secure the long-term solvency of Social Security and then have a chance to move in the direction the Senator from Delaware has asked for.

Mr. President, I will be happy to yield back my time so the distinguished Senator from New York has a chance to comment on the issue before us.

Mr. LAUTENBERG. Mr. President, I yield up to 15 minutes to the Senator from New York, Senator MOYNIHAN.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank my friend and neighbor from

New Jersey, the manager on our side, and my friend Senator CONRAD of the Finance Committee, for his remarks.

Mr. President, I rise not so much in opposition to the proposal by the esteemed chairman of our committee, as to see if it is not possible to clarify some of these issues. And to welcome the Senate to what should be a substantive, constructive debate over the next 6 months—pending the time when our distinguished Director of the Office of Management and Budget, Mr. Franklin D. Raines, has indicated the administration plans to begin to have legislation on this issue, in the first session of the next Congress. In my view, we ought to take up such legislation as a first order of business in that session.

May I take the presumed responsibility of this body, which tends to have long tenure, to give a bit of history? In 1935, we established the Social Security system on a pay-as-you-go basis. It was no time, in the midst of a great economic depression, to take more money out of the economy than was being put back, even if it was only a nominal process.

This went on until 1977 when we moved from a pay-as-you-go system to a partially funded system. I was a member of the committee of conference between the Senate and the House which adopted that change, and I can say there was very little attention paid to it. We put in place a huge surplus to provide for the baby boom retirement, as the phrase was. But we did not put in place any mechanism to save that surplus.

Indeed, if I look around the horizon of political economy, I do not think there is any such mechanism. You can strengthen an economy by paying down debt such that the private sector grows. Theoretically you could build warehouses and fill them with cans of Campbell soup to be opened in 30 years time. But in a system of this kind, a defined benefit arrangement for retirement and for survivors and the disabled—only 62 percent of persons receiving Social Security benefits are retired persons; the rest are spouses and children of persons who have died, and the disabled—there is no way to save a surplus.

The result was that for 21, now 22 years, we have had each year a large surplus from the payroll tax. This is what Senator CONRAD was speaking about. And we have used it for other reasons altogether. We have abused it because at a minimum we have never let our debt be paid down so our private savings and investment would rise as an absolute reciprocal, as mathematicians say. For every dollar of debt you pay down you get a dollar of savings that will be used for private investment.

Instead, we used this money to conceal the enormity of the deficits we ran in the 1980s and which we now have gotten past. We are now down to a stable situation, not yet one of surplus, because we still have this money coming in from the partially funded system we put in place in 1977 with a very regressive, high payroll tax, 12.4 percent of payroll, paid on the first dollar of income and up to $68,400 this year.

But this is no longer much of a surplus. The numbers are approximately this, and I say approximately because we won't know for another year or so, but next year the combined costs of old age and survivors and disability insurance, plus hospital insurance, will be roughly equal to the combined payroll tax revenues for these two programs; thereafter you are in deficit. Technically, there are Treasury bonds that can be cashed in, but then you have to get general revenue or borrow more to convert them into benefits.

By about the year 2010, there is no longer any surplus in the primary OASDI, Old Age, Survivors, and Disability Insurance. We have 11 years until there is nothing left there either.

Senator KERREY of Nebraska and I have introduced legislation that we think accommodates the situation we are in which, first of all, does not save Social Security. Social Security does not need to be saved. What it does not need is to be destroyed. There is now abroad a powerful ideological movement to turn the system of retirement benefits and survivors benefits over to personal savings in the market. This is a legitimate idea, but I am not sure, if it were understood, it would be a very popular idea.

It puts at risk much more than we would ever wish to do in terms of the entire population. It translates the experience of successful entrepreneurial people in an age of great economic growth into a proposition that this is something that the whole of the population can and ought to want to do.

We have a plan which does two things: One, it secures Social Security as a defined benefit for retired persons, for disabled persons, for survivors indefinitely. Simultaneously, it provides for lowering payroll taxes and allowing the difference to be used for just the kind of personal savings accounts, investment accounts, that our friend from Delaware would like to do.

Specifically, we move from the current 12.4 percent payroll tax—half of it by the employee, half by the employer—to 10.4. That will pay your benefits for more than 30 years; thereafter the payroll tax is gradually increased to a combined 13.4 percent thereby, with some other adjustments I will mention, securing the system for more than a century. Then we say give the employee the option of taking his or her 1 percent as income—some will do that; young persons will do, no doubt—or having the 2 percent deposited into some kind of thrift savings plan.

We have such an arrangement in the Federal Government. You can contribute part of your salary, which the Federal Government matches. There is a booklet, and you pick the kind of investment you would like. Some people like index funds, bonds, mutual funds—there are a whole range of these products, as they are called, and you can pick what you wish, and from time to time you can change, if you wish.

The prospect for the average earner with a 2 percent investment is that, after contributing for 45 years into the system, the worker would have a nominal asset from that 2 percent contribution in the range of $400,000. This would mean Americans would have an estate. They could leave something to their grandchildren, who might even be more attentive given that prospect.

We have an idea of an America very different from the world of the 1930s and the system we put in place, which was put in place in Europe in the 1880s. We have an idea of a retirement system in which persons begin to have a three-tiered system: You have your Social Security, a fixed amount, an annuity. You have benefits from private pensions that you earned with your employer. About half of American workers now have such. And then you have income, if you wish it, from your savings and investment accounts.

That requires a few other changes. It requires that we get an accurate cost-of-living index by which to adjust the benefits for changes in the cost of living. We do not now have one. There is a small group of economists who dissent, but the overwhelming judgment of the profession is that the Bureau of Labor Statistics' Consumer Price Index is not a cost-of-living index, which the Bureau of Labor Statistics insists it is not. They do not misrepresent their product; it is we who misuse it.

I will say that again. The Department of Labor does not misrepresent its Consumer Price Index; it is we who misuse it. We began the practice in 1972 at a time when Social Security benefits were the object of a biannual auction on the House and Senate floors as Members rose to say, "I propose we raise benefits 5 percent," then 10 percent, then 15 percent. I think on one occasion we went up 20 percent. We had to stop that. The nearest thing at hand was the CPI. We can make a correction.

A committee of distinguished economists, headed by Professor Michael Boskin, the former chairman of the Council of Economic Advisers under President Bush, reported to the Committee on Finance a year and a half ago recommending a correction of 1.1 percentage points.

Different economists, different Government officials, have different judgments, but they are almost all in the same range. And just at this moment, the principal economic planners of the U.S. Government do not use the CPI as a measure of inflation. They just don't; they know otherwise.

We have to gradually increase the age of retirement to 70, as we do in our bill, way into the next century. Under current law, we are already approaching an increase to 67. The majority of beneficiaries, Mr. President, retire at age 62 at a reduced benefit, which is actuarially sound.

We get rid of that dumb earnings test. It wasn't dumb in 1935 when we were encouraging people not to be in the labor force. Right now, if you work between ages 62 and 70, you lose some or all of your benefits. At age 70 and above, you would then get increased benefits. That is, you receive the same benefits over the course of your retirement. Under our bill, you can decide when to collect your benefits, regardless of whether you are working. You don't have to fool around.

We would tax these benefits at the rate at which ordinary pension income is taxed. May I say, Mr. President, for a very, very large number of our present recipients, particularly the old ones, their Social Security benefit and any other income they might have is so low that they pay no Federal taxes of any kind and would not pay any taxes under this new proposal.

But I say that this can be done, but it won't be done if we don't understand that we are dealing with a group, a body of respectable opinion, that basically thinks Social Security is a failed plan, perhaps never should have been put in place and now should be transitioned out. This is not the view of the Senator from Delaware. He would like to see a basic annuity for all Americans continue. But it is the view of many more people than we know, or perhaps are aware of, or perhaps are collected in a coherent manner.

This morning in the Committee on Ways and Means, Mr. GINGRICH spoke very much in these terms. Typically, Senator Dole, who appeared as a witness, did not. The problem is, right now there are groups who are so attached to the present system that they will not make the changes necessary to maintain the present system. It is painful. They know who they are. If I may say, the White House knows who they are. I daresay there aren't many of us in the Finance Committee who do not know. But they must recognize that the alternative is the loss of everything we have developed over 60 years, 60 years in which the system has never been a day late or dollar short on any payment, but which has somehow lost the confidence of the public. I ask my distinguished friend for another 2 minutes to conclude.

Mr. LAUTENBERG. I will be happy to yield up to 5 minutes, as needed, by the Senator from New York.

Mr. MOYNIHAN. Mr. President, I want to make this point. I want to shout this point at the American people: They are trying to scare you out of your Social Security. You don't think you are going to get it now. Why, I am not sure. But ask anyone on the streets at home. Ask someone in their thirties or in their forties. The polls are clear. People do not expect to get it. Partly this is bad management at the Social Security Administration. It got lost in the HEW and then HHS.

In 1994, we re-created it as an independent agency with an independent Administrator, but the SSA never tells people that the agency knows their name, what they are going to get in benefits, and that they are on top of this.

I say it right now, there are people who would like to scare you into thinking you are not going to get Social Security, so don't worry about it when they take it away, and what they are going to make you instead is a millionaire in the stock market. I don't think that will happen. I don't think it should. I think we should allow the accommodation of both. I think we should begin, if I can use a term from the academy, to demystify some of these claims, not by Senator ROTH, who is loyal to this institution. He has been on the Finance Committee for 30 years and has helped maintain the system.

But there are those who are out to do away with it. Why, I do not know. They take as their model the system in the Nation of Chile, a nation of some 12 million people, I believe, a system developed under General Pinochet, which does not immediately suggest sound social policy or equity. I don't say there is anything wrong with their system, but there is nothing wrong with ours either. It is ours to maintain. We should do it, and we should not let our people be frightened into giving up something so important to them and to their children and to their parents.

I thank my friend for giving me this time. I regretfully have to say that while I very much endorse the idea of personal savings accounts, right now we should use the surplus money we have to pay down the debt, increase investment, and get on with the simple changes we need to make this system permanent and stable.

Mr. President, I yield the floor, and I thank the manager for his courtesy.

Mr. KENNEDY. Mr. President, this amendment sounds innocuous, but it is a direct assault on Social Security, and it deserves resounding rejection by the Senate.

Millions of senior citizens depend on Social Security. In fact, Social Security benefits comprise more than 75% of the income of half of the nation's 28 million recipients. It is a sacred compact between citizens and their government that says, "pay into Social Security during your working years, and we will guarantee you a decent retirement income during your golden years."

Social Security is one of the most popular programs ever enacted. It is also one of our nation's most successful anti-poverty programs. In 1959, 35% of the nation's elderly lived in poverty. Today, that number has dropped to 9%.

We all recognize that legislative action is necessary to assure that Social Security will be solvent throughout the 21st century. There is no crisis—but there is a problem, and the sooner we take action to solve it the better. All of us know that Social Security will run out of money in 2030. All of us know that the single highest priority of the American people is to see Social Security preserved.

All of us know that the President has said that none of the budget surplus should be spent until we solve the Social Security problem—and the American people strongly support this approach.

But this amendment takes a different approach. It says: "Let's forget about preserving Social Security. Let's go ahead and spend the surplus on a risky and untried experiment with individual retirement accounts."

We all know what is going on here. There are a number of members of this body who want to throw Security on the scrap heap of history. They think it ought to be privatized. They think the concept of Social Security is wrong. They think individuals, instead of relying on the tried and true and guaranteed support that Social Security provides, should take their chances by speculating in the stock market. If they do well, they can become rich. If they do poorly and are impoverished in their old age—so be it.

I reject that philosophy. The American people, I believe, also reject that philosophy. And the Senate should reject that amendment.

Mr. LAUTENBERG. Mr. President, just to be certain, if we combine the time that was yielded off the resolution and off of the amendment, the proponents used a total of?

The PRESIDING OFFICER. Forty minutes.

Mr. LAUTENBERG. We to this point have used a total of?

The PRESIDING OFFICER. Thirty minutes.

Mr. LAUTENBERG. Thirty. So I will yield myself some time off of the amendment, which I understand is the time that remains to respond to the proposal by the distinguished chairman of the Finance Committee, the Senator from Delaware, whose proposals we always take seriously. This is a man who is intelligent, who is committed to the proper procedure of getting things done. We have great respect and regard for the Senator from Delaware. But we can nevertheless disagree.

On this particular proposal, I do disagree because I see things in perhaps a different light. When I think of the prospect—and I thank the Senator from New York because, as usual, he has a grasp of issues that goes way beyond the capacity of the average

human being. And, boy, do we learn, and we learn in a hurry here. But nevertheless, I listened carefully to what the Senator from New York said. He talked about the possibilities of some investment on the private side, and I respect that, when combined with other changes that have to be made. I think otherwise we are rushing almost willy-nilly into a change, if this proves to be law at some time, that would rock the timbers of our society.

When we think of Social Security, we think of the foundation that it holds for senior citizens. I kind of ask myself, well, would we recommend to the elderly across this country that they go ahead with some investment adviser, or make a decision on their own, whether it is to buy fund X, A, B, or C? We saw what happened to this investment club that was doing so well, according to the papers, and finally they admitted they made a few accounting mistakes. Would anyone want to have to face that widow who perhaps gets $700, $800 a month and say, "Sorry, there's an error; you don't have $800 a month, you have $400 a month or $500 a month"? Or would you rather say, "Listen, what you have is guaranteed. It may not have provided the kinds of things that your husband and you had when you were living together, but you will not be chased out of your room or your house. You will have a chance to continue to live at some scale, modest as it may be."

But when I look at companies like the Prudential Insurance Company, one of the great companies of the world, one of, if not the largest company in the world—it was among the top five—it had some inappropriate management problems there. And they are good friends of mine, so I do not knock the company. But they, nevertheless, had to reduce the interest they were paying on policies, on cash reserves on their policies. This giant company, the Rock, the Rock of Gibraltar was their trademark, and they had to reduce their interest rates.

In October, a few years ago, 1987, the market lost a substantial portion of the holdings. I was at a meeting in Boston and people up there were shaken to their foundation to see their investments, their growth in investments, suddenly whittled away by some 15-plus percent. While I am excited about the market and where it is going, just like everybody else, I know one thing: That going down is always faster than going up when there is any velocity attached to it.

I think that without full deliberation about what the consequences might be, pro and con, with this kind of investment, it is excessively hasty. I would not want to be talking to people who suddenly decided they wished they had had Social Security IOUs, as they were described here. I do not know about you, but I know that I still feel pretty good about an IOU owed by the U.S. Government, by the people of America. Those are, as they say in the movies, as good as it gets, not high-paying but everybody pretty much feels that, listen, the worst that happens, we are going to get paid. We may even have it monetized a little bit with inflation, but the fact is we know it is there.

So when I look at the proposition that is offered, I say that I hope my colleagues will vote against it. When you cast your vote, you must look or try to look in the eyes of an elderly parent or grandparent, or perhaps, at some of our ages, a brother or sister, who are totally dependent on Social Security for their survival—for their survival.

I tell you, I would not recommend on a personal basis—and I have had a lot of experience. I ran a big company. And I managed, as part of my responsibilities, the company's investments. I managed acquisition. I had a lot to do with the financial side of things. I could hardly imagine myself recommending to someone whose principal asset, exclusive asset in some cases, was Social Security, that they invest in the market a little bit, buy a hedge fund maybe or, gee, your adviser—I remember when one of the great unions, I say to Senator MOYNIHAN, sued a bank in New York, who I will not identify here, for the poor performance that this bank had with hundreds of millions of dollars that belonged to this union's pension funds because it underperformed.

Who, with an investment of a couple thousand dollars a year or a thousand dollars a year or less, is going to be able to pick just the right adviser? There is some genius sitting there waiting to take your $1,000 a year and monitor it and watch it? Come on, what do we think this is? The guys who get that kind of attention are the guys who hit the new scales on the heights—$500 million in net worth, $1 billion in net worth, the people who are outside.

I know of one university fund, common among investments, being made today by university endowments, who wants to get into investments that they can be out of in 5 years. They do not want to be stuck in investments that carry them indefinitely. And you will find that true in place after place.

I say also that everyone is aware today that capital is not a problem in this country. Capital is chasing investment all over. I know people in the real estate business. I know people in the investment business and merchant banks. And people are coming to them—institutions, universities, companies, individuals—with money saying, "Please help me invest it properly. Please help me place it securely. Please help me make sure that it's safe."

So how is a person who has a modest Social Security income going to have the security to know that they have the right person advising them or whether they know how to read a financial statement? It is an interesting idea, but an idea, in my view, whose time has not come. I hope that we will stand securely against it, give it a chance, led by the leadership that the chairman of the Finance Committee can so aptly provide, and have a full review of what it means.

We have discussed it. We have discussed it in the Budget Committee, and we have discussed it with other committees, with Alan Greenspan and with other distinguished economists: What does it mean? What about privatization? Some say yes, some say no. I tell you this, I would far rather be one who said no, just leave it where it is, than take the risk that we have to face someone who is depending on Social Security and not finding the reserve there when they need it.

So I hope this amendment does not pass. I urge my colleagues to vote against it. No disrespect to the chairman of the Finance Committee or those who are supporting it, but it just needs more time than we have.

Mr. President, as I stated, I must oppose the proposal to allocate the surplus for personal savings accounts. In my view, this proposal has serious ramifications for the future of Social Security. And we shouldn't endorse it without first carefully examining all of its implications.

Mr. President, let me just discuss a few of the concerns raised by this amendment.

First, this proposal represents a major step toward privatizing Social Security. And privatization, in my view, is directly inconsistent with the fundamental purpose of the program.

Social Security is supposed to guarantee that all American seniors can avoid poverty and live their lives with a basic level of dignity. It is a social insurance program. It is not supposed to be the only source of retirement income for most seniors.

Moving to a system of private accounts represents a dramatic shift in risks. Away from government. And onto the backs of individual senior citizens.

Under a privatized system, seniors would lose: protection against declines in stock prices; protection against inflation through cost of living adjustments; and protection against outliving their assets.

Mr. President, protections against these kinds of risks—which are completely beyond the control of any individual—are why we need social insurance in the first place.

Let me be clear. I'm all for private retirement savings. I support IRAs and 401(k)s, and believe Americans need to save more. But private savings should supplement, not replace, social insurance. Otherwise, most Americans will

spend their old age walking a financial high wire, without a safety net. And as someone who lived through the Great Depression, that is not what I want for my children and grandchildren.

If we use a surplus to roll back payroll taxes and force people to put this money into private accounts, money would be drained from the Social Security trust funds. That would accelerate the date when the program will go bankrupt. And that is the opposite of what we should be doing.

There are many other points I could make about this proposal, but I will not get into great detail here. Let me just say again that this is not the kind of change that we should endorse without a great deal of careful and thoughtful debate. That discussion is only now just getting underway. And it would be premature to rush to judgment on such a fundamental change in our system.

So I hope my colleagues will oppose this proposal. Let us fix Social Security. But let us do it carefully. And let us do it right.

I ask unanimous consent to have printed some editorials in the RECORD. The Senator from New York has asked us to do that, and I put them forward.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Mar. 17, 1998]

SOCIAL SECURITY NEEDS REPAIR, BUT POOR SHOULDN'T PAY FOR IT—MOYNIHAN'S PLAN ISN'T PERFECT, BUT AT LEAST HE'S GOT PEOPLE TALKING

(By Michael Tanner)

Before the nation can solve its $15 trillion problem of financing 70 million baby-boomer retirements, people need to start talking about it. On Monday, Sen. Daniel Patrick Moynihan, D–N.Y., gave them a place to begin.

His conversation starter: a 15% cut in the Social Security payroll tax that could all go into a personal retirement account.

In a speech at Harvard, Moynihan tacked that concept on to his long-standing plan to put Social Security on a pay-as-you-go basis. That's a small step, perhaps, but one that could help break a political stalemate over Social Security reform.

It bows to GOP plans to give people more control over Social Security contributions while keeping the safety net Democrats favor.

To pay for these enticements. Moynihan proposes some hard medicine members of both parties have balked at swallowing.

Neither party has shown enthusiasm for Moynihan's plan to end their balanced-budget charade. Payroll tax cuts now would take away revenue that's used to mask government's $100 million operating deficit.

And even those who embrace budget honesty aren't likely to enjoy the senator's proposals for making up the money and ensuring Social Security's fiscal soundness.

He'd reduce cost-of-living adjustments for both tax deductions and benefit increases. He'd also subject more income to the payroll tax, raise the retirement age to 67 more quickly than now planned, and raise payroll taxes higher than today's levels after 2025.

Trade-offs like those are inevitable if Social Security is to be saved. But the real problem with Moynihan's plan is the risk that it may not go far enough to protect the poorest workers in their old age.

That is Social Security's fundamental goal. And it has almost been achieved.

In 1935 when the program was initiated, more than half of all elderly were supported by their children. Today, most are independent. In 40 years, poverty rates among the elderly have plummeted from 35% to under 11%, with Social Security providing the bulk of income for 40% of elderly households.

Unlike most plans to privatize all or part of Social Security, Moynihan's would not make savings mandatory. So low-income families, squeezed for pennies, likely would spend the $4 a week they'd get from the payroll tax cut.

That permissiveness is counterproductive. If the money were saved for 40 years at 7% interest, it would generate more than $40,000. The income from those savings—about $2,800 a year at the same 7% rate—combined with other Social Security payments would keep recipients out of poverty. Such savings are essential for laborers who may not be able to work into their late 60s as Moynihan's higher retirement age would require.

Congress needs to start moving soon on Social Security reform. Time is the great enemy of affordable answers. And enabling people to invest some Social Security themselves may be part of the answer.

But the test for any changes is whether they'll assure all Americans of an adequate retirement. Social Security shouldn't be saved or altered by robbing the poor.

[From USA Today, Mar. 17, 1998]

TINKERING WON'T DO THE JOB—THE ONLY SENSIBLE SOLUTION ALLOWS PRIVATE INVESTMENT

(By Michael Tanner)

From President Clinton on down, there is now a national consensus that Social Security is in trouble. Indeed, the retirement program will begin running a deficit by 2012, just 14 years from now. The program's total unfunded liabilities top $9 trillion.

Yet, in the face of the coming crisis, some still resist serious change. They will suggest that a little tinkering around the edges will be enough to fix Social Security.

Some want to raise taxes. But payroll taxes have already been raised more than 38 times since Social Security began. Even after accounting for inflation, payroll taxes are 800% higher than at the program's inception. Three out of four American workers now pay more in payroll taxes than they pay in federal income taxes.

Others want to cut benefits. But young workers are already going to receive less back in benefits than they pay in Social Security taxes. Reducing benefits will only make Social Security a worse deal for these young workers.

Tinkering will not fix Social Security's most basic flaw. Social Security is a pay-as-you-go program, similar to the type of pyramid scheme that is illegal in every state.

Taxes paid by today's workers are not saved for their retirement, but rather are spent immediately to pay benefits for today's retirees. When those workers retire, they have to hope that the next generation of workers will be large enough to support them. But with people living longer and having fewer children, the number of workers supporting each retiree is shrinking.

What we really need is a new Social Security system based on the power of private investment and individual savings.

Under such a plan, benefits to current retirees would be guaranteed, but workers would be given the option of shifting their payroll taxes to individually owned retirement accounts, similar to IRAs or 401(k) plans.

Those accounts would be privately invested in real assets such as stocks, bonds, annuities, etc. Because private investment brings much higher returns, individuals could expect to receive much higher retirement benefits.

It's time to stop tinkering and get on with the fundamental reform necessary to preserve retirement security for future generations.

[From the Wall Street Journal, Mar. 18, 1998]

PUBLIC TRUST BUSTING

When Senator Pat Moynihan speaks, liberals listen. So it just might mark a watershed in the Social Security reform debate that the New York Democrat this week embraced private investment retirement accounts.

Mr. Moynihan's welfare state credentials are impeccable. He helped to expand it during the Johnson and Nixon years and he's been its most intellectually nimble defender since. He bitterly opposed President Clinton's decision to sign a welfare reform law. And only last year, writing in the New York times, he seemed to rule out any significant change in Social Security.

Well, he's now revising and extending those remarks. On Monday at Harvard, he said Social Security can be saved only by changing it. And not merely with the usual political kamikaze run of raising taxes and slashing benefits. He's also endorsing a redesign that would allow individuals to invest two percentage points of their payroll tax as they please, presumably in stocks, bonds and other private investments.

This is a big breakthrough, ideologically and politically. The idea of a private Social Security option has until recently been the province of libertarians and other romantics. When Steve Forbes talked up the concept in 1996, he was demagogued by fellow *Republicans*. Even such a free-marketeer as Ronald Reagan was forced to accept a Social Security fix in 1983 that relied mostly on tax hikes.

What's changed? Only the world, as Mr. Moynihan admits. The weight of the looming Baby Boom retirement has caused a loss of public faith in Social Security's sustainability. Few Gen-Xers even expect to receive it. More and more Americans also began to see the virtue of private retirement vehicles like IRAs and 401(k)s, which grew like Topsy as the stock market boomed.

"In the meanwhile the academic world had changed," Mr. Moynihan also told the mostly liberal academics at Harvard. "The most energetic and innovative minds had turned away from government programs—the nanny state-toward individual enterprise, self-reliance, free markets." (No, he wasn't quoting from this editorial page.) Privatizing Social Security suddenly became thinkable, in many minds even preferable.

In short, the same economic and political forces that have remade American business are now imposing change on government. Global competition and instant information have forced industry to streamline or die. Now those forces are busting up public monopolies—the public trusts, to adapt a Teddy Roosevelt phrase—that deliver poor results.

In the U.S. that means breaking a public school monopoly that traps poor kids in mediocrity or worse. And it means reforming a

retirement system that gives individuals only a fraction of the return on their savings that they know they'd receive if they invested the money themselves. These are ultimately moral questions, because in the name of equity these public trusts are damaging opportunity for those who need it most.

The rich have known for years how to exploit the magic of compound interest, for example. Why shouldn't working stiffs have the same chance? Mr. Moynihan shows that a worker earning $30,000 a year can, at a modest 5% annual return, amass $450,000 in savings over 45 years by shifting just 2% of the payroll tax into a private account. Thus do even liberals become capitalists.

Now, let us acknowledge that "privatizing" Social Security is not what Mr. Moynihan desires. His political goal is to reform Social Security just enough to be able to save its universal guarantee. He fears, sensibly enough, that if liberals oppose any change they may find the debate has moved on without them. "The veto groups that prevented any change in the welfare system," he says, "looked up one day to find the system had vanished."

No doubt many conservatives will want to go much further than the New Yorker, us among them. If investing 2% of the payroll tax rate is desirable, why not more? Workers ought to be able to decide for themselves if they want to trade lower taxes now for a lower Social Security payment at retirement.

We also disagree with Mr. Moynihan on some of his details. To defray the cost of reducing the payroll tax, he would increase the amount of wages subject to that tax—from $68,400 now to $97,500 by 2003. This is a large increase in the marginal tax rate for many taxpayers that would defeat reform's very purpose. He'd also raise the payroll tax rate down the line as the Boomers retire—something that needn't happen if the reform were more ambitious than the Senator says he wants.

Yet for all of that, Mr. Moynihan moves the debate in the direction of more individual control and more market sense. Along with his pal and co-sponsor, Nebraska's Bob Kerrey, he has broken with liberal orthodoxy. Maybe their daring will even give courage to Republicans.

[From the New York Times, Mar. 29, 1998]

WRONG WAY ON SOCIAL SECURITY

Proposals from archconservatives to chip away at a gargantuan Government program like Social Security shock no one. But when an influential moderate like Senator Daniel Patrick Moynihan proposes to divert Social Security taxes into private retirement accounts, a flawed idea gains ominous support. Mr. Moynihan's rationale is complex. But it is also misleading and unwise.

Mr. Moynihan exaggerates the financial predicament by pointing to 2029 as the date that actuaries say the Social Security trust fund will empty out. But actuaries also say that annual revenues will continue to cover almost all of each year's outlays. Indeed, the financial gap amounts to only about 2 percent of payrolls and can be eliminated with modest benefit trims, changes in retirement rules and small tax increases. Instead, Mr. Moynihan proposes a cut of up to 30 percent in future benefits, larger even than what is needed to balance the trust fund's books. He does so because his plan includes a second agenda—partial privatization.

Mr. Moynihan would temporarily cut payroll taxes and invite workers to deposit the money saved into individual tax-sheltered retirement accounts. Some will accept the invitation and, depending on the outcome of risky investment, replace some or all of the 30 percent benefit cut. But based on past behavior, most workers will not save for their future. Mr. Moynihan's reasons for cutting revenues of a program that he depicts as near bankrupt are political. He wants to stop Congress from frittering away the current temporary surpluses in the program to support other programs in the Federal budget. He also proposes partial privatization to ward off a more sweeping privatization assault by conservatives.

Private accounts are popular because, if invested in stocks, they can grow faster than money deposited in the trust fund, which is invested in low-yielding Treasury bonds. Mr. Moynihan warns that liberals who oppose his partial privatization risk having the entire Social Security program scrapped, along with its magnificent record in redistributing money from the rich to poor and thereby lifting millions of retirees out of poverty each year.

But Mr. Moynihan refuses to acknowledge the harm his partial privatization scheme would do. Small savings accounts are expensive to administer, threatening to burn up a quarter of a low-wage worker's annual deposit in commissions and bank fees. Besides, the seemingly small return on money turned over to Social Security is partly an optical illusion.

Social Security has promised to pay millions of retirees benefits that far exceed the amounts they pay into the trust fund. Part of the payroll tax that workers turn over to the Social Security system covers these unfunded benefits. If part of the money that workers would deposit in private retirement accounts under the Moynihan plan were siphoned off to pay their fair share of unfunded benefits, then the yield on these accounts would look puny too.

By reinforcing the false notion that private accounts are far superior to public accounts, Mr. Moynihan risks setting off a political process that would feed the conservative goal to replace virtually the entire public program with private savings.

Mr. Moynihan's warning that Social Security looks like a lousy deal for workers should be heeded. The best way to increase retirement funds is to invest payroll taxes in stocks. But rather than having a hundred million workers invest itsy-bitsy amounts on their own, the trust fund itself, through a process insulated from politics, should invest in equities on behalf of everyone. The Social Security problem is modest. So too are the right solutions

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[From the Christian Science Monitor, Mar. 19, 1998]

SOS FOR SS

Always pungent Sen. Daniel Patrick Moynihan has gotten to the heart of America's Social Security problem. In a speech at Harvard this week he offered a specific, tough-minded formula for saving Social Security from the demographic collision it faces in future decades.

Moynihan, long an expert on Social Security, shrewdly weds (a) a conservative plan to allow workers to invest a portion of their SS payroll tax in a private nest egg to (b) a return to a Rooseveltian pay-as-you-go pension system.

As ranking Democrat on the Senate Finance Committee, he plans to propose such a reform immediately.

Compare that with the official Washington crawl on Social Security.

In his state of the union speech last month, President Clinton claimed to be concentrating mightily on Social Security, but then sent it out for yet another scrutiny by commission. Mr. Clinton also cast himself as a latter day Horatius telling politicians to keep their hands off federal budget surpluses. He said he was earmarking those surpluses to save SS.

Good theater. Poor economics. The best way to preserve those surplus revenues for a need starting two decades hence would be to use them now to reduce the national debt. That would trim those huge interest bills on the debt for years to come. And that, in turn, would allow more pay-as-you-go money for SS.

Instead, Clinton announced a clutch of new programs that would eat up the surpluses—despite iffy funding from tobacco revenues.

Hence the appeal of Moynihan's approach. It would allow Americans to voluntarily use as much as 15 percent of their SS payroll tax for personal pension savings accounts. Because that's optional and restricted to a modest percentage, it would minimize the danger that at retirement a pensioner might suffer from a market drop. And the upside—higher compounded returns over decades of savings—would compensate for increased risk.

Meanwhile, Moynihan would seek to ensure that the basic SS pension remains rock solid by assuring its yearly pay-as-you-go integrity. To make bearable the tax burden borne by next generation workers paying for their retiring baby boom parents, he adapts two existing ideas: (1) Speed the move to a standard retirement age of 70, reflecting longevity statistics. (2) Trim the rate of indexing for inflation.

There will be battles to come. But at least one of our most thoughtful political statements has gotten a realistic mix of elements on the table. Now it's up to his colleagues.

Mr. LAUTENBERG. With that, Mr. President, I yield back the time on our side and hope that we can proceed forthwith.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOMENICI. The Senator wants to ask for the yeas and nays on his amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. I also ask unanimous consent that Senator BROWNBACK be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I have a request.

Mr. DOMENICI. Did you have a request?

Mr. LAUTENBERG. I do.

Mr. President, the Senator from Iowa has asked for some time to discuss something, and I would give him 5 minutes off of the resolution to do that, unless there is an objection.

Mr. DOMENICI. Let me just see if we can get an agreement that you and I have spoken to.

I say to the Senator, are you going to speak on the subject that is before us? Or do you just want consent to speak on a subject not pertaining to the budget for 5 minutes?

Mr. HARKIN. It has something to do with the budget.

Mr. DOMENICI. But it is not a proposal?

Mr. HARKIN. No.

Mr. DOMENICI. We are going to be able to arrange that for the Senator.

Mr. President, I want to suggest that when we entered into the unanimous consent agreement, the idea was that we would expedite the voting on amendments and minimize the number perhaps that was going to be voted on in the so-called "votarama" with 1 minute on a side by amending the statutorily allotted amount of time for amendments and second-degree amendments. And we did so agree. But we were not specific in saying that there shall be no time yielded off the bill to those new time agreements. So I just ask, with the concurrence of my friend from New Jersey, unanimous consent that there be added to the unanimous consent agreement regarding the time allotted on amendments and second-degree amendments, the following language: And that no time, no additional time, shall be allotted from time remaining on the bill by either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

I say to the Senator, did you want to do something?

Mr. LAUTENBERG. If we can let our friend from Iowa make his statement.

Mr. DOMENICI. I say to the Senator, we will yield you 5 minutes off the bill.

Mr. HARKIN. I thank the Senator. I appreciate it.

The PRESIDING OFFICER. The Senator from Iowa.

THE AGRICULTURAL RESEARCH CONFERENCE REPORT

Mr. HARKIN. Mr. President, I want to speak for a couple of minutes about a conference report that is now before the Senate which is of the utmost urgency that we proceed to and pass yet today. I am hopeful we can do it. That is S. 1150. It is the agricultural research bill which we passed here last year by unanimous consent. What happened is, the House passed it also last year but the House, for one reason or another, refused to go to conference, and then the session ended last year.

About 3 weeks ago, the House finally consented to go to conference. We went to conference. We worked out our agreements on a very important bill. And that bill now is before the Senate.

In the ag research bill, there are at least three very important parts: The ag research; crop insurance, to work out the problems in crop insurance so we can have a disaster crop insurance program for the next 5 years; and there is also a food stamp provision for refugees and the asylees that were inadvertently left out of the welfare-to-work reform bill that we passed in August of 1996.

We need to pass this bill today. It is of the utmost urgency. We have over 717,000 catastrophic crop insurance policies in America today, farmers all over this country, from California to Maryland, from North Dakota to Texas. All rely upon this crop insurance program.

If we don't pass this bill very soon, those policies will start to lapse and those farmers who have to plant in the summertime for winter crops will not be able to get their crop insurance. That means if they were to have a natural disaster that would wipe them out completely, they would be in here to Congress again begging us to bail them out. That is why it is so important we pass this today.

Now, why today? Because we have a very strange parliamentary situation. If we don't pass it today and this budget passes tomorrow, which it will, then we lose all the money that we have for crop insurance to help out our farmers. I might also add, we lose the money that is in there to meet a need for refugees and asylees who are legal immigrants in this country. Some of them, like the Hmong who fought alongside our American troops in Laos during the Vietnam war, were inadvertently cut out of the welfare reform bill. This is in the bill before us, S. 1150.

As I said, S. 1150 had bipartisan support in conference, Republicans and Democrats, House and Senate. We worked out all the differences. There are no objections in our committees to this. That is why it is so vitally important that we pass it today.

I guess I ask here on the floor, the majority leader, and to the staff who are here, if they could possibly bring up S. 1150 today, sometime by the end of the day. I don't know if the managers of the bill would mind if we set it aside for 15 minutes—I don't think it would take longer than that; after all, it passed by unanimous consent last year—and pass it today. I don't think it would take much time. As I said, I am sure Senator LUGAR, being the chairman, and I, the ranking minority member, don't need more than 15 minutes on this bill. It is vitally important, because if we don't pass it, we will lose the crop insurance for our farmers, especially those who need to plant summer crops.

I yield to Senator CONRAD from North Dakota.

Mr. CONRAD. Mr. President, I want to add my voice to the strong voice of the Senator from Iowa, Senator HARKIN. We are now facing an emergency with respect to the research bill. The research title is a bit of a misnomer because much more is involved here than agricultural research, although that is critically important. That is critically important because we have been hit all across the country with a set of diseases because we are in a wet cycle. That wet cycle has been devastating in my State. We lost 30 percent of the crop last year, over $1 billion of economic loss because of scab and vomitoxin, and those losses continue.

Now we are in a situation where we desperately need research into those diseases, but it goes much beyond that. It goes to the heart of the crop insurance system in America. As the Senator from Iowa has indicated, there are 700,000 policyholders in America. They are about to get a notice that there is no crop insurance available for them. That is the danger that we risk if we fail to act, and act today.

The crop insurance shortfall may result in farmers across the Nation receiving cancellation notices. This is a dire emergency.

The PRESIDING OFFICER. All time is expired.

Mr. LAUTENBERG. I am delighted to yield 1 minute to our colleague from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I will be brief.

The Senator from Iowa raised a concern of some urgency for the United States Senate. What he is describing is a bipartisan agreement on legislation that is critical to our part of the country. It deals not only with research, but also with crop insurance. It deals with critically needed investment for research in crop diseases such as fusarium head blight or scab which produces vomitoxin in wheat and barley.

We have an awful problem out in our part of the country with these crop diseases and crop losses. We need a viable crop insurance program. We were delighted when the Senator from Iowa and the Senator from Indiana and others reached this bipartisan agreement and moved it through the conference with the House of Representatives. I know how hard that was. That was a tough thing to do because the sides were quite far apart. When they reached this agreement, we were delighted with that. It is an important agreement.

Now, as usual, in the case of politics, timing is everything. It is very important for this bipartisan conference agreement to be considered by the Senate and moved along. Time is of the essence here.

I commend the Senator from Iowa.

Mr. HARKIN. I thank both Senators from North Dakota for their strong voices and strong support for the crop insurance program.

To sum it up, our farmers, our refugees, our asylees, should not be penalized because of the delay on the part of the House last year—not going to conference—and they should not be penalized because of this odd parliamentary situation we have.

I hope the majority leader and his staff who are listening to this will

hopefully bring up this bill today, and let's get it passed. I don't think it will take more than 10 or 15 minutes to get the job done and we can say to our farmers that their crop insurance policies are, indeed, going to be renewed for next year.

I thank both of the managers of the bill for yielding us this time to talk about this very important subject.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, AND 2003

The Senate continued with consideration of the concurrent resolution.

VOTE ON AMENDMENT NO. 2209

The PRESIDING OFFICER. The question is on agreeing to the Roth amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—51

Abraham	Gorton	McConnell
Allard	Gramm	Murkowski
Ashcroft	Grams	Nickles
Bennett	Grassley	Robb
Breaux	Gregg	Roberts
Brownback	Hagel	Roth
Burns	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hutchinson	Shelby
Cochran	Hutchison	Smith (NH)
Coverdell	Inhofe	Smith (OR)
Craig	Kempthorne	Specter
DeWine	Kyl	Stevens
Domenici	Lott	Thomas
Enzi	Lugar	Thompson
Faircloth	Mack	Thurmond
Frist	McCain	Warner

NAYS—49

Akaka	Durbin	Leahy
Baucus	Feingold	Levin
Biden	Feinstein	Lieberman
Bingaman	Ford	Mikulski
Bond	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Jeffords	Rockefeller
Coats	Johnson	Sarbanes
Collins	Kennedy	Snowe
Conrad	Kerrey	Torricelli
D'Amato	Kerry	Wellstone
Daschle	Kohl	Wyden
Dodd	Landrieu	
Dorgan	Lautenberg	

The amendment (No. 2209) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, once again, I don't think we are going to hear any profound speeches in the next few minutes, but at least we ought to know what it is that is going on, because if those amendments are not up there by the witching hour of 6 o'clock, they will not have a chance to get an amendment considered, whether it is a "vote-a-thon," "vote-a-rama," "rapid fire," or whatever you want to call it, or whether there will be a chance for debate. Six o'clock is it. We all turn into pumpkins at that time.

AMENDMENT NO. 2204, AS MODIFIED, AND AMENDMENT NOS. 2226 THROUGH 2247, EN BLOC

Mr. LAUTENBERG. Mr. President, I have amendments to send to the desk on behalf of the following Senators: Senator KOHL from Wisconsin has a modification to amendment No. 2204, Senator ROCKEFELLER, Senator CONRAD, Senator BUMPERS, Senator FEINSTEIN, Senator JOHN KERRY, Senator WELLSTONE, Senator CHARLES ROBB, Senator BIDEN, Senator BOXER, Senator BINGAMAN, Senator BINGAMAN again, Senator ROBERT KERREY, Senator MOSELEY-BRAUN, Senator MOSELEY-BRAUN again, Senator MOSELEY-BRAUN again, Senator DURBIN, Senator DORGAN, Senator LAUTENBERG, Senator LAUTENBERG again, Senator TORRICELLI, Senator TORRICELLI again, and Senator MOYNIHAN.

I offer those amendments and ask for their consideration. I ask unanimous consent that we suspend the reading of the amendments.

Mr. President, I offer them en bloc. I also ask unanimous consent that they be put aside after being laid at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment numbered 2204, as modified, and amendments numbered 2226 through 2247, en bloc, are as follows:

AMENDMENT NO. 2204, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the establishment of a national background check system for long-term care workers)

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care and it is incumbent on Congress and the President to ensure that medicare and medicaid patients are protected from abuse, neglect, and mistreatment.

(2) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect and mistreatment do occur at an unacceptable rate and are not limited to nursing homes alone.

(3) Current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers and no common State procedures for tracking abusers from State to State and facility to facility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that a national registry of abusive long-term care workers should be established by building upon existing infrastructures at the Federal and State levels that would enable long-term care providers who participate in the medicare and medicaid programs (412 U.S.C. 1395 et seq.; 1396 et seq.) to conduct background checks on prospective employees.

AMENDMENT NO. 2226

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

"$51,000,000,000.
(B) Outlays, $42,300,000,000.
Fiscal year 2000:
(A) New budget authority, $50,800,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2001:
(A) New budget authority, $50,100,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2002:
(A) New budget authority, $48,400,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2003:
(A) New budget authority, $48,000,000,000.
(B) Outlays, $42,900,000,000."

On page 25, line 8, strike "−$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

"$200,000,000.
(B) Outlays, −$1,400,000,000.
Fiscal year 2000:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$3,600,000,000.
Fiscal year 2001:
(A) New budget authority, −$700,000,000.
(B) Outlays, −$1,000,000,000.
Fiscal year 2002:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$4,000,000,000.
Fiscal year 2003:
(A) New budget authority, −$1,400,000,000.
(B) Outlays, −$1,000,000,000."

On page 31, line 24, strike subsection (6) in its entirety.

AMENDMENT NO. 2227

(Purpose: To ensure that the tobacco reserve fund in the resolution may be used to strengthen Social Security)

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be revised for legislation that reserves the Federal share of receipts from tobacco legislation for the Medicare Hospital Insurance Trust Fund or the Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation shall not be taken into account.

AMENDMENT NO. 2228

(Purpose: To provide for funding to help the states comply with the Individuals with Disabilities Education Act by eliminating an unjustified tax loophole)

On page 3, line 10, increase the amount by $39,000,000.

On page 3, line 11, increase the amount by $66,000,000.

On page 3, line 12, increase the amount by $67,000,000.

On page 3, line 13, increase the amount by $69,000,000.

On page 3, line 14, increase the amount by $71,000,000.

On page 3, line 19, increase the amount by $39,000,000.

On page 4, line 1, increase the amount by $66,000,000.

On page 4, line 2, increase the amount by $67,000,000.

On page 4, line 3, increase the amount by $69,000,000.

On page 4, line 4, increase the amount by $71,000,000.

On page 4, line 19, increase the amount by $39,000,000.

On page 4, line 20, increase the amount by $66,000,000.

On page 4, line 21, increase the amount by $67,000,000.

On page 4, line 22, increase the amount by $69,000,000.

On page 4, line 23, increase the amount by $71,000,000.

On page 5, line 5, increase the amount by $39,000,000.

On page 5, line 6, increase the amount by $66,000,000.

On page 5, line 7, increase the amount by $67,000,000.

On page 5, line 8, increase the amount by $69,000,000.

On page 5, line 9, increase the amount by $71,000,000.

On page 16, line 9, increase the amount by $39,000,000.

On page 16, line 10, increase the amount by $39,000,000.

On page 16, line 13, increase the amount by $66,000,000.

On page 16, line 14, increase the amount by $66,000,000.

On page 16, line 17, increase the amount by $67,000,000.

On page 16, line 18, increase the amount by $67,000,000.

On page 16, line 21, increase the amount by $69,000,000.

On page 16, line 22, increase the amount by $69,000,000.

On page 16, line 25, increase the amount by $71,000,000.

On page 17, line 1, increase the amount by $71,000,000.

AMENDMENT NO. 2229

(Purpose: To express the sense of the Senate on education goals)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON EDUCATION GOALS.

It is the sense of the Senate that the functional totals underlying this resolution assume that the Federal Government should work hand-in-hand with States, school districts, and local leaders—

(1) to accomplish the following goals by the year 2005:

(A) establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of social promotion of students (promoting students routinely from one grade to the next without regard to their academic achievement);

(B) provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

(C) create smaller schools to enable students to have closer interaction with teachers;

(D) require at least 180 days per year of instruction in core curriculum subjects;

(E) recruit new teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards; and

(F) require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma; and

(2) to reaffirm the importance of public schooling and commit to guaranteeing excellence and accountability in the public schools of this nation.

AMENDMENT NO. 2230

(Purpose: To ensure that the tobacco reserve fund in the resolution protects public health)

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) (A) public health efforts to reduce the use of tobacco products by children, including youth tobacco control education and prevention programs, counter-advertising, research, and smoking cessation;

(B) transition assistance programs for tobacco farmers;

(C) increased funding for the Food and Drug Administration to protect children from the hazards of tobacco products;

(D) improving the availability, affordability and quality of child care;

(E) increased funding for education;

(F) increased funding for health research;

(G) reimbursements to States for tobacco-related health costs; or,

(H) expanding children's health insurance coverage; and,

"(2) savings for the Medicare Hospital Insurance Trust Fund or the Social Security Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation and used to fund subsection (a)(2) shall not be taken into account.

AMENDMENT NO. 2231

(Purpose: To express the sense of the Senate supporting additional funding for fiscal year 1999 for medical care for veterans)

On page 53, after line 22, add the following:

SEC. 317. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the functional totals underlying this resolution assume that $159,116,000 in additional amounts above the President's budget levels will be made available for veterans health care for fiscal year 1999.

AMENDMENT NO. 2232

(Purpose: To ensure that the tobacco reserve fund in the resolution protects tobacco farmers)

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation which reserves the Federal share of receipts from tobacco legislation only for the Medical Hospital Insurance Trust Fund or for providing transition assistance to tobacco farmers.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to providing transition assistance to tobacco farmers.

AMENDMENT NO. 2233

At the appropriate place, insert:

SEC. . A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that:—

(1) Our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of federal assistance, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a murder rate in 1996 which is projected to be the lowest since 1971 and a violent crime total in 1990 which is the lowest since 1990;

(2) Through a comprehensive effort to attack violence against women mounted by state and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995;

(3) Recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women

are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

(4) The Violent Crime Reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996 without adding to the federal budget deficit.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, shall be maintained and funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2003.

AMENDMENT NO. 2234

(Purpose: To expand the uses of the tobacco reserve fund to include funding for health research, including the National Institutes of Health)

On page 28, beginning on line 5, after "Medicare Hospital Insurance Trust Fund," strike all through the end of line 17, and insert the following:

", or for health research, including funding for the National Institutes of Health (NIH).

"(b) REVISED BUDGETARY LEVELS AND LIMITS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may adjust all appropriate budgetary levels and limits, including aggregates and allocations, to carry out this section. These budgetary levels and limits shall be considered for the purposes of the Congressional Budget Act of 1974 as the budgetary levels and limits contained in this resolution.

"(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to health research, including the National Institutes of Health."

AMENDMENT NO. 2235

(Purpose: To express the sense of the Senate regarding the analysis of civilian science and technology expenditures in the budget

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE ON ANALYSIS OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"(a) FINDINGS.—The Senate finds the following:

"(1) The National Academy of Sciences, National Academy of Engineering, and Institute of Medicine have recommended, in their 1995 report, entitled 'Allocating Federal Funds for Science and Technology,' that the Federal science and technology budget 'be presented as a comprehensive whole in the President's budget and similarly considered as a whole at the beginning of the congressional budget process before the total federal budget is disaggregated and sent to the appropriations committees and subcommittees.'

"(2) Civilian federal agencies are supporting more than $35 billion of research and development in fiscal year 1998, but it is difficult for the Congress and the public to track or understand this support because it is dispersed among 12 different budget functions.

"(3) A meaningful examination of the overall Federal budget for science and technology, consistent with the recommendation of the National Academies, as well as an examination of science and technology budgets in individual civilian agencies, would be facilitated if the President's budget request clearly displayed the amounts requested for science and technology programs across all civilian agencies and classified these amounts in Budget Function 250.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget for the United States for fiscal years 2000, 2001, 2002, 2003, and 2004 should consolidate the spending for all federal civilian science and technology programs in Budget Function 250, and that the President should accordingly transmit to the Congress a budget request for fiscal year 2000 that classifies these programs, across all federal civilian departments and agencies, in Budget Function 250.".

AMENDMENT NO. 2236

(Purpose: To express the sense of the Senate regarding long-term civilian science and technology budget trends)

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE ON CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"It is the sense of the Senate that the assumptions underlying the function totals in this budget resolution assume that expenditures for civilian science and technology programs in the Federal budget will double over the period from fiscal year 1998 to fiscal year 2008.".

AMENDMENT NO. 2237

(Purpose: To express the sense of the Senate on long-term Federal budgeting and the repayment of the public debt)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON LONG-TERM BUDGETING AND REPAYMENT OF THE PUBLIC DEBT.

(a) FINDINGS.—The Senate finds that—

(1) today, there are 34,000,000 Americans over the age of 65, and by the year 2030, that number will grow to nearly 70,000,000;

(2) in 1963, mandatory spending represented 30 percent of the Federal budget, while discretionary spending made up 70 percent, and by 1998, those proportions have almost completely reversed, in that mandatory spending now accounts for 68 percent of the Federal budget, while discretionary spending represents 32 percent;

(3) according to the 1997 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance (OASDI) Trust Fund—

(A) the difference between the income and benefits for the OASDI program is a deficit of 2.23 percent of taxable payroll;

(B) the assets in the Trust Fund are expected to be depleted under present law in the year 2029;

(C) by the time the assets in the Trust Fund are depleted, annual tax revenues will be sufficient to cover only three-fourths of the annual expenditures;

(D) intermediate estimates are that OASDI will absorb nearly 17.5 percent of national payroll by the year 2030; and

(E) the cost of the OASDI program is estimated to rise from its current level of 4.7 percent of Gross Domestic Product to 6.7 percent by the end of the 75-year projection period;

(4) according to reports by the Congressional Budget Office, the Economic and Budget Outlook: Fiscal Years 1999-2008 (January 1998) and Reducing the Deficit: Spending and Revenue Options (March 1997)—

(A) the Medicare Part A Trust Fund will be exhausted early in fiscal year 2010;

(B) enrollment in Medicare will increase dramatically as the baby boomers reach age 65;

(C) between the years 2010 and 2030, enrollment in Medicare is projected to grow by 2.4 percent per year, up from the 1.4 percent average annual growth projected through 2007;

(D) by the year 2030, Medicare enrollment will have doubled, to 75,000,000 people; and

(E) the increase in Medicare enrollment caused by the aging of the population will be accompanied by a tapering of the growth rate of the working age population, and the number of workers will drop from 3.8 for every Medicare beneficiary in 1997 to 2.02 per beneficiary by 2030;

(5) the demographic shift that is currently taking place, and will continue for the next 30 years, will put a tremendous burden on workers as the cost of programs such as Social Security and Medicare are borne by proportionately fewer workers;

(6) the current Budget Resolution, which projects revenues and spending only for the next 10 years, does not give Congress a clear picture of the budget problems that confront the United States shortly after the turn of the century;

(7) currently, 14 percent of the Federal budget is spent on interest payments on the national debt; and

(8) if projected surpluses are used entirely for debt reduction and current tax and spending policies remain unchanged, the share of Federal income needed to pay interest would drop below 5 percent within 12 years, and in 1997, that 10 percentage-point reduction would have amounted to $158,000,000,000 available for other priorities.

(b) SENSE OF THE SENATE..—It is the sense of the Senate that the functional totals in this concurrent resolution assume that future budget resolutions and future budgets submitted by the President should include—

(1) an analysis for the period of 30 fiscal years beginning with such fiscal year, of the estimated levels of total budget outlays and total new budget authority, the estimated revenues to be received, the estimated surplus or deficit, if any, for each major Federal entitlement program for each fiscal year in such period; and

(2) a specific accounting of payments, if any, made to reduce the public debt, or unfunded liabilities associated with each major Federal entitlement program.

AMENDMENT NO. 2238

(Purpose: To express the sense of the Senate regarding tax legislation that increases the complexity of any tax return)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING LEGISLATION THAT INCREASES COMPLEXITY OF TAX RETURNS.

(a) FINDINGS.—The Senate finds the following:

(1) As part of the consideration by the Senate of tax cuts for the families of America, the Senate should also examine the condition of the Internal Revenue Code of 1986.

(2) According to the Congressional Research Service, the Revenue Reconciliation Act of 1997 added 1,000,000 words and 315 pages to the Internal Revenue Code.

(3) The Internal Revenue Code continues to grow more complex and difficult for the average taxpayer to understand, and the average tax return has become more time-consuming to prepare.

(4) The average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year.

(5) The average taxpayer spend between 21 and 28 hours each year on tax matters.

(6) In 1995, 58,965,000 of the 118,218,327 tax returns that were filed, almost 50 percent, were filed by taxpayers who utilized the help of paid tax preparers.

(7) The average taxpayer spends $72 each year for tax preparation.

(8) The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours per year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the Senate should give priority to tax proposals that simplify the tax code and reject proposals that add greater complexity in the tax code and increase compliance costs for the taxpayer.

AMENDMENT NO. 2239

(Purpose: To express the sense of the Senate that the President should submit a generational study with the budget request)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PRESIDENT'S BUDGET.

It is the sense of the Senate that the budgetary levels in this resolution assume that the President should submit, as part of the budget request of the President that is submitted to Congress, a study of the impact of the provisions of the budget on each generation of Americans and its long-term effects on each generation.

AMENDMENT NO. 2240

(Purpose: To express the sense of the Senate regarding the value of the social security system for future retirees)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) 78 percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of a working career.

(7) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

AMENDMENT NO. 2241

(Purpose: To express the sense of Congress regarding the right to affordable, high-quality health care for seniors)

At the end of title III, insert the following:

SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they have the right to choose their physicians, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

AMENDMENT NO. 2242

(Purpose: To express the sense of the Senate on ensuring Social Security solvency)

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY SOLVENCY.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security system provides benefits to 44,000,000 Americans, including 27,300,000 retirees, over 4,500,000 people with disabilities, 3,800,000 surviving children, and 8,400,000 surviving adults, and is essential to the dignity and security of the Nation's elderly and disabled;

(2) the Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust funds have reported to Congress that the "total income" of the Social Security system "is estimated to fall short of expenditures beginning in 2019 and in each year therafter. . .until [trust fund] assets are exhausted in 2029";

(3) intergenerational fairness, honest accounting principles, prudent budgeting, and sound economic policy all require saving Social Security first, in order that the Nation may better afford the retirement of the baby boom generation beginning in 2010;

(4) in reforming Social Security in 1983, Congress intended that near-term Social Security trust fund surpluses be used to prefund the retirement of the baby boom generation;

(5) in his State of the Union message to the joint session of Congress on January 27, 1998, President Clinton called on Congress to "save Social Security first" and to "reserve one hundred percent of the surplus, that is any penny of any surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century";

(6) the nation will engage in a national dialogue during 1998 on the future of Social Security, which will include 4 regional conferences organized by the Concord Coalition and the American Association of Retired Persons, a White House summit on private retirement savings in July, and a White House Conference on Social Security in December; and

(7) saving Social Security first would work to expand national savings, reduce interest rates, enhance private investment, increase labor productivity, and boost economic growth.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that:

(1) Congress should save Social Security first by reserving any unified budget surplus until legislation is enacted to make Social Security actuarially sound and capable of paying future retirees the benefits to which they are entitled;

(2) enactment of such legislation will require a broad base of public support that should be developed during 1998 through a national bipartisan discussion of alternative approaches to ensuring Social Security solvency; and

(3) since that discussion has just begun, Congress should not act now to foreclose policy options that could help ensure Social Security solvency.

AMENDMENT NO. 2243

(Purpose: To express the sense of the Senate that the Congress and the Administration should fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five years to enable Amtrak to implement its Strategic Business Plan, while preserving the integrity of the $2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AMTRAK FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) on November 13, 1997 the Senate unanimously passed the Amtrak Reform and Accountability Act of 1997, P.L. 105–134, authorizing appropriations of $1,058,000,000 for FY99; $1,023,000,000 for FY00, $989,000,000 for FY01; and $955,000,000 for FY02, totaling $4.025 billion FY99–02;

(2) in P.L. 105–134 the Congress declared that "intercity rail passenger service is an essential component of a national intermodal passenger transportation system";

(3) section 201 of the Amtrak Reform and Accountability Act of 1997 has now statutorily formalized prior Congressional directives to Amtrak to reach operating self-sufficiency by fiscal year 2002;

(4) the Congress and the President, through enactment of this legislation, have effectively agreed that Congress will provide adequate funding to permit Amtrak to achieve the goal of operating self-sufficiency;

(5) capital investment is critical to reducing operating costs and increasing the quality of Amtrak service;

(6) capital investment is essential to improving Amtrak's long-term financial health;

(7) the $2.2 billion provided to Amtrak through the Taxpayer Relief Act is for the sole purpose of capital expenditures and other qualified expenses and is intended to supplement, no supplant, annual appropriations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that Congress and the Administration will fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five fiscal years for Amtrak to implement its FY 1998-FY 2003 Strategic Business Plan, while preserving the integrity of the $2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment.

AMENDMENT NO. 2244

The text of Amendment No. 2244 is printed in today's RECORD under "Amendments Submitted."

AMENDMENT NO. 2245

(Purpose: To express the sense of the Senate on battlefield preservation)

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104–333 (16 U.S.C. 1a–5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

AMENDMENT NO. 2246

(Purpose: To express the sense of the Senate on the Land and Water Conservation Fund)

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON THE LAND AND WATER CONSERVATION FUND.

It is the sense of the Senate that the budget levels in this resolution assume that programs funded from the Land and Water Conservation Fund should be funded in the full amount authorized by law.

AMENDMENT NO. 2247

(Purpose: To express the Sense of the Senate that the Committee on Finance should consider legislation to preserve Social Security and ensure its long-run solvency; and that no policy options, affecting either outlays, revenues, or the manner of investment of funds, should be excluded from consideration)

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE ON THE FUTURE OF SOCIAL SECURITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Public confidence in the long-term viability of the Social Security System is low, with opinion polls repeatedly indicating that a majority of non-retired young adults do not believe they will receive Social Security when they retire;

(2) In the year 2012, outlays for Old Age Survivors and Disability Insurance will exceed its tax revenues;

(3) Early action by the Congress is needed in order to strengthen public confidence in Social Security and address the long-run actuarial deficit of the program;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that:

(1) the Committee on Finance should at the earliest possible date hold hearings on and begin consideration of legislation to preserve the Social Security program and ensure its long-run solvency; and that no policy options affecting either revenues, outlays or the manner of investment of funds, should be excluded from consideration.

AMENDMENTS NOS. 2203, 2212, AND 2193, EN BLOC

Mr. LAUTENBERG. Mr. President, I have three more amendments that are currently at the desk, and I ask unanimous consent that they be called up and then put aside: Senator WYDEN's amendment No. 2203, Senator TORRICELLI's amendment No. 2212, and Senator HOLLINGS' amendment No. 2193.

Again, I ask unanimous consent that they be brought up and then put aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I ask unanimous consent that we forgo the reading of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments numbered 2203, 2212, and 2193, en bloc, are as follows:

AMENDMENT NO. 2203

(Purpose: To direct the Congressional Budget Office to calculate inflation swings or shortfalls in each function of the Government)

At the end of title II, add the following:

SEC. ___. CALCULATING INFLATION SAVINGS OR SHORTFALLS.

For each fiscal year, the Congressional Budget Office shall calculate the inflation savings or shortfall that occurs when inflation is less or more than anticipated for each function of the Government and report its findings to Congress in March and August of each year. If inflation is less than anticipated the report shall also include a detailed explanation of how surplus funds are allocated.

AMENDMENT NO. 2212

(Purpose: To express the sense of the Senate on battlefield preservation)

On page 53, after line 22, add the following:

SEC. 3__. SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104–333 (16 U.S.C. 1a–5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

AMENDMENT NO. 2193

(Purpose: To provide a supermajority point of order against any change in the off-budget status of Social Security)

At the end of title II, add the following:

SEC. ___. PROTECTING THE OFF-BUDGET STATUS OF SOCIAL SECURITY.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, resolution, or amendment or motion thereto or conference report thereon, including legislation reported by the Committee on the Budget of either House pursuant to section 306 of the Congressional Budget Act of 1974, that changes section 301(i), 302(f), 310(g), or 311 of the Congressional Budget Act of 1974, or section 13301 of the Budget Enforcement Act of 1990, section 202 of H. Con. Res. 67 (104 Congress), or this section, or would otherwise change budget procedures regarding Social Security.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. BUMPERS. Mr. President, will the Senator yield for a question? In the calling off of the names of the amendment, I have an amendment there, and I did not hear my name called. Is it at the desk?

Mr. LAUTENBERG. Yes.

Mrs. BOXER. Mr. President, if my colleague will yield for a question on one of the amendments, I did not hear my name mentioned. I have two amendments. I am hopeful that you received both amendments.

Mr. LAUTENBERG. In response to the Senator, both amendments were received that she offered and were sent to the desk.

Mrs. BOXER. Thank you very much.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 2266, 2222, AND 2208, EN BLOC

Mr. DOMENICI. Mr. President, pursuant to the unanimous consent request, it is now my privilege to introduce the amendments that we have on this side.

Let me start it this way. There is pending at the desk an amendment numbered 2266, Senator GRAMS numbered 2222, and an amendment numbered 2208 by Senator HUTCHISON.

I would like to call them up and set them aside. I ask unanimous consent to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments numbered 2266, 2222, and 2208, en bloc, are as follows:

AMENDMENT NO. 2266

(Purpose: To extend the Violent Crime Reduction Trust Fund)

At the appropriate place, insert the following:

"SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

"(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional budget Act of 1974, the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 1999—

"(A) for the defense category: $271,570,000,000 in new budget authority and $266,635,000,000 in outlays;

"(B) for the nondefense category: $255,450,000,000 in new budget authority and $289,547,000,000 in outlays; and

"(C) for the violent crime reduction category: $5,800,000,000 in new budget authority and $4,953,000,000 in outlays;

"(2) with respect to fiscal year 2000—

"(A) for the discretionary category: $532,693,000,000 in new budget authority and $558,711,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $5,554,000,000 in outlays;

"(3) with respect to fiscal year 2001—

"(A) for the discretionary category: $537,632,000,000 in new budget authority and $558,415,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,400,000,000 in new budget authority and $5,981,000,000 in outlays; and

"(4) with respect to fiscal year 2002—

"(A) for the discretionary category: $546,574,000,000 in new budget authority and $556,269,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $4,530,000,000 in outlays;

"as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and section 314 of the Congressional Budget Act.

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.".

AMENDMENT NO. 2222

(Purpose: To use any budget surplus to reduce payroll tax and establish personal retirement accounts for hard-working Americans)

At the appropriate place in the resolution, insert the following new section:

SEC. . USE OF BUDGET SURPLUS TO REFORM SOCIAL SECURITY.

It is the sense of the Senate that the assumptions underlying the functional totals included in the resolution assume—

(a) the Congress and the President should use any budget surplus to reduce the Social Security payroll tax and to establish personal retirement accounts with the tax reduction for hard-working Americans.

(b) the Congress and the President should not use the Social Security surplus to finance general government programs and other spending, should begin to build real assets for the trust funds, and work to reform the Social Security system.

AMENDMENT NO. 2208

(Purpose: to express the sense of the Senate that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON THE USE OF BUDGET SURPLUS FOR TAX RELIEF OR DEBT REDUCTION.

It is the sense of the Senate that this resolution assumes that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

AMENDMENTS NOS. 2248 THROUGH 2272 EN BLOC

Mr. DOMENICI. Mr. President, I send to the desk the following amendments: Senator BOND amendment, Senator ABRAHAM, Senator THURMOND, Senator SESSIONS, Senator DOMENICI in behalf of Senator FAIRCLOTH, Senator SPECTER, a second amendment in behalf of Senator SPECTER, and a third amendment in behalf of Senator SPECTER, Senator NICKLES, Senator FRIST, Senator MCCONNELL, Senator SESSIONS, Senators CRAIG and DOMENICI, Senators COVERDELL and SHELBY, Senator SANTORUM, second Santorum amendment, Senator KEMPTHORNE, Senator GRAMM, Senator COVERDELL, second Senator COVERDELL, a third, fourth, fifth, and Senator MACK.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:.

The Senator from New Mexico (Mr. DOMENICI) proposes amendments numbered 2248 through 2272, en bloc.

The amendments are as follows:

AMENDMENT NO. 2248

At the appropriate place insert:

It is the Sense of the Senate that the provisions of this resolution assume that included in the funding for the Immigration and Naturalization Service (INS) is $2 million for the establishment of INS circuit rides in the former Soviet Union for the purpose of processing refugees and conducting medical examinations of refugees who will enter the United States under the Refugee Act of 1980.

AMENDMENT NO. 2249

(Purpose: To express the sense of Congress that the Budget Act should be amended to facilitate the use of future unified budget surpluses to strengthen and reform Social Security, reform the tax code, and reduce the tax burden on middle-class families)

In the pending resolution, insert the following section at the appropriate place:

SEC. . SENSE OF CONGRESS REGARDING BUDGET ACT REFORMS.

It is the sense of the Congress that the provisions of this resolution assume that The Budget Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 should be amended to facilitate the use of future unified budget surpluses to strengthen and reform Social Security, reform the tax code, and reduce the tax burden on middle-class families, including:

(1) Eliminating Paygo rules with regard to revenue reductions while the unified budget is in surplus; and

(2) Striking points of order against reducing the Social Security payroll tax.

AMENDMENT NO. 2250

(Purpose: To express the Sense of the Senate regarding long-term care needs)

On page 43, strike line 4 through line 17 and insert the following:

(a) FINDINGS.—The Senate finds that—

(1) Our Nation is not financially prepared to meet the long-term care needs of its rapidly aging population and that long-term care needs threaten the financial security of American families; and

(2) Many people are unaware that most long-term care costs are not covered by Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this concurrent resolution on the budget assumes that the National Bipartisan Commission on the Future of Medicare should, as part of its deliberations, describe long-term care needs and make all appropriate recommendations including private sector options that reflect the need for a continuum of care that spans from acute to long-term care. This is not a specific recommendation that any new program be added to Medicare;

(2) the Federal Government should take all appropriate steps to inform the public about the financial risks by long-term care costs and about the need for families to plan for their long-term care needs;

(3) the Federal Government should take all appropriate steps to inform the public that Medicare does not cover most long-term care costs and that Medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(4) the appropriate committees of the Senate, together with the Department of Health and Human Services and other appropriate Executive Branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the upcoming National Summit on Retirement Income Savings should ensure that planning for long-term care is an integral part of any discussion of retirement security.

AMENDMENT NO. 2251

(Purpose: To express the sense of the Senate that the Congress should begin to phase out the marriage penalty this year)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ELIMINATION OF THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and the key institution preserving our values;

(2) The tax code should not penalize those who choose to marry;

(3) However, the Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system;

(4) The Congressional Budget Office found that the average penalty amounts to $1380 a year;

(5) This penalty is one of the factors behind the decline of marriage; and

(6) In 1970, just 0.5 percent of the couples in the United States were unmarried. By 1996, this percentage had risen to 7.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this budget resolution assume that the Congress shall begin to phase out the marriage penalty this year.

AMENDMENT NO. 2252

(Purpose: To express the sense of the Senate regarding the display of the Ten Commandments by a judge on the circuit court of the State of Alabama)

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING DISPLAY OF TEN COMMANDMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

(2) the Ten Commandments set forth a code of moral conduct, observance of which is acknowledged to promote respect for our system of laws and the good of society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume that—

(1) the Ten Commandments are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in the Supreme Court, the Capitol building, the White House, and other government offices and courthouses across the nation, of the Ten Commandments should be permitted.

AMENDMENT NO. 2253

(Purpose: Setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year—)

In the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Balanced Budget Act of 1997 created a new era for federal spending and forced the Department of Defense to plan on limited spending over the five year period from fiscal year 1998 through 2002.

(2) The agreements forged under the Balanced Budget Act of 1997 specifically defined the available amounts of budget authority and outlays, requiring the Department of Defense to properly plan its future activities in the new, constrained budget environment.

(3) The Department of Defense worked with the Office of Management and Budget to develop a fiscal year 1999 budget which complies with the Balanced Budget Act of 1997.

(4) Based on Department of Defense program plans and policy changes, the Office of Management and Budget and the Department of Defense made detailed estimates of fiscal year 1999 Department of Defense outlay rates to ensure that the budget submitted would comply with the Balanced Budget Act of 1997.

(5) The Congressional Budget Office outlay estimate of the fiscal year 1999 Department of Defense budget request exceeds both the outlay limit imposed by the Balanced Budget Act of 1997 and the Office of Management and Budget's outlay estimate, a disagreement which would force a total restructuring of the Department of Defense's fiscal year 1999 budget.

(6) The restructuring imposed on the Department of Defense would have a devastating impact on readiness, troop morale, military quality of life, and ongoing procurement and development programs.

(7) The restructuring of the budget would be driven solely by differing statistical estimates made by capable parties.

(8) In a letter dated March 31, 1998, the Director of the Office of Management and Budget identified multiple differences between the Office of Management and Budget's estimated outlay rates and the Congressional Budget Office's estimated outlay rates.

(9) New information on Department of Defense policy changes and program execution plans now permit the Office of Management and Budget and the Congressional Budget Office to reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that not later than April 22, 1998, the Director of the Office of Management and Budget, the Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for Department of Defense accounts.

AMENDMENT NO. 2254

(Purpose: To modify the use of the tobacco reserve fund)

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) tobacco-related programs and activities, including extending the solvency of the Medicare Hospital Insurance Trust Fund; and

(2) not less than $2,000,000,000 for biomedical research in fiscal year 1999 and other public health research.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

AMENDMENT NO. 2255

(Purpose: To modify the tobacco reserve fund to allow up to $10.5 billion to be spent on post-service smoking related Veterans compensation benefits)

On page 28, line 17, after the material that appears on line 17, insert the following:

"(d) VETERANS.—

"(1) Notwithstanding any other provision of this section, upon the consideration of legislation pursuant to section (a), the Chairman of the Budget Committee may increase the appropriate budget authority and outlay aggregates and allocations by the amount such legislation increases spending for post-service smoking related Veterans compensation benefits.

"(2) The adjustments made pursuant to this subsection shall not exceed $500,000,000 for fiscal year 1999 and $10,500,000,000 for fiscal years 1999 through 2003."

AMENDMENT NO. 2256

On page 28, line 17, after the material that appears on line 17, insert the following:

(d) Notwithstanding any other provision of this section, $500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal year 1999 and additional outlays for fiscal year 1999; and $10,500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal years 1999–2003, and additional outlays for fiscal years 1999–2003.

On page 31, line 24, strike subsection (6) in its entirety.

AMENDMENT NO. 2257

(Purpose: Prohibiting precatory language on budget resolutions)

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PRECATORY AMENDMENTS.

In setting forth the budget authority and outlay amounts in this resolution, the Senate assumes that the Senate of the United States instructs the Senate Parliamentarian to interpret Section 305(b)(2) of the Congressional Budget Act of 1974 as amended by inserting after the second sentence the following: "For purposes of the preceding sentence an amendment is not germane if it states precatory language."; and that precatory includes, in the context of Senate consideration of any budget resolution, amendments which reference the budget resolution's assumptions regarding budgetary levels; federal revenues; Federal Insurance Contributions Act revenues for hospital insurance; budget authority; budget outlays; deficits; public debt; social security revenues, and outlays; loan obligations; loan guarantees; allowances; undistributed, and distributed, offsetting receipts; reconciliation; reserve funds; allocations; revenue, spending, and revised aggregates; offsets; appropriations; mandatory spending; entitlements; and any other term or definition employed, under the Budget Act, in a budget resolution.

AMENDMENT NO. 2258

(Purpose: To express the sense of the Senate regarding funding for the Airport Improvement Program)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR THE AIRPORT IMPROVEMENT PROGRAM.

It is the sense of the Senate that the congressional budget for the United States Government as provided for in this resolution should assure that—

(1) the contract authority level for the Airport Improvement Program (provided for in part B of subtitle VII of title 49, United States Code) not be reduced below the current level of $2,347,000,000; and

(2) the critical infrastructure development, maintenance, and repair of airports not be jeopardized.

AMENDMENT NO. 2259

(Purpose: Expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON PAYMENT OF COSTS OF LITIGATION.

(a) FINDINGS.—The Congress finds that—

(1) the President's Task Force on National Health Care Reform, convened by President Clinton in 1993, was charged with calling together officials of the Federal Government and others to debate critical health issues of concern to the American public;

(2) the Task Force convened behind closed doors and inappropriately included individuals who were not employees of the Federal Government;

(3) United States District Judge Royce C. Lamberth ruled in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., that representatives of the administration engaged in "dishonest" and "reprehensible" conduct in characterizing the membership of the Task Force;

(4) Judge Royce C. Lamberth on the basis of such conduct ruled against the defendants and ordered them to pay $285,864.78 in attorneys' fees, costs, and sanctions for the plaintiffs; and

(5) American taxpayers should not be held responsible for the inappropriate and dishonest conduct of Federal Government officials and lawyers involved with the Task Force.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the functional totals in this concurrent resolution on the budget assume that the award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., should not be paid with taxpayer funds.

AMENDMENT NO. 2260

(Purpose: To express the sense of the Senate regarding limitations on attorneys' fees under any global tobacco settlement)

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize those funds to pay attorneys' fees, on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action, in excess of the reasonable and customary fee for similarly skilled legal services for the specific locale. In no event should the rate exceed $500 per hour.

(2) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(3) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided State officials with a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

AMENDMENT NO. 2261

(Purpose: To express the sense of the Senate on the eligibility of individuals suffering from post-service smoking-related illnesses for VA compensation)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON VA COMPENSATION AND POST-SERVICE SMOKING-RELATED ILLNESSES.

(a) FINDINGS.—The Senate finds that—

(1) the President has twice included in his budgets not permitting the program expansion that the Veterans Administration (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(2) Congress has never acted on this program expansion;

(3) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least $10,000,000,000 in additional costs to the VA;

(4) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review; and

(5) the programs expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(1) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA compensation until the study and report required by paragraph (2) are completed.

(2) The Veterans Administration and the Office of Management and Budget are jointly required to—

(A) jointly study (referred to in this section as the "study") the VA General Counsel's determination (O.G.C. 2-93) and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(B) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(3) The study should include—

(A) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(B) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(C) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(4) The study shall be completed no later than July 1, 1999.

(5) The Veterans Administration shall report its finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

AMENDMENT NO. 2262

(Purpose: To express the sense of the Senate on the procurement of Blackhawk utility helicopters for Colombia to reduce illicit drug trafficking)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON COLOMBIAN DRUG WAR HELICOPTERS.

(a) FINDINGS.—The Senate finds that—

(1) Colombia is the leading illicit drug producing country in the Western Hemisphere;

(2) 80 percent of the world's cocaine originates in Colombia;

(3) based on the most recent data of the Drug Enforcement Administration (DEA), more than 60 percent of the heroin seized in the United States originates in Colombia;

(4) in the last 10 years more than 4,000 officers of the Colombian National Police have died fighting the scourge of drugs;

(5) in one recent year alone, according to data of the United States Government, the

United States had 141,000 new heroin users and the United States faces historic levels of heroin use among teenagers between the ages of 12 and 17;

(6) once Colombian heroin is in the stream of commerce it is nearly impossible to interdict because it is concealed and trafficked in very small quantities;

(7) the best and most cost efficient method of preventing Colombian heroin from entering the United States is to destroy the opium poppies in the high Andes mountains where Colombian heroin is produced;

(8) the elite anti-narcotics unit of the Colombian National Police has the responsibility to eradicate both coca and opium in Colombia, including the reduction and elimination of cocaine and heroin production, and they have done a remarkably effective job with the limited and outdated equipment at their disposal;

(9) more than 40 percent of the anti-narcotics operations of the Colombian National Police involve hostile ground fire from narco-terrorists and 90 percent of such operations involve the use of helicopters;

(10) the need for better high performance helicopters by the Colombian National Police, especially for use in the high Andes mountains, is essential for more effective eradication of opium in Colombia;

(11) on December 23, 1997, one of the antiquated Vietnam-era UH-1H Huey helicopters used by the Colombian National Police in an opium eradication mission crashed in the high Andes mountains due to high winds and because it was flying above the safety level recommended by the original manufacturer;

(12) in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105-118), amounts were appropriated for the procurement by the United States for the Colombian National Police of three UH-60L Blackhawk utility helicopters that can operate safely and more effectively at the high altitudes of the Andes mountains where Colombian opium grows at altitudes as high as 12,000 feet;

(13) the Blackhawk helicopter is a high performance utility helicopter, with greater lift capacity, that can perform at the high altitudes of the Andes mountains, as well as survive crashes and sustain ground fire, much better than any other utility helicopter now available to the Colombian National Police in the war on drugs;

(14) because the Vietnam-era Huey helicopters that the United States has provided the Colombian National Police are outdated and have been developing numerous stress cracks, a sufficient number should be upgraded to Huey II's and the remainder should be phased-out as soon as possible;

(15) these Huey helicopters are much older than most of the pilots who fly them, do not have the range due to limited fuel capacity to reach many of the expanding locations of the coca fields or cocaine labs in southern Colombia, nor do they have the lift capacity to carry enough armed officers to reach and secure the opium fields in the high Andes mountains prior to eradication;

(16) the elite anti-narcotics unit of the Colombian National Police has a stellar record in respecting for human rights and has received the commendation of a leading international human rights group in their operations to reduce and eradicate illicit drugs in Colombia;

(17) the narco-terrorists of Colombia have announced that they will now target United States citizens, particularly those United States citizens working with their Colombian counterparts in the fight against illicit drugs in Colombia;

(18) a leading commander of the Revolutionary Armed Forces of Colombia ("FARC") announced recently that the objective of these narco-terrorists, in light of recent successes, will be "to defeat the Americans";

(19) United States Government personnel in Colombia who fly in these helicopters accompanying the Colombian National Police on missions are now at even greater risk from these narco-terrorists and their drug trafficking allies;

(20) in the last six months four anti-narcotics helicopters of the Colombian National Police have been downed in operations;

(21) Congress intends to provide the necessary support and assistance to wage an effective war on illicit drugs in Colombia and provide the equipment and assistance needed to protect all of the men and women of the Colombian National Police as well as those Americans who work side by side with the Colombian National Police in this common struggle against illicit drugs;

(22) the new Government of Bolivia has made a commitment to eradicate coca and cocaine production in that country within 5 years;

(23) the United States should support any country that is interested in removing the scourge of drugs from its citizens; and

(24) Bolivia has succeeded, in large measure due to United States assistance, in reducing acreage used to produce coca, which is the basis for cocaine production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the President should, with funds made available under Public Law 105-118, expeditiously procure and provide to the Colombian National Police three UH-60L Blackhawk utility helicopters solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States;

(2) if the President determines that the procurement and transfer to the Colombian National Police of three UH-60L Blackhawk utility helicopters is not an adequate number of such helicopters to maintain operational feasibility and effectiveness of the Colombian National Police, then the President should promptly inform Congress as to the appropriate number of additional UH-60L Blackhawk utility helicopters for the Colombian National Police so that amounts can be authorized for the procurement and transfer of such additional helicopters; and

(3) assistance for Bolivia should be maintained at least at the level assumed in the fiscal year 1998 budget submission of the President and the Administration should act accordingly.

AMENDMENT NO. 2263

(Purpose: Expressing the Sense of the Senate regarding reauthorization of the Farmland Protection Program)

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE THAT THE 105TH CONGRESS, 2ND SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) Eighteen states and dozens of localities have spent nearly $1 billion to protect over 600,000 acres of important farmland;

(2) The Farmland Protection Program has provided cost-sharing for eighteen states and dozens of localities to protect over 82,000 acres on 230 farms since 1996;

(3) The Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) The Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) current funds authorized for the Farmland Protection Program will be exhausted in the next six months;

(6) The United States is losing two acres of our best farmland to development every minute of every day;

(7) These lands produce three quarters of the fruits and vegetables and over one half of the dairy in the United States;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the 105th Congress, 2nd Session will reauthorize funds for the Farmland Protection Program.

AMENDMENT NO. 2264

(Purpose: To express the sense of the Senate concerning health care quality for participants in the Federal Employees Health Benefits Program)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(A) FINDINGS.—The Senate makes the following findings:

(1) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, only 186 were fully accredited;

(2) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, 7 were denied accreditation.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation requiring all health plans participating in the Federal Employees Health Benefits Program to be accredited by a nationally recognized accreditation organization representative of a spectrum of health care interests including purchasers, consumers, providers and health plans.

AMENDMENT NO. 2265

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING MARKET ACCESS PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The Market Access Program (MAP) continues to be a vital and important part of U.S. trade policy aimed at maintaining and expanding U.S. agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs. Further, the Senate finds that:

(A) The Market Access Program is specifically targeted towards small business, farmer cooperatives and trade associations.

(B) The Market Access Program is administered on a cost-share basis. Participants, including farmers and ranchers, are required to contribute up to 50 percent or more toward the cost of the program.

(2) The Market Access Program has been a tremendous success by any measure. Since the program was established, U.S. agricultural exports have doubled. In FY 1997, U.S. agricultural exports amounted to $57.3 billion, resulting in a positive agricultural

trade surplus of approximately $22 billion, and contributing billions of dollars more in increased economic activity and additional tax revenues.

(3) The Market Access Program has also helped maintain and create needed jobs throughout the nation's economy. More than one million Americans now have jobs that depend on U.S. agricultural exports. Further, every billion dollars in additional U.S. agricultural exports helps create as many as 17,000 or more new jobs.

(4) U.S. agricultural, including farm income and related jobs, is more dependent than ever on maintaining and expanding U.S. agricultural exports as federal farm programs are gradually reduced under the FAIR Act of 1996.

(5) In addition to the Asian economic situation and exchange rate fluctuations, U.S. agricultural exports continue to be adversely impacted by continued subsidized foreign competition, artificial trade barriers and other unfair foreign trade practices.

(6) The European Union (EU) and other foreign competitors continue to heavily outspend the U.S. by more than 10 to 1 with regard to export subsidies.

(A) In 1997, the EU budgeted $7.2 billion for export subsidies aimed at capturing a larger share of the world market at the expense of U.S. agriculture.

(B) EU and other foreign competitors also spent nearly $500 million on market promotion activities. The EU, spends more on wine promotion than the U.S. currently spends on all commodities and related agricultural products.

(C) The EU has announced a major new initiative aimed at increasing their exports to Japan-historically, the largest single market for U.S. agriculture exports.

(7) U.S. agriculture is the most competitive industry in the world, but it can not and should not be expected to compete alone against the treasuries of foreign governments.

(8) Reducing or eliminating funding for the Market Access Program would adversely affect U.S. agriculture's ability to remain competitive in today's global marketplace. A reduction in U.S. agricultural exports would translate into lower farm income, a worsening trade deficit, slower economic growth, fewer export-related jobs, and a declining tax base.

(9) U.S. success in upcoming trade negotiations on agriculture scheduled to begin in 1999 depends on maintaining an aggressive trade strategy and related policies and programs. Reducing or eliminating the Market Access Program would represent a form of unilateral disarmament and weaken the U.S. negotiating position.

(10) The Market Access Program is one of the few programs specifically allowed under the current Uruguay Round Agreement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition, and protect American jobs.

AMENDMENT NO. 2266

(Purpose: To extend the Violent Crime Reduction Trust Fund)

At the appropriate place, insert the following:

"SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

"(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974, the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 1999—

"(A) for the defense category: $271,570,000,000 in new budget authority and $266,635,000,000 in outlays;

"(B) for the nondefense category: $255,450,000,000 in new budget authority and 289,547,000,000 in outlays; and

"(C) for the violent crime reduction category: $5,800,000,000 in new budget authority and $4,953,000,000 in outlays;

"(2) with respect to fiscal year 2000—

"(A) for the discretionary category: $532,693,000,000 in new budget authority and $558,711,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in budget authority and $5,554,000,000 in outlays;

"(3) with respect to fiscal year 2001—

"(A) for the discretionary category: $537,632,000,000 in new budget authority and $558,415,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,400,000,000 in new budget authority and $5,981,000,000 in outlays; and

"(4) with respect to fiscal year 2002—

"(A) for the discretionary category: $546,574,000,000 in new budget authority and $556,269,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $4,530,000,000 in outlays;

"as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and section 314 of the Congressional Budget Act.

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.".

AMENDMENT NO. 2267

(Purpose: To express the sense of the Senate regarding the Department of Justice's pursuit of Medicare fraud and abuse)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING EFFORTS TO COMBAT MEDICARE FRAUD AND ABUSE.

It is the sense of the Senate that the provisions of this resolution assume that while fighting Medicare fraud and abuse is critical, so is the avoidance of criminalizing those parties whose errors were made inadvertently. The Senate applauds heightened attention to fraud and abuse issues in the effort to promote Medicare solvency. In evaluating the enforcement activities of the Department of Justice regarding fraud and abuse, the Senate should ensure that standards of proof as prescribed by law are present in these activities. It is incumbent upon the Senate to ensure that parties are not subject to criminal penalties absent a finding of specific intent to defraud.

AMENDMENT NO. 2268

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING NATIONAL RESPONSE TO THE THREAT OF ILLEGAL DRUGS.

SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the provisions of this resolution assume that Congress will significantly increase funding for drug interdiction operations by the Immigration and Naturalization Service, Customs Service, Coast Guard, Department of Defense and other responsible agencies;

(2) the provisions of this resolution assume that Congress will continue to support and increase funding for anti-drug education and prevention efforts aimed at informing every American child in the middle school and high school age brackets about the dangers of drugs and at empowering them to reject illegal drug use;

(3) increasing grassroots parental involvement should be a key component of our national drug education and prevention efforts; and

(4) Congress should promote efforts to establish annual measures of performance for evaluating the effectiveness of the National Drug Control Strategy.

AMENDMENT NO. 2269

(Purpose: To express the sense of the Senate on Wasteful Spending in Defense Department Acquisition Practices)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING WASTEFUL SPENDING IN DEFENSE DEPARTMENT ACQUISITION PRACTICES.

(a) FINDINGS.—The Senate finds that—

(1) according to the Defense Department's Inspector General, despite efforts to streamline government purchases, the military, in some cases, paid more than "fair value" for many items; and

(2) efficient purchasing policies, in the context of decreasing defense budgets, are more important than ever to ensure Defense Department spending contributes to military readiness.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Defense Department should continue efforts to eliminate wasteful spending such that defense spending allocated in the FY 99 budget, and all subsequent budgets, is spent in the manner most efficient to maintain and promote military readiness for U.S. armed forces around the globe.

AMENDMENT NO. 2270

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE UNITED STATES RESPONSE TO THE CHANGING NATURE OF TERRORISM.

(a) FINDINGS.—The Senate finds that—

(1) The threat of terrorism to American citizens and interests remains high, with Americans suffering one-third of the total terrorist attacks in the world in 1997;

(2) The terrorist threat is changing—while past acts were generally limited to the use of conventional explosives and weapons, terrorists today are exploiting technological advances and increasingly lethal tools and strategies to pursue their agenda;

(3) On a worldwide basis, terrorists are focusing on afflicting mass casualties on civilian targets through the acquisition of chemical, biological and nuclear weapons of mass destruction;

(4) Chemical and biological weapons in the hands of terrorists or rogue nations constitute a threat to the United States;

(5) The multi-faceted nature of the terrorist threat encompasses not only foreign terrorists targeting American citizens and interests abroad, but foreign terrorists operating within the United States itself, as well as domestic terrorists;

(6) Terrorist groups are becoming increasingly multinational, more associated with criminal activity, and less responsive to external influences;

(7) Terrorists exploit America's free and open society to illegally enter the country, raise funds, recruit new members, spread propaganda, and plan future activities;

(8) Terrorists are also making use of computer technology to communicate, solicit money and support, and store information essential to their operations;

(9) State sponsors to terrorism and other foreign countries are known to be developing computer intrusion and manipulation capabilities which could pose a treat to essential public and private information systems in the United States;

(10) The infrastructures deemed critical to the United States are the telecommunications networks, the electric power grid, oil and gas distribution, water distribution facilities, transportation systems, financial networks, emergency services, and the continuity of government services, the disruption of which could result in significant losses to the United States economic well-being, public welfare, or national security;

(11) A national strategy of infrastructure protection, as required by the Defense Appropriations Act of 1996, and subsequent amendments, has yet to be issued; and

(12) We as a nation remain fundamentally unprepared to respond in a coordinated and effective manner to these growing terrorist threats.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) The federal government must take the lead in establishing effective coordination between intelligence-gathering and law enforcement agencies, among federal, state, and local levels of government, and with the private sector, for the purpose of assessing, warning, and protecting against terrorist attacks;

(2) Technical preparedness for the detection and analysis of chemical and biological weapons, and for swift and adequate emergency response to their use by terrorists, must be a near-term continuing priority;

(3) The United States must seek full international cooperation in securing the capture and conviction of terrorists who attack or pose a threat to American citizens and interests;

(4) The United States should fully enforce its laws intended to deny foreign terrorist organizations the ability to raise money in the United States, prevent the evasion of our immigration laws and furthering of criminal activities, and curtail the use of our country as a base of operations; and

(5) A national strategy, adequate to addressing the complexity of protecting our critical infrastructures, and as required by the Defense Appropriations Act of 1996 and subsequent amendments, must be completed and implemented immediately.

AMENDMENT NO. 2271

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING A MULTINATIONAL ALLIANCE AGAINST DRUG TRAFFICKING.

FINDINGS.—The Senate finds that—

(1) the traffic in illegal drugs greatly threatens democracy, security and stability in the Western Hemisphere due to the violence and corruption associated with drug trafficking organizations;

(2) drug trafficking organizations operate without respect for borders or national sovereignty;

(3) the production, transport, sale, and use of illicit drugs endangers the people and legitimate institutions of all countries in the hemisphere;

(4) no single country can successfully confront and defeat this common enemy;

(5) full bilateral cooperation with the United States to reduce the flow of drugs is in the national interests of our neighbors in the hemisphere; and

(6) in addition, victory in the hemispheric battle against drug traffickers requires expanded multilateral cooperation among the nations of the region.

SENSE OF THE SENATE.—It is the sense of Senate that the provisions of this resolution assume that in addition to existing bilateral cooperative efforts, the Administration should promote at the Summit of the Americas and in other fora the concept of a multinational hemispheric "war alliance" bringing together the United States and key illicit drug producing and transiting countries in the Western Hemisphere for the purpose of implementing a coordinated plan of action against illegal drug trafficking and promoting full cooperation against this common menace.

AMENDMENT NO. 2272

(Purpose: To express the sense of the Senate that, at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget)

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals in this budget resolution assume that—

(1) appropriations for the National Institutes of health should be increased by 100 percent over the next 5 fiscal years;

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in year 1999 over the amount appropriated in fiscal year 1998;

(3) the budget resolution takes a major step toward meeting this goal; and

(4) at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget resolution.

Mr. DOMENICI. Mr. President, I would like to explore with the Senate how we might proceed.

Mr. President, what I have discussed with the leader and with the ranking member is that we try to have three amendments ready to vote pursuant to the order at 7 o'clock. I think we can do that.

First, we will attempt to have the amendment of Senator MOSELEY-BRAUN. It would be on or in relation thereto. Then I understand Senator

HOLLINGS has an amendment. Could he quickly tell us what it is?

Mr. HOLLINGS. Just requiring a 60-vote margin relating to the Social Security trust fund.

Mr. DOMENICI. Then we have a sense of the Senate; Senator FAIRCLOTH, or I in behalf of, on the marital deduction disparity and efforts that we want the Senate to make in terms of clearing that deficiency with reference to the marital deduction. The first vote will be 15 minutes, and 10 minutes thereafter, as we have already agreed to.

Would Senator LAUTENBERG like to let Senator HOLLINGS proceed?

Mr. LAUTENBERG. Yes. I ask unanimous consent that the next amendment that is brought up be that offered by the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I ask the Senator from New Mexico. As part of the structure that we have arranged, which is a half hour for those amendments that can be heard that are equally divided, and then there is a provision for 20 minutes for any second-degree amendment.

AMENDMENT NO. 2273

(Purpose: To assure that use of the tobacco reserve fund is consistent with comprehensive tobacco legislation approved by the Senate)

Mr. DOMENICI. Mr. President, before the clock strikes 6, I have one additional amendment which would not be in order after that.

In behalf of Senator HATCH, I send this amendment to the desk. It is the last one.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for Mr. HATCH, proposes an amendment numbered 2273.

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts for tobacco-related programs and activities authorized by Senate-passed comprehensive tobacco legislation.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

Mr. LAUTENBERG. I wanted to just explore publicly a question that arose, and that is we have not yet had an opportunity to examine these amendments and there may be an interest on either side to have a second degree. So we are not precluded, I assume, by that. I just wanted to confirm that with the chairman of the Budget Committee as to the process, assuming that there is no obstruction to that, and I know of none now, but I do have an inquiry that says what happens in a particular case if we have a second degree? There is no prohibition to that?

Mr. DOMENICI. I understand when we entered into the unanimous consent request we very particularly and specifically did not mention the issue of second-degree amendments, other than the amount of time that would be allotted to debate them. That means when an amendment comes up or as it is getting prepared, Senators who are interested in a second degree would obviously have time before the amendment and have time during the amendment, which is 30 minutes, to prepare and send to the desk the second-degree amendment.

Mr. LAUTENBERG. I thank the chairman of the Budget Committee. I ask one more question, or at least seek to get a clarification among those who hear us. That is, it is my understanding we are going to be very strict.

The PRESIDING OFFICER (Ms. COLLINS). The Senator will suspend. The Senate will be in order.

The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I understand, with the approval of the leadership, which I am asking indirectly, that we will be very strict about the time on these amendments. The traditional 15- or 20-minutes will be as it is and thereafter 10 minutes. But I ask all of our colleagues—because as I did a mental count here, we probably have 60 or 65 amendments sitting there—that we ought to not have anybody saying just give me a minute more. We made those decisions as of this moment and we are going to try to move the agenda along as expeditiously as we can.

Last, everyone should understand that this is done at the request of Senators on both sides, lots of Senators who say let's get our business done, let's complete our agenda and let's be prepared to conclude the week, hopefully, by tomorrow evening. I do not mean to put words in the mouth of the Senator from New Mexico, but as I remember our discussion, that's where we want to be.

Mr. DOMENICI. That is correct.

Mr. KYL addressed the Chair.

Mr. DOMENICI. Madam President, I ask consent that it be in order to file an amendment in behalf of Senator SESSIONS. It was not part of my package. I ask it be in order nonetheless at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2274

(Purpose: To express the sense of the Senate regarding limitations on attorneys' fees under any global tobacco settlement)

Mr. DOMENICI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. SESSIONS, proposes an amendment numbered 2274.

The amendment follows:

At the end of title III add the following:

SEC. ___. SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize more than $5,000,000 to pay attorneys' fees on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action.

(2) The limitation described in paragraph (1) shall apply to attorneys' fees provided for or in connection with an action of the type described in such paragraph under any—

(A) court order;

(B) settlement agreement;

(C) Contingency fee arrangement;

(D) arbitration procedure;

(E) alternative dispute resolution procedure (including mediation); or

(F) other arrangement providing for the payment of attorneys' fees.

(3) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(4) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

Mr. DOMENICI. Madam President, I ask that Senator GRASSLEY be added as a cosponsor on amendment No. 2213 on behalf of Senator BOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I want to follow up on the remarks of my distinguished ranking member. The leader has indicated to me that we are supposed to proceed as the floor managers see best tonight. We are going to try to have three votes at 7 p.m.. They will be expeditious in terms of time allotted to

both, and then we intend to continue on for the evening, perhaps an hour, hour and a half. After that we will have another group of amendments, and we will do this until we see some daylight, in terms of the entire time running out on this bill.

With that I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2193

Mr. HOLLINGS. Madam President, I call up my amendment No. 2193 on behalf of Senator DASCHLE, Senator CONRAD, Senator FEINGOLD, Senator DORGAN and Senator REID of Nevada.

The PRESIDING OFFICER. The amendment is pending.

Mr. HOLLINGS. Madam President, this goes right to the point of the requirement of a 60-vote supermajority in order to spend the Social Security funds or report a budget with respect to Social Security funds. It conforms to the sense of the Senate that the Members will find on page 37 and 38 of the concurrent resolution itself. We passed in the Budget Committee the sense of the Senate that the assumptions underlying the functional totals included in this resolution assume that Congress and the President should continue to rid our country of debt and work to balance the budget without counting Social Security trust fund surpluses.

There was, of course, a unanimous vote in the Budget Committee. Incidentally, it was partly a response to the clarion call of the President of the United States, in his State of the Union address to the joint session of Congress, that we "save Social Security first." And, incidentally, some 8 years ago, 98 Senators voted for the very same thing.

The reason for the 98-Senator vote back in 1990 was to comply with the suggestions of the Greenspan Commission on Social Security. The Greenspan Commission in 1983 suggested a very high payroll tax, not just to balance Social Security's budget, but also to build up a surplus for the baby boomers in the next generation. For example, the Commission's report included projections to the year 2056.

We have constantly heard on the floor of the Congress, in both Houses, "Oh, the baby boomers are going to cause a problem, the baby boomers are going to cause a problem in the next generation." Not at all, not at all, Madam President. The fact is, if we quit looting the Social Security trust fund, we could get along well with just minor adjustments to the Social Security program. The problem is being caused not by the baby boomers, but by the adults on the floor of the Congress itself—in that we have this euphemism called the unified budget.

Let me tell you about that unified budget. The unified budget is a device of the financial community, of corporate America, of the Federal Reserve Board, to keep interest rates low. They could care less about the burden of having to pay the bill. They are not Congressmen. They are not Senators. They don't have to face up to the present deficit of $631 billion we owe Social Security now, or the $1.2 trillion this government will owe Social Security by the end of the budget under consideration.

We are going right up against the wall. We will owe this money and then someone will say, "Well, we can't raise taxes." Someone is going to say, "Well, we have to raise the age." Then someone will say, "We have to limit the benefits." These are the remarks we can expect to hear in this Congress at the turn of the century.

The President, to his credit, grabbed ahold of this particular issue, which we have been working on for years. He said, "Save Social Security first." We passed, already, one sense of the Senate by a vote of 100 to nothing. We passed the one I now propose by 20 to nothing in the Budget Committee. I would like to remark on a comment made in the Commerce Committee's markup of the tobacco bill just a few moments ago, when the distinguished chairman turned to another Senator and said, "Now, wait a minute, is this a sense of the Senate?"

And the Senator responded, "No, this is real. This counts."

I want, and I am sure every Senator here wants, the desire to save Social Security to count. One of the best ways to make sure it counts here is to require—for the first time on the parliamentary treatment of issues here, in the reading of bills and concurrent resolutions—at least a 60-vote supermajority margin in order to spend Social Security surpluses, or list them, or waive the requirement they not be expended.

To return to the Greenspan Commission report for a moment, I believe that report was very judicious in its vision with respect to the baby boomers. The report said we know we have this high tax and we are going to have surpluses. But we want to make sure these surpluses are not expended by some tricky device called a unified budget, or a unified deficit. Section 21 of the Greenspan Commission report required just that, that Social Security be put off-budget. After the Commission made its report, we struggled within the Budget Committee for years to implement its suggestions. It wasn't until 1990 that we finally were able to require, by a vote of 20 to 1, that trust funds be taken off-budget. And then, on the floor of the Senate, by a vote of 98 to 2, we passed section 13301 of the statutory law of the Budget Act—which was then passed by the House and signed into law by President Bush on November 5, 1990. Section 13301, which I have a copy of now, prohibited Congress from including Social Security trust funds in the budget.

I ask unanimous consent it be printed in the RECORD at this particular point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUBTITLE C SOCIAL SECURITY

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in . . .

Mr. HOLLINGS. As you can see, we passed the law. But it has been ignored. And we are ignoring it again, Madam President, because if you look on page 67 of the committee's report, you will find at the bottom line: "on budget for 1998, minus $95.6 billion." Then: "off budget, $103.4 billion." The report then states a total surplus of "$7.8 billion."

That is not the actual deficit, Madam President—not at all. That is the so-called unified deficit, which its adherents arrive at by looting trust funds. But if you look on page 5 of the resolution itself, you will see the deficit is listed for fiscal year 1999 as $108.2 billion. This is a far cry from a surplus. That is in response to section 13301. That is the actual deficit. Just go down one step further to the section, on that same page 5, labeled "Public debt." You will find that from 1998 to 1999, in the present budget under consideration, all you need to do to compute the actual deficit is to subtract the increase in the national debt. That is the actual spending that occurs that we do not pay for. That is the actual outlay that is not taken care of by revenues themselves. You only have to do simple arithmetic to find that for the year 1999, according to this present budget under consideration, the deficit will be $186.3 billion.

Madam President, it is interesting, in this time of headlines that tout surpluses as far as the eye can see, to just look at the deficits for the next 5 years—the additions to the national debt. You will see that they add up

each year to a total of $905 billion. In other words, under the budget currently being considered, the government will spend almost $1 trillion more than it receives in revenue. Yet, we have people claiming on the floor of the Congress, and in newspapers and editorials, "Look at what a wonderful job we have done."

The fact is, instead of balancing the budget, instead of continuing to lower deficits as we have done 6 years in a row—and I give the current administration credit for having done so —we are going to turn and change course and, for the first time now with this 1999 concurrent resolution for this particular budget for 1999, we will increase rather than lower the deficit. We will increase the deficit some $32 billion. We will go from $153 to $186 billion—$31 billion, not counting decimals here. That is $31 billion that we are increasing the deficit.

Madam President, I would like to return to the original point: some kind of parliamentary restriction to bring sobriety to this body, to prevent politicians from claiming, "I voted for a sense of the Senate; I voted not to spend Social Security." That was just not real. That was just a sense of the Senate. This resolution would be binding at least for a 60-vote majority. It ought to really have 100 votes, because that is what we voted time and time again when actually voted on.

I yield the floor to my distinguished colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. How much time is remaining on the time of the Senator from South Carolina?

The PRESIDING OFFICER. The Senator has 4 minutes 15 seconds.

Mr. FEINGOLD. Madam President, I thank the Senator from South Carolina for yielding and, more importantly, for taking the lead on this amendment. There is no more important amendment in this whole budget resolution than the Hollings amendment. This goes to the heart of the matter.

Madam President, I am pleased to join my good friend, the Senator from South Carolina (Mr. HOLLINGS), in offering this amendment to close a loophole in the rules protecting the Social Security Trust Fund balances.

Let me note it gives me particular pleasure in cosponsoring this amendment with Senator HOLLINGS; both in this body and in the Budget Committee, he has been a consistent voice for fiscal prudence.

There is a fundamental difference between the way many in Congress approach the budget, and the way I approach it.

That difference is Social Security.

Since the time Lyndon Johnson lived in the White House, Presidents of both parties and Congresses controlled by both parties have included the Social Security Trust Fund balances in their budget calculations.

The result is a false picture of our country's fiscal health, and, just like a false medical report that covers up a serious illness, it can lead to major problems in the future.

This false budget picture has been used so often it has become almost a matter of "budget convention," and it has so impressed itself into the vocabulary of the budget that we now hear the word "surplus" when there is no surplus.

We hear people talking about a budget "surplus" in Congress, in news stories, and in the letters we receive from constituents.

But there is no surplus; there is a deficit that is still being hidden, and Social Security is the curtain used to hide it.

We need look no further than the budget resolution itself.

On page 5 of S. Con. Res. 86, the deficit levels are listed for Fiscal Years 1998 through 2003.

For Fiscal Year 1998, the deficit is $95 billion.

The deficit rises to over $120 billion in Fiscal Years 2000 and 2001 before returning to levels below $100 billion, reaching $92 billion in Fiscal Year 2003.

With surpluses like these, who needs deficits?

Despite these continuing deficits, many in this body want to act as if we have a surplus—free money to hand out in the form of new spending or new tax cuts.

The notion of a so-called unified budget, which began as a political convenience to mask the deficit almost 30 years ago, has now become the budget reality for many.

This must stop.

"Surplus" is supposed to mean something extra, like a bonus.

It means, all the bills are paid and there is money left over.

One dictionary defines "surplus" as: "something more than or in excess of what is needed or required."

The so-called unified budget surplus is not "more than or in excess of what is needed or required."

Those funds are needed; they are needed to pay future Social Security benefits.

They were raised by the Social Security system, specifically in anticipation of commitments to future Social Security beneficiaries.

When Congress makes budget obligations today based on those Social Security funds—whether in the form of tax cuts or spending increases—we are committing to a path of fiscal policy that jeopardizes future Social Security benefits.

The amendment Senator HOLLINGS and I are offering is designed to shore up protections surrounding Social Security, and end talk of budget surpluses that are not really there.

Our amendment does so by closing a loophole in the supermajority protections we give to Social Security.

It establishes a point of order against any measure that would allow Congress to change the off-budget status of Social Security, directly or indirectly, without a supermajority vote.

Under most circumstances, our rules require a supermajority vote to change the budget treatment of Social Security.

But while supermajority points of order usually protect the Social Security Trust Fund balances, in certain circumstances those points of order are subject to amendment or repeal by only a simple majority vote.

While legislation to amend budget rules and laws generally is subject to a supermajority point of order, under Section 306 of the Congressional Budget Act of 1974, this point of order does not apply to legislation or a budget resolution that has been reported or discharged from the Senate Budget Committee, or to any amendments to such legislation.

Our amendment eliminates this loophole in the supermajority protections we have established for Social Security.

We must play it straight with the American people, and we must give them an honest balanced budget.

This means Congress must stop pretending there is a surplus, and start acknowledging we still have a way to go before our budget is truly in balance.

I very much hope our colleagues will support this sensible protection for Social Security, and will join us in making it harder to change our budget rules in a way which would allow Social Security Trust Fund balances to be used to pay for spending increases or tax cuts.

Madam President, let me reiterate, the fact is, we do not have a surplus. All this talk about a surplus is not accurate, and the American people know it. We have made tremendous progress. I am glad that much of it was done in 1993. Some of it was done last year. But the fact is, we have a long way to go.

What the Senator from South Carolina is doing is just trying to make this body face up to the reality by creating a little higher standard, a 60-vote rule rather than a majority-vote rule to continue this practice. This practice should not be continued at all. There should not be any 60 votes or 70 votes or 80 votes to use Social Security to try to pretend there is a real balanced budget. At least under the Hollings amendment, the standard would be tougher. It would require 60 votes. You couldn't sanitize the process by running it through the Budget Committee.

This is to me the most fundamental issue here, because we are, in effect, telling the American people something that just is not true. We have done well. The economy has stayed very

solid throughout this, but to pretend that there is extra money, to pretend that we can do spending or big tax cuts at this time is not straightforward. This, of course, is not just with regard to our senior citizens.

The Social Security fund is in good shape for a number of years to come but it has more to do with the baby boomers and the young people in their twenties and thirties and those in high school and even younger.

I have had the experience of having high school kids ask me at high school forums not just about the issues one expects high school students to ask about, but whether or not Social Security will be there when they get to that age. That is an unusual question for a high school student, but they know they are potentially being taken for a ride.

Many of them are working. They are getting a check from, let's say, McDonald's, and they notice something is being taken out of their checks. "What is it being taken out for?"

"Well, for Social Security."

Then they find out it might not be there for them.

What the Senator from South Carolina is saying is the Congress should stop borrowing from Social Security to try to make this look better. This is a very, very important amendment for truth in budgeting.

I thank the Senator from South Carolina and yield back any time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank my distinguished colleague from Wisconsin. He has been a Trojan in the trenches working on the same side.

I ask unanimous consent to add the distinguished Senator from California, Mrs. BOXER, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I rise in support of this amendment, which would establish a new point of order to protect the Social Security surplus. It's designed to enforce the principle that President Clinton emphasized in his State of the Union address: "save Social Security first."

The Social Security program is the most important social insurance program in the United States. It's dramatically reduced poverty among older Americans. And it provides a critical safety net for those who suffer from disabilities, or the death of a family member.

Unfortunately, Social Security's long-term viability is now threatened by the impending retirement of the baby boom generation, and the significant new pressures that will place on the system. Congress needs to act promptly to address this problem.

Congress already has made a clear commitment to Social Security, and we've created various procedural protections to enforce that commitment. For example, Section 301(i) of the Budget Act prohibits the Senate from considering a budget resolution that would reduce a Social Security surplus. And Section 311(a)(3) prohibits us from considering any measure that would decrease a Social Security surplus below the level set in the budget resolution.

The point of order proposed today is consistent with these precedents. But rather than directly protecting Social Security, this point of order would protect the rules that protect Social Security.

These budget rules, in effect, require 60 votes to reduce a Social Security surplus. The problem, though, is that there's a loophole. And the loophole is that these rules themselves can be amended under certain circumstances with only 50 votes.

In general, legislation to amend budget laws is subject to a supermajority point of order, under Section 306 of the Budget Act. But this point of order doesn't apply to legislation that's been reported from the Budget Committee, or to any amendments to such legislation.

So, for example, if the Budget Committee reports a minor bill to make technical corrections to the Budget Act, an amendment to gut the Social Security rules could be adopted by a simple majority vote.

In my view, that's a loophole that we need to close.

Let's not just proclaim our commitment to saving Social Security first. Let's put it in writing. And let's make it enforceable.

I hope my colleagues on both sides of the aisle will support the amendment.

Mr. HOLLINGS. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DOMENICI. How much time has Senator HOLLINGS used?

The PRESIDING OFFICER. The Senator from South Carolina has used 13 minutes 44 seconds.

Mr. DOMENICI. So he has 1 minute-plus left.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Madam President, unless my friend from New Jersey desires to speak, I will not use my entire 15 minutes. I will make a point of order that the Senator's amendment violates the Budget Act and requires 60 votes.

Frankly, I do not understand what the distinguished Senator is talking about. He has been a longtime friend, and he has been on the Budget Committee. He has served on it. Actually, the Budget Committee is the source of the firewall that protects Social Security now. This amendment says he is taking away our jurisdiction, that we can't do anything with reference to Social Security, and we are the committee to make the recommendations.

If, indeed, the recommendations in some other provision of law requires 60 votes to pass, that is a different thing. To say to a committee of jurisdiction that you cannot pass on anything because there is a supermajority requirement just seems to me that we could take every committee of jurisdiction, we could take away their jurisdiction all under the rubric that we are trying to keep them from spending money. Maybe we don't like Commerce. They have been putting out too many bills. So we adopt a process that says whatever your jurisdiction is, you can't report out any bills without a supermajority in these different areas.

That is not right. The Senator apparently has some great goal in mind. I remind the U.S. Senate and my friend Senator HOLLINGS, he does not like us to use the word "balance," that we are in balance. So every time we use it, we better say the "unified budget is in balance."

Let's acknowledge that only 6 years ago, 5 years ago, if he is worried about Social Security, the unified budget was $300 billion in the red. Have we made any headway in keeping the Social Security trust fund from getting spent? Of course. For starters, we have made $300 billion worth, and right now we have a $10 billion surplus. That does not mean we have a surplus without the Social Security trust fund, but it means that we are borrowing $10 billion less from the Social Security fund because of the balance in the unified budget of the United States. Is that bad? That seems to me to be good.

If some think that they can wipe out the nonunified deficit quicker, then there are only two ways to wipe it out quicker: One is to cut more expenditures or to raise taxes.

That is what somebody has to be talking about if they want to make us stop the $90 billion worth of borrowing, which used to be more, and it is down from $100 billion to $90 billion this very year because of the surplus. Instead of talking about the Budget Committee doesn't have any jurisdiction without supermajorities to move anything with reference to Social Security—all we are doing is making recommendations to the Senate.

To act as if this will in some way make the Social Security trust fund more solvent, frankly, in all honesty, I just don't understand how this is going to do any good, and I have not heard anything from the Senator yet that indicates that it will do anything good.

In all respect, I just do not believe it is going to accomplish what the Senator wants. Social Security is not going to be any more protected, and we are just going to say that there is a 60-vote point of order against anything the Budget Committee would do with reference to recommending Social Security changes or reforms, which just

seems to me doesn't have anything to do with the problems that he describes because we are still borrowing from the Social Security trust fund.

I repeat, we are doing a lot better than we were 5 years ago, 6 years ago, and a lot better than we expected to do. That means Social Security is getting closer and closer to a stable state because the unified budget is getting more and more surplus, which the surplus is for now being applied to that debt, and we are borrowing less, which is now easy to understand. There is all kind of confusion. There are trust funds, IOUs. But the truth is, on paper, we are borrowing $10 billion less when we have a surplus than otherwise. If it gets up to $100 billion, we won't be borrowing anything. That is pretty good, and that is reality.

The Budget Committee had something to do with that. There is a firewall that does not permit us to spend any Social Security money that would, in any way, affect the actuarial soundness of the Social Security system. That is a firewall of 60 votes. That was recommended by the Budget Committee. If we put that in before and came to the floor, it would require 60 votes to become law. It doesn't seem to me that is right.

When the time has expired, I will make a point of order and then we will have a vote and try to stack it as early as possible so we can dispose of the amendment.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the distinguished Senator from New Mexico doesn't have to remind the Senator from South Carolina that we are doing better than we were 6 years ago, because this Senator voted for that particular plan, which included spending cuts and which included tax increases to get this economy turned around. It included a tax increase on Social Security, as well. And we didn't get a single Republican vote for that Budget Act—not one vote from that side of the aisle.

Now the Senator from New Mexico says we are borrowing $10 billion. Turn, if you please, to the analysis of the President's budget proposal by the Congressional Budget Office put out the day before yesterday. On page 36, you will find the actual debt increases to $184 billion. So we are not borrowing $10 billion less. The actual facts, according to the Congressional Budget Office, are that we are borrowing $31 billion more.

Tell me about the budgets and requirements of the Budget Committee supermajority. You have to get a supermajority to get the tobacco money. Why not a supermajority to protect Social Security? We have section 13301 of the Budget Act itself that is a firewall anyone disobeys when he spends that money.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. If I need more time, I can get some, I guess, off the resolution. But let me hear it. My time has expired.

Mr. DOMENICI. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 8 minutes 54 seconds.

Mr. DOMENICI. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. DOMENICI. Madam President, I make the point of order that the amendment of the distinguished Senator, Senator HOLLINGS, is out of order under the Budget Act. It is not germane.

Mr. HOLLINGS. Madam President, pursuant to Section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment.

Mr. DOMENICI. We will stack the vote as soon as we can for three votes.

Mr. HOLLINGS. Can we get the yeas and nays?

Mr. DOMENICI. Surely.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I am going to call up the Faircloth amendment with reference to the marriage penalty, and then we are going to stack four votes which will include two Democrat votes and two Republican votes. In order to get the second Republican vote, I would have to have Senator CRAIG offer a second one so we would have two. And that would make the votes be on two Democrat and two Republican amendments. Is that acceptable? All right.

If you have another one that is ready—Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2251

Mr. DOMENICI. I call up amendment No. 2251.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

Amendment numbered 2251 previously proposed by the Senator from New Mexico [Mr. DOMENICI] for Mr. FAIRCLOTH.

Mr. DOMENICI. I yield 5 minutes of the opening remarks to Senator SESSIONS with reference to this amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Madam President, I would like to offer some comments in support of this sense-of-the-Senate resolution regarding the elimination of the marriage penalty. Marriage is an institution to be venerated, and our public policy should affirm marriage and we should have laws that treat married couples on an equal basis with those that are not married. That is the fundamental principle of fairness.

The fact is that under our current laws, married couples suffer a financial penalty when it comes to taxation. In fact, married couples pay often substantially more tax than they would pay if they were not married.

For example, the U.S. Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system. The Congressional Budget Office also found that the average tax penalty amounts to $1,380 per year. That is a $100-a-month tax penalty on people who choose to be married rather than those who choose not to marry. As a result of that, we are taking more of their money to in fact subsidize people who are not married who receive those benefits.

I think some people have suggested this is in fact a realistic cause of people not to marry. For example, in 1970, just .5 percent of the couples in the United States were not married. By 1996, that number had risen to 7.2 percent.

So, Madam President, I would say that this is a very important debate. And I will not belabor the subject. This is a matter that has been the subject of much debate, with much intellectual and financial study, and the conclusion of these numbers is plain and obvious. Under our current tax system, married couples are being subjected to an unfair financial penalty. This is a matter that this Senate must address.

It may be a bit late this year to make those changes. I wish it could have been done this year, but it is a change we are going to have to make. We are going to have to eliminate the circumstance in which a married couple is penalized for being married. It is not just, it is not fair, not appropriate, and it is unbecoming of the laws of the United States.

So, Madam President, I support this resolution and yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I compliment the Senator on his remarks. They are right on point. As a matter of fact, the resolution as drafted says to the U.S. Congress to begin to cure this marital tax inequity this year. In essence what we are saying is, if we are going to have a tax bill, we have no authority to dictate its content, but we are saying it is the sense of the Senate that we shall start down the road of eliminating that this year.

Now, I might add——

Mr. SESSIONS. If the Senator will yield, I would like to say how much I appreciate the Chairman's support for this concept, and for this resolution. I think we can begin now to take the kind of steps necessary to improve the tax laws in this regard.

Mr. DOMENICI. I say to the Senator, I just want to ask a question. You used the figure of $1,380 a year or $1,340?

Mr. SESSIONS. The number I have is $1,380.

Mr. DOMENICI. Is this what you mean? If you have two single people earning a combined income, that are single and filing separate returns, and you have a married couple with exactly the same amount of income, the married couple, everything else being equal, will pay $1,380 more in taxes per year?

Mr. SESSIONS. The Senator is exactly correct. That is the average for those who suffer a penalty. That is the average amount of penalty that is suffered, according to the Congressional Budget Office.

Mr. DOMENICI. So it could be a very large amount of money for people above the average?

Mr. SESSIONS. That is correct.

Mr. DOMENICI. I assume it could be $2,000, $3,000, $5,000, $10,000?

Mr. SESSIONS. The Senator is correct.

Mr. DOMENICI. Of course, for those under the average it would be less. But is it not true that you have heard, as I have, that some people do not get married who are living together saying they are doing better on taxes without being married, and that this is frequently used in conversation if not in reality?

Mr. SESSIONS. The Senator from New Mexico is exactly correct. Certainly we have more people, more men and women living together without being married today than ever before.

Mr. DOMENICI. I reserve the remainder of my time.

Mr. LAUTENBERG. Madam President, I tell you what, I am going to support this amendment. So I ask if I can talk as one of the proponents for a minute to raise a question.

Mr. DOMENICI. Sure. How much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes 16 seconds.

Mr. DOMENICI. How much of that would you like?

Mr. LAUTENBERG. No. I would like a short period of time. I think if we can agree—and I do not see anybody here that wants to talk in opposition—we ought to yield back the time.

Mr. DOMENICI. We do have Senator FAIRCLOTH en route. If he is not here shortly, then we will be able to do what you suggest. But I am trying to hold a little bit of time for him.

Mr. LAUTENBERG. I see. My only question relates, frankly, to the schedule that is proposed here. The one thing I have to remind my friend and colleague, the Senator from New Mexico, about is the volume of the sense-of-the-Senate resolutions. We are building—we may have a record year this year, I say to the chairman.

Mr. DOMENICI. We might.

Mr. LAUTENBERG. So we just let it flow, go with the flow, as they say. None of us want to do anything to impose a penalty on marriage. The statistics are not as good as we would like to see in the first place, so we do not want to make it any more difficult. But when the schedule says "shall begin to phase out the marriage penalty this year," I think that is somewhat precipitous. But hearing the Senator from Alabama confirm I think what we all know, all we can do is kind of make this abstract recommendation and hope that it gets picked up along the way. So with that, with that caution, I am ready to go to a vote. I hope, I say to the chairman, in the interest of time, that we might be able to move it along.

Is Senator FAIRCLOTH still on his way?

Mr. DOMENICI. Yes, he is. And Senator HUTCHISON is one of the original cosponsors. She would like some of the time. I yield the Senator 4 minutes.

Mrs. HUTCHISON. Four minutes. I thank the Senator. I appreciate that.

This is the Faircloth-Hutchison amendment and it is also the Faircloth-Hutchison bill that would eliminate the marriage penalty tax.

All this amendment says is, it is a priority of Congress to eliminate the marriage penalty tax. We don't think Americans should have to choose between love and money. Yet 21 million American couples today have to make that exact choice, because they go into a higher tax bracket when they get married.

Let me give an example. A rookie policemen in Houston, TX, makes $33,500. His wife is a schoolteacher in the Pasadena independent school district making $28,200 a year. When this young couple got married, they owed Uncle Sam $1,000 more a year. This is at a time when they would like to buy their first home, when they have to buy a second car. They are having to pay Uncle Sam $1,000 because they got married. That could be two house payments, three or four car payments, and we are taking it away from them by an unfair Tax Code.

Our Tax Code does not meet the fairness test. I think this sense of the Senate says it best—that it will be the highest priority of Congress to correct this inequity in the law. I don't think Congress intended it, but that is the way it happened, and Congress does have the power to correct it.

I hope we will take this opportunity to speak with a loud, firm, clear voice, that Americans should not have to pay more money because they get married than they would have to pay if they stay single. That is the issue, a very simple amendment. I hope we will have a unanimous vote when this amendment comes forward to show that we intend to do something about this if we possibly can within the constraints of the surplus, and that if we are not able to do something, it will be the highest priority when we do have that budget surplus that I have seen spent in so many ways already in the last year. We haven't seen that budget surplus, so I think spending it is a little premature.

I do appreciate the fact that this committee set aside $10 billion for the first year for tax cuts, and I think if we can build on that, we can do some good for the hard-working American. We should continue to give money back to the people who earned it. You can always tell who cares about the people who earn the money, and that is by how they refer to tax dollars. We refer to tax dollars as belonging to the people who worked for them, and we are going to try to let people keep more of the money they earned. They deserve it. That is what setting this priority will do for 21 million American couples.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I concur with most of what has been said here. I read this resolution, and it is hard to argue with a resolution that is praising marriage and the married. I think we are all for that. Anything in the law of this land, whether tax law or otherwise, which detracts from that institution, should be examined and seriously considered.

But I keep wondering—I am not an expert on tax law, but there are some situations where marriage actually reduces the tax burden; where, in fact, if you have one of the spouses who has a high income and marries someone with a much lower income, it could reduce the tax rate. I certainly hope there is nothing in this sense-of-the-Senate resolution which suggests we should change that. I think we want to try to encourage people, and when the Tax Code rewards those who are married, we should continue doing that.

What I am told is there are two sides to the story. As there are those who

are losers and are penalized by the Tax Code by marriage, there are those who are benefited by the Tax Code.

Mrs. HUTCHISON. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. HUTCHISON. I would love to address that issue. It is a valid point.

We will not take away the break that a couple has in the one-income-earner family; that is, where people are ahead if they have one income in the family, they get a break on taxes. The people who get hit are the low-income people with two wage-earners in the family. They are the ones that often have to work to make ends meet, and yet they are penalized because they get married. It is a couple that makes $28,000 a year and $33,000 a year, and together they move into the higher bracket, but separately they would not be in the higher bracket, they would stay at the 15 percent bracket.

What we are trying to do is create an equity for those lower- and middle-income two-earner couples that right now are paying a hefty penalty.

Mr. DURBIN. I thank the Senator from Texas for that clarification. I hope we can do everything in our power to make the Tax Code not only friendly to those who are married but more progressive so that those in the lower- and middle-income categories get a helping hand from the Federal Government instead of the backhand.

Mrs. HUTCHISON. I thank the Senator from Illinois for allowing me to clarify that. It is certainly important for us to keep the advantage for the one-income-earner couple, but that we give that added advantage to that two-income-earner couple that really does need it.

Mr. DOMENICI. Madam President, I am prepared to yield back the time.

Mr. LAUTENBERG. I am prepared to yield back.

Mrs. HUTCHISON. Will the Senator yield?

If Senator FAIRCLOTH is not going to be able to give remarks, I would like to be able to say on his behalf what a leader he has been.

Mr. DOMENICI. I will try to arrange this right now, if you listen to my consent. If it doesn't work, we will use some time here.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. I ask unanimous consent that after the time is yielded back and we proceed to the next amendment, that nonetheless, prior to the vote at 9 o'clock or thereafter on the Faircloth amendment, that he be permitted to speak for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. May I reserve the right to ask a question? That is, this depends on the time, because we agreed we were going to control the time carefully. I ask how much time is left for the proponents of the amendment.

The PRESIDING OFFICER. There are 6 minutes 36 seconds.

Mr. DOMENICI. What I was trying to do is give back the 6 minutes.

Mr. LAUTENBERG. And trade for 3.

Mr. DOMENICI. And trade for 3.

Mr. LAUTENBERG. I consent to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Would this be included in this batch of votes?

Mr. DOMENICI. When we take up Senator Moseley-Braun, Senator Hollings, this would be the third one in that sequence.

Mr. LAUTENBERG. That would be at 7 o'clock—you said 9 o'clock.

Mr. DOMENICI. Nine o'clock.

Mr. LAUTENBERG. I thought we talked about a series of votes at 7 o'clock.

Mr. DOMENICI. I think people heard 9 o'clock or 9ish, so we ought to get on with more amendments.

I thought the 7 o'clock was precluded when the Chair went right ahead and made us vote on previous amendments.

Mr. LAUTENBERG. Is there a unanimous consent request at the desk calling for a specific time?

Mr. DOMENICI. Let me correct that.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Let me correct that. I believe that only I was thinking that that previous vote did that and nobody else was, so I must not have told anybody. Everybody on the staff agrees. They must be right. We can't do anything without them.

Perhaps what we can do—Senator CRAIG, would you be willing to spend 15 minutes on your amendment?

Mr. CRAIG. I can.

Mr. DOMENICI. I would like to get one more stacked.

Mr. LAUTENBERG. Just to clear the air and be sure we are both hearing what each other is saying, that is that if that is the case, then we are going to ask for another unanimous consent that would enable Senator CRAIG to offer his amendment, give us a chance to take a look at it, but Senator CRAIG, I thought, debated his amendment last night.

Mr. CRAIG. I did.

Mr. DOMENICI. Yes, he did.

Mr. LAUTENBERG. So what time would be available for Senator CRAIG now if the debate was conducted last night? What system are we operating under?

Mr. DOMENICI. I assume we are operating on the half hour.

Mr. LAUTENBERG. But how much time did Senator CRAIG use last night to debate his amendment?

Mr. DOMENICI. That was before we had an agreement. I don't want to argue over it. That is what we did with anybody who argued an amendment two nights ago. If he could have 15 minutes, you 15 minutes, we will get 4 votes in here in 15 or 20 or 30 minutes—assuming you won't use all the time.

Mr. LAUTENBERG. That is all right with us. I agree, certainly.

Mr. DOMENICI. All time is yielded back then on the Faircloth amendment, and we will proceed to Senator CRAIG at this point.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 2211

Mr. CRAIG. Madam President, last night I offered an amendment called the Surplus Protection Amendment for myself and several other colleagues here in the Senate: Senator ALLARD, Senator COVERDELL, Senator GRAMS, Senator HELMS, Senator HUTCHINSON, Senator INHOFE, Senator SESSIONS, and Senator THOMAS. My amendment is a fundamentally simple amendment which sets forth very clearly a new approach toward how we handle mandatory spending. Pay-as-you-go budget enforcement rules were established to help put Washington's fiscal house in order.

Since fiscal year 1994, the Senate has had a point of order requiring 60 votes to waive against any legislation that would increase the deficit. However, mandatory spending in Washington is Washington's version of a fiscal autopilot. Once enacted, it requires no further congressional action to operate. Rather than a perpetual motion machine, what we have found out with mandatory spending, of course, is that it is a perpetual spending machine. It is, if you will, the Energizer Bunny of budgeting and has kept growing and growing and growing.

What all this means—and I think it concerns us all greatly—is an increase in mandatory spending must be paid for with a tax increase. Any tax cut must be paid for by a mandatory spending cut. As anyone can tell, pay-go, in its present form, is very insufficient to control mandatory spending.

Mandatory spending has increased dramatically and will continue to increase dramatically over the next few years. According to the Congressional Budget Office, in 1987 mandatory spending accounted for 47 percent of the Federal budget; in 1997, it accounted for approximately 56 percent; in the year 2008, it will account for 70 percent. Many of us have struggled mightily, as has the chairman of the full committee, to control this.

What is happening is that mandatory spending is crowding out, rapidly crowding out, Federal Government spending for schools, for roads, for law enforcement, and for those infrastructure maintenance kinds of programs that most citizens in our country feel are legitimate spending areas for our Government.

I have sensed, as many of my colleagues have, that it is time to make a

modest adjustment to try to change the process by which we deal with this issue. Current estimates are that the budget will be balanced this year, and the chairman of the full committee and many colleagues on this floor deserve credit for that because it will be, and we are pleased about it, excited about it, and I think the country is also. It is true that we are nearly 4 years ahead of schedule in balancing the budget, and there is a lot to be credited for that—certainly our ability to begin to control spending here, but also our ability to help free this economy and to see it move as successfully as it has, has been another major contributing factor.

However, we must look not just to the horizon of spending, as this budget resolution does, but look well beyond it. If we fail to look beyond it, we fail to recognize what is out there in the very, very near future of additional spending as a result of the drive of mandatory entitlement-style spending. To avoid what will happen in the future, I think we have to change the way we work now, because if we don't gradually move into controlling these kinds of spending areas, the step that we would want to take or have to take out there or be forced to take would be uncontrollable—tax increases, major budget cuts of the kind many might find intolerable. What I am proposing is a modest step. I guess I am a bit like a doctor tonight. I am going to suggest that we first pledge to do no harm. What I am offering tonight does no harm to this budget.

My amendment establishes a point of order that requires new mandatory spending programs to be paid for by mandatory spending savings. In other words, it would require 60 votes in the Senate to create a new mandatory spending program that was not funded by an equivalent mandatory spending savings. Tough choices? Not necessarily. But it forces the Congress to do the work that it probably hasn't liked to do over the years, and that is to do oversight to see whether these programs are working or they ought to be adjusted or changed, and if they are changed, is there something better that we might adjust to? If all of the new mandatory spending programs had been paid for, as we had claimed, we would not be facing a fiscal future of exploding spending and exploding deficits.

I think anybody who might be listening to what I am saying tonight would be scratching their heads and saying: But, Senator, the budget you are proposing this night is balanced. The budget that the senior Senator from New Mexico, chairman of the Budget Committee, is offering is at balance, and we are talking about the potential of surplus revenues.

My point is—and it is a point that nobody disputes—that the current budget path that we are on, which is the right path, is unsustainable. As good as a balanced budget is today, it will not remain a balanced budget for long. The path that we are traveling is no secret that it is unsustainable. It is not. We all know because so many have told us so, including some of our own colleagues here on the floor. Senator KERREY of Nebraska, who chaired the bipartisan commission on entitlement and tax reforms, has said so. The General Accounting Office has said so. Interestingly enough, the President's budget has said so. And in the most recent report, the Congressional Budget Office said:

> Currently, more than half of the nearly $1.7 trillion in Federal spending goes for entitlements and other mandatory spending programs. As a share of the total outlay, mandatory spending has jumped from 32 percent in 1962 to 56 percent in 1997. If current policies remain unchanged, such spending will continue to grow faster than other spending, reaching 63 percent of total outlays by the year 2002, or twice the size of discretionary outlays.

Under baseline assumptions, continued growth in mandatory outlays would raise their share of the budget to 70 percent by the year 2008. Last year, the Congressional Budget Office wrote that this year's budgetary news should not lull people into complacency and, most assuredly, this budget, the budget resolution we have before us, should not. It is an excellent work and it controls spending. It gets us to a balanced budget.

But let me suggest that the retirement of a large baby boomer generation is just over the horizon. If the budgetary pressure from both demographic and health care spending is not relieved by reducing the growth of expenditures or increasing taxes, deficits will mount and seriously erode future economic growth. That report concluded:

> Current budget policy is unsustainable and attempting to preserve it would severely damage the economy.

How serious are the future projections? The Congressional Budget Office concluded that even if the budget were balanced in the year 2002—and that is our goal and we are going to get there—we would have a deficit equal to 34 percent of the gross domestic product by the year 2050 and the public debt would be 283 percent of the gross domestic product. Those are the outward projections of the current path of expenditure.

There will be a demographic shift to older populations. This Senator standing before you tonight is part of that group. I am part of that baby boomer crowd. I am going to be one who will be collecting my Social Security and my Medicare. And there is no question that, in 1995, there were 34 million 65-year-old and older citizens. But by the year 2030, there will be twice that number, or 68 million. There will be more elderly. They will live longer and they will be using Federal services more intensively. There will be relatively fewer workers around to put foot all of these bills. If we don't sense that now—and several sense-of-the-Senate resolutions have talked about it today, but my amendment changes the process, forces the issue, causes us to work our way through these kinds of tough decisions.

In 1950, there were 7.3 workers for every senior. In 1990, there were 4.8 workers for every one senior. In 2030, there will be 2.8. We all know the reality of that. What I am talking about are the taxpayers paying into the programs that will fund that one individual. It will take all 2.8 of those workers working together at a very large chunk—a 60-plus percent tax rate on their income to fund that one individual, along with all the other Government services and necessary programs that we think are appropriate.

So what the demographic shift means is that spending rises very rapidly relative to revenue. Quoting the Congressional Budget Office:

> Revenues will be squeezed as the number of people working and the economy grows slower. At the same time, outlays for Government programs that aid the elderly will burgeon as the number of people eligible to receive benefits from these programs will shoot up.

What the fiscal squeeze means is major new revenues in the form of taxes or enormous deficits. The deficit, last year, was less than 1 percent of GDP. It would be 29.8 percent by the year 2030. The Federal debt was 50 percent of GDP last year; it would be 250 percent by the year 2035. Those are not my numbers; that is the Congressional Budget Office speaking. Those are valid numbers, and anybody who studies the budget curves understands that. This is unprecedented. We have never had a period of time in our country's history where these numbers became reality, because we never have spent that much of the gross domestic product of our country. The deficit has been higher than 10 percent of GDP only briefly, during major wars. And we understand those reasons—when our Nation is at risk and our freedoms are to be secured. The debt exceeded 100 percent only once and that was during World War II. The result would be based on the figures by the year 2035 of economic catastrophes. I don't know of any other way to explain it, any other way to compare it. Those would be the realities. Even to make the burden sustainable, the Congressional Budget Office terminology allowing debt to rise, but keeping constant in relation to the gross domestic product, would have dire consequences. The tax burden would have to increase 20 percent just to continue running deficits and adding debt.

Of course, someone will say that the budget agreement solves the problem.

No, the budget agreement doesn't solve the problem. It addresses the immediate, it addresses the desire to maintain current spending while mandatory spending within this continues to grow at the rates offered in these projections that brings us to the year 2035. It is certainly an improvement, and I am very laudatory of the chairman of the Budget Committee, and others. It delays the scenario I have just outlined. But according to the CBO, if the budget is balanced through the year 2010—and that is what I believe this Congress strives to do—it will take less than 15 years to reach the same scenario that I have just described—a huge deficit and a debt of 230 percent of gross domestic product by that time. Quoting the Congressional Budget Office:

> Regardless of how the budget is balanced in the near term, congressional budget action would still be needed to put the budget on a sustainable path.

So what I am proposing is a modest first step. The years 2030 to the year 2050 are not real to us on this floor. We cannot even begin to appreciate the kinds of budget numbers those years will produce. But they are very real to our children or any child that might be in the galleries tonight, because they are the ones who will be paying that huge tax rate out there to fund these kinds of programs that we have already put in progress today. So those are the realities of what we are dealing with. My amendment is a first step in that direction.

The PRESIDING OFFICER (Mr. GREGG). The time of the Senator has expired.

Who yields time?

Mr. LAUTENBERG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 14 minutes 43 seconds.

Mr. LAUTENBERG. I thank the Chair. Has the proponent side used all of its time at this juncture?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. Mr. President, I rise in opposition to Senator CRAIG's amendment. This amendment would prohibit using revenues to offset new mandatory spending and, instead, require all new mandatory spending to be offset with other mandatory cuts. The amendment would prohibit using revenues to offset new mandatory spending. Alternatively, instead, it would require all new mandatory spending to be offset with mandatory cuts.

The amendment would represent a significant departure from current pay-as-you-go rules. It would give special protection to special interest tax loopholes at the expense of programs like Social Security and Medicare. It would further undermine the prospects for comprehensive tobacco legislation.

There is nothing new about using revenues to offset mandatory spending. The pay-as-you-go rule has been in place for many years and it has worked well. That rule says that new mandatory spending must be fully offset either by revenue increases or mandatory savings. In other words, new mandatory spending must be deficit neutral.

Under Senator CRAIG's proposal, however, deficit neutrality is not enough. Under this amendment, legislation to provide a new mandatory benefit, like Medicare coverage for a new medical procedure, would have to be offset with other mandatory spending cuts. No new revenue could be used.

If you think about that for a minute, it really doesn't make sense. If we are looking to pay for a new benefit, why would we say that cutting Social Security is fine, but closing a wasteful tax loophole is not? Why would we say that cutting Medicare is OK, but eliminating a corporate tax subsidy is not? Well, Mr. President, maybe some people think that the Tax Code is just fine the way it is and that it doesn't contain any loopholes or special breaks for the special interests. I happen not to be one of them. I don't think many Senators on either side of the aisle would make that claim. After all, we are now hearing calls to scrap the entire Tax Code even without a replacement. Can these same Senators now also be claiming that there is not one special tax break or loophole that deserves closing, even if the savings could be used to provide for new health benefits for people stricken with newly discovered deadly diseases? I hope that not many of my colleagues really believe that. In my view, we ought to be intensifying our efforts to eliminate wasteful tax loopholes. The last thing we should do is give any special protections to them at the expense of Social Security or Medicare. So it is a little out of balance.

This amendment would compound the obstacles already created in this budget resolution for comprehensive tobacco legislation. Under this amendment, tobacco legislation could not use tobacco revenues to pay to finance antitobacco activities. It doesn't make sense, and it would undercut what could be the most important piece of legislation in this session of the 105th Congress.

I urge my colleagues to oppose this amendment. It would change a fundamental rule that has worked well for many years. It would give special protection to wasteful tax loopholes at the expense of programs like Social Security and Medicare and could seriously impair the ability to get us to a comprehensive tobacco program.

The pending amendment is not germane. I, therefore, raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

I don't see anyone else in opposition. I yield the time.

Mr. CRAIG. Mr. President, I move to waive the Congressional Budget Act.

I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MOSELEY-BRAUN. Mr. President, parliamentary inquiry: Are we scheduled to start voting now?

Mr. LAUTENBERG. That is the condition, as I understand it. I ask the manager of the bill.

Mr. DOMENICI. We are going to vote on four amendments very shortly. Senator MOSELEY-BRAUN is going to be first with her amendment, then we are going to follow that with Senator HOLLINGS' amendment, which is subject to a point of order, and then we are going to follow that and Senator FAIRCLOTH's marriage penalty, to be followed in fourth place by Senator CRAIG.

I have a parliamentary inquiry with reference to Senator MOSELEY-BRAUN's amendment. What is the unanimous consent? Does the Senator have some time, and do we have some time at this point?

The PRESIDING OFFICER. The Senator from Illinois has used all of her time. The Senator from New Mexico rises in opposition.

Ms. MOSELEY-BRAUN. Mr. President, it was my understanding that the unanimous consent agreement had 1 minute before for each side in addition to the time budgeted for the amendment. There was supposed to be 1 minute for each side before the vote.

The PRESIDING OFFICER. That unanimous consent has not been entered into relative to this amendment. But that is the standard agreement. That is the usual practice.

Mr. DOMENICI. We would like to make sure that occurs. So I ask unanimous consent that be the case with reference to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. It will be the case with the subsequent ones, will it not?

You said it is not a part of the unanimous consent already. I thought it was.

The PRESIDING OFFICER. Is the Senator making that request?

Mr. DOMENICI. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I had my entire time left on Senator MOSELEY-BRAUN's. I yield that back and will use 1 minute before I move to table.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. LAUTENBERG. Mr. President, I ask the manager whether this now precludes second degrees. Are we going to go ahead? Are we just going to vote?

Mr. DOMENICI. My understanding is there will be no second degrees. I ask unanimous consent that no second-degree amendments be in order to the four amendments that are pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2175

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Ms. MOSELEY-BRAUN. Thank you very much.

Mr. President, our amendment is a sense of the Senate that the fiscal year 1999 budget resolution assumes that we will enact legislation creating a partnership between the State, local, and national governments to rebuild and modernize our schools and the classrooms for the 21st century.

Winston Churchill once said, "We shape our buildings, thereafter they shape us." Nowhere is that more true than with schools.

The poor condition of America's schools has a direct effect on the ability of our students to learn the kinds of skills they will need to compete in the 21st century global economy. America cannot compete if our students cannot learn, and our students cannot learn if their schools are crumbling down around them.

Our amendment would ensure that school districts around the Nation have the resources they need to address school improvement priorities so we can give our children an environment suitable for learning.

I encourage support for this amendment. It is, after all, a sense-of-the-Senate amendment. It will give everyone an opportunity to express without the particularity of the actual legislation. I express the support of doing the right thing by our kids.

Mr. LAUTENBERG. Mr. President, I have a question I would like to resolve that I think is agreed upon. The first vote would be the traditional 15, plus 5, and thereafter 10-minute votes. All of them are strictly controlled so we can move the program along.

The PRESIDING OFFICER. Is there a unanimous consent?

Without objection, it is so ordered. That will be the order.

Mr. DOMENICI. I would like to ask. I thought when we entered into the unanimous consent agreement earlier in the day about stacking votes that we said we were going to have them 15, 10 and 10.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I thank the Chair.

I have 1 minute on this amendment. Let me just say there is a statement behind me that was made in the budget by the President of the United States. It is very simple. It says:

> The construction and renovation of school facilities has traditionally been the responsibility of State and local government, financed primarily by local taxpayers; we are opposed to the creation of a new Federal grant program for school construction.

I acknowledge that is a grant program. But I believe that we should change that word and say, "We are opposed to tax credits for school construction," because I don't believe the U.S. Government ought to change its tax laws to allow a total tax deduction, which is what a credit is for the interest that a bond will yield if it is for construction of schools in the United States.

There is no formula. We don't know how we will do this. We don't know whether poor districts will get it. I think we ought not start down this path. I know for some any education program is difficult. I understand this may be one of those. But I truly don't believe we ought to do this.

I remind everyone, in any event, this is a sense-of-the-Senate resolution. It is not binding. That will give you latitude to vote differently than I recommend, since it is not binding. But I don't believe we ought to tell the Finance Committee we want them to start down this path in a big way with reference to school construction.

Having said that, I move to table, and I ask for the yeas and nays on my motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—54

Abraham	Faircloth	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Roth
Byrd	Hagel	Santorum
Campbell	Hatch	Sessions
Chafee	Helms	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner

NAYS—46

Akaka	Dodd	Kennedy
Baucus	Dorgan	Kerrey
Biden	Durbin	Kerry
Bingaman	Feingold	Kohl
Boxer	Feinstein	Landrieu
Breaux	Ford	Lautenberg
Bryan	Glenn	Leahy
Bumpers	Graham	Levin
Cleland	Harkin	Lieberman
Conrad	Hollings	Mikulski
D'Amato	Inouye	Moseley-Braun
Daschle	Johnson	Moynihan
Murray	Rockefeller	Wellstone
Reed	Sarbanes	Wyden
Reid	Specter	
Robb	Torricelli	

The motion to lay on the table the amendment (No. 2175) was agreed to.

Ms. MOSELEY-BRAUN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. We have three votes to go. We can move them along promptly if we can have order in the Chamber.

Mr. DOMENICI. Mr. President, I announce that when we finish this series of votes tonight, there will be no more votes tonight, but we will stay and debate five additional amendments—three from the Democratic side, two from the Republican side. Those will be stacked in the morning under the previous order, a 15-minute vote followed by 10-minute votes.

I will tell everyone, we now have in excess of 75 first-degree amendments filed. We will take care of five of them tonight, and that will probably leave us with about 70. Obviously, we could not dispose of 70 amendments at 10 or 15 minutes each in a very short period of time. So tomorrow morning, we will have, and my friend Senator LAUTENBERG says his staff will have some charts to show you your amendments while we are voting in the morning.

We would like you to be honest; we don't ask you tonight in the full light of everybody which ones you really want to vote on and which ones you would like for us to consider and which ones you might withdraw. We are going to work on accepting as many as we can, with the idea that there is still a conference to go to, during which time those accepted amendments will be given due consideration.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. BUMPERS. Does the Senator intend to stack the votes on these five amendments for in the morning?

Mr. DOMENICI. Yes.

ADJOURNMENT OF THE TWO HOUSES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 257, the adjournment resolution, which was received from the House.

I further ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 257) was agreed to, as follows:

H. CON. RES. 257

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, April 1, 1998, it stand adjourned until 12:30 p.m. on Tuesday, April 21, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, April 2, 1998, Friday, April 3, 1998, Saturday, April 4, 1998, or Sunday, April 5, 1998, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, April 20, 1998, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2193

The PRESIDING OFFICER. The pending amendment is the Hollings amendment No. 2193. A point of order has been raised against the amendment on the basis that it is not germane. The pending question is the motion to waive the Budget Act to allow for the consideration of the amendment on which a rollcall vote has been ordered.

There is 1 minute on each side for debate. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, on behalf of myself, Senator DASCHLE, Senator CONRAD, Senator FEINGOLD, Senator DORGAN, and Senator REID of Nevada, we put this in to do just exactly what was called for by the President. We want to save Social Security first.

As we all know, we have used the euphemism of a unified budget, a unified deficit, and we have been spending, looting, the Social Security trust fund. Some say that actuarially there is a surplus in there. That is on a sheet of paper. Actually, the money is gone.

The PRESIDING OFFICER. Will the Senator from South Carolina suspend until we can get order in the Chamber? The Senator from South Carolina has a right to be heard.

Mr. HOLLINGS. Mr. President, this more or less puts into parliamentary procedure what we voted for time and again, what the distinguished Senator from New Mexico has voted for. It is in the law, section 13301, that we save Social Security and quit looting the fund.

If you really want to put your money where your mouth is, as the expression goes, rather than just a sense of the Senate, then support this particular resolution now under consideration and put on some parliamentary controls, which is what this amendment does. If you want to save Social Security, vote for the amendment; waive the Budget Act, because that is what the Budget Act says to do in section 13301. If you don't want to, vote against the waiver.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, if I thought this amendment would do anything to save or preserve Social Security, I would be for it. In my humble opinion, it does absolutely nothing to save Social Security. What it does is attempt to change the process and procedures so that if the Budget Committee reports out for Senate consideration anything on Social Security, it is subject to a 60-vote point of order.

We could get to the point where we will take every committee of jurisdiction and pass a process rule because there was something in their jurisdiction we didn't want them to do business on. We could say anything you report out has to have 60 votes. Then we would take that to the floor, and the chairman of the committee of jurisdiction would stand up and say, "What have we come to?"

This seems like some kind of exuberance that is not calculated to do anything except have some words suggesting we are trying to save Social Security. I raised a point of order. There is a motion to waive it. I hope we do not waive it. I urge Senators to vote "no" on the motion to waive. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the Hollings amendment No. 2193. The yeas and nays have been ordered. The clerk will call the roll. This will be a 10-minute vote.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. WARNER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 58, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—42

Akaka	Feingold	Levin
Biden	Feinstein	Lieberman
Boxer	Ford	Mikulski
Breaux	Glenn	Moseley-Braun
Bryan	Graham	Moynihan
Bumpers	Harkin	Murray
Byrd	Hollings	Reed
Cleland	Inouye	Reid
Conrad	Johnson	Robb
Daschle	Kennedy	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Torricelli
Durbin	Landrieu	Wellstone
Faircloth	Lautenberg	Wyden

NAYS—58

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Baucus	Grams	Nickles
Bennett	Grassley	Roberts
Bingaman	Gregg	Roth
Bond	Hagel	Santorum
Brownback	Hatch	Sessions
Burns	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Coats	Inhofe	Snowe
Cochran	Jeffords	Specter
Collins	Kempthorne	Stevens
Coverdell	Kerrey	Thomas
Craig	Kyl	Thompson
D'Amato	Leahy	Thurmond
DeWine	Lott	Warner
Domenici	Lugar	
Enzi	Mack	

The PRESIDING OFFICER. On this vote the yeas are 42, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. DOMENICI. I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2251

The PRESIDING OFFICER. The pending question is the Faircloth amendment, amendment No. 2251. There is 1 minute of debate allocated to each side.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I believe the RECORD will reflect that Senator FAIRCLOTH was granted permission to speak for 3 minutes since we yielded back 6 minutes of his time.

The PRESIDING OFFICER. If the Senator would kindly put that in the form of a UC request.

Mr. DOMENICI. I ask unanimous consent that Senator FAIRCLOTH have 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. FAIRCLOTH. I rise to speak on the Hutchison-Faircloth marriage tax elimination amendment. It is cosponsored by a number of Senators: Senator DOMENICI, Senator INHOFE, Senator HUTCHINSON of Arkansas, and Senator GRAMM of Texas.

Mr. President, I want to thank Chairman DOMENICI for the tremendous help on the issue he has given us on the elimination of the marriage tax in this budget resolution. What this amendment says is very simple, that it is the sense of the Senate that eliminating the marriage penalty tax should be one of the highest priorities for tax relief this year.

The Congressional Budget Office has reported that in 1996, 21 million American couples paid an average of $1,400 more in income tax simply because they were married. The marriage penalty, as it is sometimes called, comes

about as a result of the way the Tax Code is written. It needs to be rewritten so that couples who chose to marry do not get a hefty tax bill for choosing to make that decision.

We should be encouraging couples to marry, not handing them a $1,400 tax bill. I introduced this legislation along with Senator HUTCHISON to correct this problem. The majority leader, Senator TRENT LOTT, has also been tremendously supportive. Senator HUTCHISON, Senator LOTT, and I recently pledged on Valentine's Day that we would work to remove this burdensome tax known as the marriage penalty. I think that it is a reasonable goal. We are a step closer today with the budget resolution. I urge support for the amendment, and I yield back any time.

Mr. THURMOND. Will the Senator add me as a cosponsor?

Mr. FAIRCLOTH. I would be delighted to.

I ask unanimous consent that Senator THURMOND be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition? Who yields time?

Mrs. HUTCHISON. Mr. President, if there is any time left on Senator FAIRCLOTH's amendment, I would like to just say I am very pleased to support his leadership on the marriage penalty tax.

The PRESIDING OFFICER. There are 40 seconds left allocated to the Senator from North Carolina.

Mrs. HUTCHISON. I ask unanimous consent to have that 40 seconds.

The PRESIDING OFFICER. Does the Senator from North Carolina yield his 40 seconds to the distinguished Senator from Texas?

Mr. FAIRCLOTH. Yes.

Mrs. HUTCHISON. Thank you.

I urge all my colleagues to vote for the sense of the Senate, which basically says it will be a priority of Congress to eliminate the marriage penalty tax. People should not have to choose between love and money in this country, but 21 million couples are doing it. And they are the police and schoolteachers, people making $28,000 and $32,000 that are getting hit the worst with taxes up to $1,400 just because they got married. That is not right. It is a priority of Congress to change that. And I urge my colleagues to say that the U.S. Senate is going to fix this problem very soon.

Thank you, Mr. President.

Mr. LAUTENBERG. Mr. President, I have expressed myself before. I am concerned about trying to initiate change this year, but I think it is fairly clear that this amendment has support. We do not want to continue a penalty in any way, whether it is marriage and taxes or marriage and any place. So unless there is someone else on my side who wants to use a few seconds, I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—99

Abraham	Faircloth	Lieberman
Akaka	Feingold	Lott
Allard	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Breaux	Grassley	Murray
Brownback	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Harkin	Reid
Burns	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kennedy	Specter
D'Amato	Kerrey	Stevens
Daschle	Kerry	Thomas
DeWine	Kohl	Thompson
Dodd	Kyl	Thurmond
Domenici	Landrieu	Torricelli
Dorgan	Lautenberg	Warner
Durbin	Leahy	Wellstone
Enzi	Levin	Wyden

NOT VOTING—1

Rockefeller

The amendment (No. 2251) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. This is the last vote tonight. Senator DASCHLE and I talked and we want the Members to know there will be a series of votes beginning tomorrow morning at 9 o'clock—probably two on judges and five amendments that the managers are going to have ready to vote on in the morning—beginning at 9 o'clock, with seven votes in a series.

I yield the floor.

AMENDMENT NO. 2211

The PRESIDING OFFICER. The pending amendment is the Craig amendment No. 2211. The point of order was raised against the amendment on the basis that it is not germane. The pending question is on the motion to waive the Budget Act to allow the consideration of the amendment for which a rollcall vote has been ordered. One minute is allocated to each side.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask my colleagues tonight to vote with me to waive the Budget Act. It is the first step to reigning in the uncontrolled costs to mandatory spending programs. Your vote tonight merely extends the same treatment to mandatory spending that already exists to annually appropriated discretionary spending; that new programs will offset with savings in existing programs; that mandatory spending is out of control—we all know that.

While this is a balanced budget in the outyears of 2020, and 2035, we will be looking at spending up to 200 plus percent of the gross domestic product.

The Craig amendment will not affect a single current beneficiary of a single existing program. The Craig amendment will not affect a single person who will qualify to become a beneficiary under current entitlement programs.

We need to start with a single, simple, first step, toward reigning in mandatory spending. An aye vote starts us in that direction.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I hope that the Senators will oppose this attempt to waive the point of order.

This is a new scheme for things. It says that we ought to depart from present pay-as-you-go rules. It would give special protection to special interest tax loopholes at the expense of programs like Social Security and Medicare.

Mr. President, very simply, I urge my colleagues to vote against the waiver.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—54

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Robb
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Byrd	Hatch	Santorum
Coats	Helms	Sessions
Cochran	Hutchinson	Shelby
Collins	Hutchison	Smith (NH)
Coverdell	Inhofe	Smith (OR)
Craig	Kempthorne	Snowe
D'Amato	Kerrey	Stevens
DeWine	Kyl	Thomas
Domenici	Lott	Thompson
Enzi	Lugar	Thurmond
Faircloth	Mack	Warner

NAYS—45

Akaka	Durbin	Lautenberg
Baucus	Feingold	Leahy
Biden	Feinstein	Levin
Bingaman	Ford	Lieberman
Boxer	Glenn	Mikulski
Breaux	Graham	Moseley-Braun
Bryan	Harkin	Moynihan
Bumpers	Hollings	Murray
Campbell	Inouye	Reed
Chafee	Jeffords	Reid
Cleland	Johnson	Sarbanes
Conrad	Kennedy	Specter
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER (Mr. HUTCHINSON). On this vote the yeas are 54, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I gather the sequencing would be that Senator DORGAN will start and then Senator ALLARD will follow, and then Senator LAUTENBERG, and then Senator BOND, and then Senator BUMPERS. We will arrange for Senator BUMPERS by unanimous consent.

Mr. President, before we start the order here, might I suggest that Senator BUMPERS would be our fifth amendment tonight, but we have agreed with him that we will come in at 8:30 in the morning instead of 9. He will offer his amendment, and thus the half-hour between 8:30 and 9 will be available for the agreed-upon time, which is a half-hour, equally divided, for the Bumpers amendment. He is here.

I ask unanimous consent that when we start up in the morning at 8:30 the order of business be the Bumpers amendment, and pursuant to the previous order there be a half-hour equally divided on that and the vote eventually be on or in relationship to that and we waive no points of order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Senator, I wonder if the Senator would accommodate me for about 6 or 7 minutes. Senator GORTON would like to speak on a matter. I ask consent he be permitted to speak for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized.

MR. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 1904 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON. I thank the Senator from New Mexico.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2218, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 2218 be called up and that my amendment be modified with the modification I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

Strike page 33, line 3, through page 34, line 3, and insert the following:

SEC. 301. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving, expanded health and retirement benefits;

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) recklessly sunsetting the entire income tax code threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions.

Mr. DORGAN. Mr. President, I ask the Chair to notify me when I have used 5 minutes. I will then yield 5 minutes to the Senator from Arkansas and yield back the remainder of the time.

My amendment is very simple. There is in the budget resolution brought to the floor of the Senate a sense-of-the-Senate provision that will sunset the Internal Revenue Code on December 31, 2001.

My amendment strikes that provision and in its place it inserts language saying it is the sense of the Congress that we support the continued tax deductibility of the home mortgage interest deduction, charitable contributions, and so on.

My point is this: It is irresponsible, in my judgment, to talk about sunsetting the Tax Code and a progressive income tax without providing any means of telling the American people what you would put in its place.

I want to read something from the Tax Executives Institute. They represent some 5,000 corporations around the country.

They write that it is folly to make tax policy by sound bite, and proposals to sunset the Tax Code without making provisions for its replacement or telling the American people what you propose for replacement ought to be rejected.

This is what they say:

> For example, a company that otherwise would invest millions of dollars in a multiyear expansion of its manufacturing facilities might well demur if the pending legislation were enacted because of uncertainty over whether or how, after December 31, 2001, it would recover its costs.

They wouldn't know:

> To repeal the Internal Revenue Code without specifying a replacement system—to exalt the exhilaration of "doing it now" over the necessity of "doing it right"—is to threaten major disruptions of the economy and the lives of the American people.

The question I have is this: For those who say let's sunset the entire Tax Code, I say, when you say sunset the Tax Code in 2001, what are you going to replace it with, a national sales tax? A Brookings Institution study on that says if you want to replace the current progressive income tax with a national sales tax, you are probably talking about at least a 35 percent tax rate. I know that the proponents of a national sales tax say a 15 percent rate will work. But study after study shows that you are probably talking a 35 percent tax rate, and that is the 35 percent sales tax, for example, when you buy a home. Think of adding 35 percent to the cost of buying a home.

How about a flat tax or a VAT tax? A Treasury Department analysis in 1996 took a look at one of the major flat tax proposals in the Congress. It says the flat tax will reduce taxes for families with incomes of $200,000 or more, and increase taxes for families with incomes under $200,000. Is that what the American people want? To sunset the entire Tax Code and replace it with—tax breaks for the highest income folks and higher taxes for the rest?

I ask the question, Is the current Tax Code perfect? No. Are there significant troubles with it? Yes. I have a proposal on what we ought to do about that. I think my plan would greatly simplify the tax system for most Americans. But it does not include flat tax, VAT tax, sales tax, all of which would tax work and exempt investment, cut only upper-income folks' taxes and increase taxes on working folks. That is exactly what all the proposals are about ricocheting around this Chamber.

Don't take it from me, take it from the Treasury analysis, take it from the Congressional Budget Office analysis, take it from any study you like. But those who want to abolish the current Tax Code rather than fix what is wrong with the current Tax Code want to replace it, in most cases, with something

that says, "Let's tax work and let's exempt investments. Let's propose a new system that lowers the tax burden on upper-income folks and raises the tax burden on the rest."

I will tell those who offer this proposal that everyone out there in this country who owns a home and understands their home mortgage interest is deductible from their income tax, if this sort of thing ever passes, they will be told by this Congress, "Don't count on deductibility of your home mortgage interest, because we may not have a tax system that allows that. Don't count on the deductibility of your home mortgage interest, because we may abolish the tax system. In fact, we want to sunset it, abolish it, replace it with something else, but we don't want to tell you what that something else is."

It is highly irresponsible, in my judgment, to say let us just abolish the Tax Code as of December 31, 2001 before agreeing on a replacement.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DORGAN. I ask for 30 additional seconds, and then I will yield 5 minutes to the Senator from Arkansas, or as much time as he needs under the allotment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I understand this proposal to terminate the tax code has been ricocheting around for some long while. The Tax Executives Institute says it best. This is a good sound bite, but it is a poor excuse for good policy. Don't take it from me, take it from American corporations and taxpayers who need certainty.

Those who want to terminate the entire Internal Revenue Code in this manner risk creating financial trouble for millions of homeowners. Nearly thirty million homeowners who would ask you: If you want to get rid of the current Tax Code, what are your intentions with respect to the tax deductibility of my home mortgage interest? Do you intend to keep that? If not, why not? What do you say to folks who have invested in a home and whose home values will now drop because this proposal would abolish the deductibility of home mortgage interest?

If this extreme measure is enacted, future home buyers would likely find it more difficult to purchase a new home and realize the American Dream of home ownership. This is because, in addition to losing the tax deduction, such a move would surely result in great uncertainty for our financial markets, lead to higher interest rates, and otherwise increase the costs of purchasing a new home—already the largest single financial investment for most families.

Another one of the many important casualties caused by these efforts to terminate the Tax Code would be the tax incentives that encourage millions of taxpayers to make gifts to charities that provide services to needy families and others. Charities perform an important public service by providing help to others when the government is unwilling or unable to do so. At a time when the government is downsizing and we are asking charities and other groups to do more, we ought not take away their key tax tools for attracting the funds they need to meet future challenges. But that's exactly what would happen should this sunsetting proposal become law.

These are just two examples of the serious problems caused by this wrongheaded proposal. For all of the uncertainties this proposal would create, one thing seems certain to me: this sunset provision will leave most Americans in the dark.

My amendment is simple, it strikes the sunset provision and inserts something in place of it that I think makes sense: support for the continued tax deduction for home mortgage interest, charitable giving and more. I hope my colleagues will support that motion to strike.

I yield as much time as he may consume to the Senator from Arkansas, Senator BUMPERS.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first I express my sincere gratitude to the Senator from North Dakota for taking on this issue. I decided perhaps nobody was going to offer such an amendment. But I take this opportunity to say to my colleagues and the American people, for that matter—we are not supposed to call attention to C-SPAN2, but I hope a lot of people are watching C-SPAN2 because I want to say that this is my 24th year in the Senate, and this is the most irresponsible, without question, the most irresponsible provision I have ever seen in a piece of legislation. The very idea of saying we are going to abolish the Internal Revenue Code without a clue as to what we are going to replace it with is the height of irresponsibility.

I know the applause lines. As the old saying goes, I know how to bring people to their feet. The object of any responsible legislator is to bring people to their senses. Everybody knows that when you talk to the Chamber of Commerce, if you are looking for that nice applause, just get on the Internal Revenue Service. Everybody has his own favorite horror story. I have my own. I daresay every Member of this body has his own horror story about their arrogance, how overbearing they are, how they have cost you money. Those are indefensible. I am not defending those.

But I can tell you, if you think the year 2000 computer glitch is bad, if you think that may bring this country to the brink of disaster, you just eliminate the Internal Revenue Code with absolutely no thought of what you are going to replace it with, just as this country is on a sound financial basis, and as we are looking forward to a surplus this year, what in the name of all that is good and holy are we thinking about?

Is it going to be a flat tax? That gets a lot of applause in some places. As far as I am concerned, the flat tax was created by the "Flat Earth Society," but that is beside the point. I know how to get applause talking about a flat tax. Everybody "pays the same amount."

Is it going to be replaced by some kind of a flat tax where your church contributions won't be deductible? Is it going to be a flat tax where, as the Senator from North Dakota has pointed out, your mortgage interest will not be deductible? "Mr. Businessman, before you applaud, are you willing to give up depreciation? Are you willing to give up hundreds of other things that are in the code now that you know about?"

I will tell you one thing, I will take the known, no matter how bad it may be, before I will take the unknown. And for the Members of the Senate to buy into this proposition of saying we are going to eliminate—eliminate—the Internal Revenue Code with nothing to replace it—do you know something, I didn't vote for that extra thousand pages in the Internal Revenue Code last summer. All the people who were so hot for the balanced budget amendment and the big tax cuts and what do we get? A thousand more pages in the Internal Revenue Code so they can go out and tell the Chamber of Commerce what a horror it is—the same people who bring you this piece of trash.

Mr. President, I, again, thank my friend from North Dakota for alerting the people of this body and, hopefully, across America, that we are not just going to take this country to the brink of a disaster, we are going to take it right over the brink, and if you get to the year 2000 after you eliminate the Internal Revenue Code and you don't have anything to collect $1.7 trillion with, you tell the Social Security recipients how that is going to work out. Tell everybody—the Medicare people—how that is going to work out.

I plead with my colleagues on both sides of the aisle, do not buy into an applause line. Keep your sanity and do the rational thing and strike this from this resolution.

I yield back the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, one of the proponents of this provision, although I saw to it that it was put in the resolution, is Senator BROWNBACK who is standing now and wants to be recognized. Is the Senator going to lead off on his side?

Mr. BROWNBACK. Yes.

Mr. DOMENICI. I yield 5 minutes to the Senator, and then I will yield 5 minutes to the next Senator who is his copartner in getting this done.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you, Mr. President. I thank the chairman of the Budget Committee for including this provision in the budget and for being a cosponsor, along with 37 other Members of the U.S. Senate, of this provision.

I have a quiz, if I can, for the Members who are still watching. Just a simple question; a series of facts and then a question.

Let me ask people to, if they will, go through this quiz with me of, what is 10 million words long, cost over $150 billion annually just to comply with, is unintelligible by almost every American, including those with advanced degrees, advanced law degrees, advanced tax degrees, and is the lead way Washington mismanages and micromanages our lives? What one thing is that?

It is the Tax Code.

The Tax Code is over 10 million words, costs over $150 billion just to comply with before anybody pays a thin dime on this Tax Code. It is unintelligible to people who are tax law experts, and is the lead way that Washington micromanages individual lives across this country. It is no wonder this is an applause line. It is because people despise this code. It has been amended and added to and jiggered with over the years and years to where it just does not make any sense.

All the resolution says is that we should sunset the code at the end of the year 2001. We sunset many Federal programs when many Federal programs are required for reauthorization.

I heard the arguments on the other side from my colleagues from North Dakota and Arkansas—very good men, with a great deal of integrity and honor. But we disagree on this. I have to say their arguments sound very familiar. They sound very familiar to the time when we had the debate about balancing the budget by a date certain.

The President then was saying, "If we balance the budget by a date certain, by 7 years, it's going to throw the economy into a tailspin, it's going to do all these terrible things. You don't know how you're going to balance the budget, do you?" We said, "We know a number of ways to balance this budget. And if we don't set a date by which we're going to accomplish it, it'll never get done."

That is the same theory with this bill. There are a number of ways to redo the Tax Code. I am glad to hear Senator DORGAN has a proposal himself. There is a flat tax proposal, there is a consumption tax proposal, there is a VAT tax proposal. Congressman GEPHARDT has proposals. There are a number of them. And we will be phasing in transitions the same as phasing in on different programs we have gone to.

But the point of it here is, if we do not start, we will never get there. If we do not start, we are going to enter the next century for long periods of time with this same Tax Code in place. Let me say to the people here who are listening, we cannot have another American century built on this Tax Code. It is so big and so intrusive that people live in fear of it. Small businesses live in fear of this Tax Code because they use so many resources to comply with it. And when they comply with it, they still do not know what they have actually done to comply with the law.

So all we are saying by this little provision that is in the budget accord is, let us deal with this Tax Code by the end of the year 2001. It leaves alone Social Security and Medicare. Those are not touched in this. So in case people are saying that they are worried about Social Security and Medicare, it is not touched in the bill.

We are saying, if we are ever going to get rid of this that has haunted us for so long, we have to set a date certain by which we will do it. I think it is a good provision in the budget resolution. I urge my colleagues to vote against this amendment so we can have another American century with a different taxation system.

I yield to my colleague from Arkansas.

Mr. DOMENICI. I yield to Senator HUTCHINSON who has been one of the coleaders on this issue.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

I wish my good friend and colleague from Arkansas, Senator BUMPERS, had been able to stay because he called this the most irresponsible piece of legislation that he has heard of during his time. This isn't about applause lines and not about flat taxes or flatter. It is about whether or not we are going to vote to defend the status quo, whether we are going to vote to defend an incomprehensible monstrosity called the IRS Tax Code.

I want to begin my remarks by just quoting the words of James Madison in Federalist Paper No. 62 when he said:

> It will be of little avail to the people. . .if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow.

I think if he were writing today, he would be talking about the IRS Tax Code being incomprehensible. The biggest issue raised against it is that it is going to cause uncertainty if we repeal it, if we sunset it, and that it is going to cause uncertainty.

Mr. President I can think of no greater expert on the economy or the effects of public policy on the economy than Alan Greenspan, the Chairman of the Board of Governors of the Federal Reserve. All of this "the sky is falling," all of this fearmongering, all of this rhetoric that this is going to somehow cause economic chaos—Mr. Greenspan said, in testifying before the Senate Banking, Housing and Urban Affairs Committee in 1995:

> Sunsetting is a very important process for both regulation and various different types of legislation.

He was asked:

> If we're talking about sunsetting regulations, should we sunset taxes as well. . .?

He responded:

> I cannot find reasons why all programs should not have specific time-certain ends to them and be required to be reauthorized.

He went on:

> After a period of years, I would say yes to that. I would say all institutions of a democratic society should be reviewed. . .the presumption that institutions should not be reviewed periodically in a democratic society is a mistake.

Mr. President, we just passed in this Chamber a transportation funding bill, the ISTEA bill. We would not have done it had it not been sunsetted, had it not expired, had it not had to be reauthorized. We would have never forced ourselves to do it.

Today I spent most of my day in a higher education reauthorization markup. We did that because the last one is expiring, because it was sunsetted. We do that on spending bills all the time—the IDEA bill. Why should we not also do that on bills on the Tax Code that has become so incomprehensible to the American people?

Senator BUMPERS, my good friend from Arkansas, said it is the height of irresponsibility to sunset something before you know what you are going to replace it with. I am so glad—I am so glad—that our Founding Fathers did not adopt such a position. To say that you cannot pass a law until a new law is ready to replace it ignores the rich history of this country that was founded by a group of freedom lovers who signed the Declaration of Independence 12 years before the Constitution was drafted and implemented. Surely we can do that with just one title of the U.S. Code.

To say that it is the height of irresponsibility—can you imagine our Founding Fathers saying, "Well, it's very irresponsible for us to declare independence before we know what the Constitution is going to look like or before we know what the Government is going to look like or before we know what the Tax Code is going to look like."

We know one thing. We may not know, I say to my colleague, whether we want a flat tax, sales tax, value added tax, or some other hybrid, but we, as the American people, know that of what we have, we deserve better, that this serves no one, and the April

Fool's joke is to defend this Tax Code, which is the nightmare for the American people 2 weeks before they reach this deadline.

I urge my colleagues to vote no on this resolution which would delete this important sunset provision sense of the Senate from our budget resolution. I thank the chairman for his leadership on this issue.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I think that 3, 4 years ago, 5 years ago, someone might have walked up to me and said, "Senator DOMENICI, why are you on such a measure?" But for many years, more than 5, I have been telling New Mexicans and every American that I could speak to that we are going to reform the tax laws of America. And guess what has happened. They now consist of 17,000 pages of laws. That is not the regulations and all the other things—17,000. And every year that passed, since that 5 or 6 years ago when we started talking about basic reform, the tax laws got more complicated, more difficult, cost more money, and more detrimental to the American economy with the passage of each year.

Frankly, I am on this bill and I decided to put it in the budget resolution because it seemed to me that we were muscle bound. We could not get anything done. I believe the right thing to do when you are in that condition, and the people are suffering from it, and the country is suffering from it, is that you say there is going to be an "or else" to this—"you fix it or else."

That is what sunsetting is. But nobody should think that we are talking about sunsetting a code without prescribing some basic fundamentals about the code we intend to replace, that defective, deficient one. And anybody who is interested in knowing whether we just said, "Let's do away with the code," or whether we spoke intelligently and with great common sense, right to what the American people are worried about, just turn to page 33 of S. Con. Res. 86—and if my time runs out in the middle of these next two or three paragraphs, just stop me. But the findings are found in this resolution. And it says:

Findings—Congress finds that a simple and fair Federal tax system is one that—

(1) applies a low rate, through easily understood laws, to all Americans;

(2) provides tax relief for working Americans;

(3) protects the rights of taxpayers and reduces tax collection abuses;

(4) eliminates bias against savings and investment;

(5) promotes economic growth and job creation;

(6) does not penalize marriage or families;

(7) provides for a taxpayer-friendly collections process. . . .

And then it goes on to say that the reason for this sunset is "that a new Federal tax system"—not nothing, as was suggested, but "a new Federal tax system will be enacted that is both simple and fair as described in" the provisions that I just read 2 minutes ago.

That is what the American people want to hear, that we are going to do away with this one because we want to pass a new one and more like it. And if we can pass the law and send it to the President with the real sunset, it is a message to the committees of the Congress, to the reformers who seem to never end in terms of, what are we going to get in place of this one, that the time is running out, the clock is ticking. And that is what this is about.

I believe the American people, although they have been fed some shock medicine by the President, who talks about how irresponsible this is, if they heard this read, what we propose, that we are saying stop what is currently an abomination and substitute it with a new one that does the following things, would say, "Hallelujah. Let's do it."

So I believe we should turn down the proposal that attempts to wipe this out of the budget. It is the right place to have it. It is the right thing to do. And if we want a good future, we are right on track. Fix Social Security in the way we have been discussing, take care of Medicare, and fix it, and reform this Tax Code; and we will be giving our children and future generations the best present that we could give anyone as elected adult leaders.

I yield the floor.

Mr. DORGAN. Mr. President, I yield to my friend from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Yes. Mr. President, I sat and listened here with wonderment. We are about ready to say, "Let's get rid of this other thing because that will make us behave like responsible citizens. That's the only way we can do it." We heard the same speeches, with all due respect, about whether or not we needed a balanced budget amendment because we cannot discipline ourselves, and, thank the Lord, that failed. And we did not alter the Constitution, and we did not get into the ridiculous kind of arguments that we would have. We just went out and did it.

To my friends on the other side I would say, have faith, have faith in your own ability that you can make a difference. You have a majority. Let us change it. But if you want to burn down the house so we can be forced to move and find another location, I think that is a pretty poor way of conducting business. I see what the distinguished Senator from New Mexico has proposed as an alternative, something that promotes economic growth, something that is a low tax rate.

This amendment would delete the provision in the resolution calling for scrapping the tax code without an alternative. Instead, the amendment calls for the continued tax deductibility of home mortgage interest and charitable contributions.

I share the frustration of most Americans about the Internal Revenue Service, and believe strongly that we must pass IRS reform legislation as soon as possible. The House approved similar legislation last year. It's long past time for the Senate to act.

At the same time, I have serious concerns about the proposal to scrap the tax code without an alternative. I think, with all due respect, that it is a reckless political gimmick that would backfire on this Congress.

The main problem with this proposal is that it would create enormous uncertainty about the continued availability of many important tax code provisions. And that could create economic chaos and other problems for millions of Americans.

The Finance Committee needs to consider these problems before we scrap the whole tax code. For example, what will this do to the value of homes? How will uncertainty affect contributions to charities, or savings plans for retirement and education purposes? How will employers react to health and retirement plans; will they refuse to set up new plans? Will they reduce contributions to existing plans?

What will be the overall effect of uncertainty on economic growth and job creation? These are important questions that need to be publicly examined.

The Finance Committee ought to consider these types of questions before we approve sunsetting legislation. But I do think it is important that, in the meantime, we reaffirm our support for the mortgage interest deduction and the deduction for charitable contributions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, in short, I hope that the amendment by the Senator from North Dakota will prevail, because it makes good sense and it tests the mettle of those who are voting. Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I guess I have 3 minutes remaining. The other side has 2. I will take my 3 minutes. They are welcome to finish.

There is a wonderful legislative strategy, I guess, that if you cannot change the facts, change the subject. The subject here isn't about the current Tax Code; the subject is about what do you want to put in place of a Tax Code you want to abolish? Something new, we are told. Well, it is interesting. There is nothing new around here that I see about the proposals to change the Tax Code. All the proposals I have seen are the same tired, old proposals—exempt the rich, tax the rest, and call it reform.

You think that is not the case? The plans out here are: Tax work and exempt investment; tax people to go to work; tax the income from work; say to those that clip coupons, you are exempt. Nothing new about that. People have been trying to do that for a century.

The question I would ask the opponents of this amendment is, do you think the American people will be better off with a national sales tax plan? Is that what you are going to replace it with?

Bill Gale at Brookings, who did this piece, says your national sales tax rate, by the way, despite all the numbers they tell you, will be 35 percent. Want to pay a 35 percent sales tax on a home you buy? Do you think you are better off with that kind of tax program? Do you think you are better off with a program that has also been introduced here in the Congress that the Treasury Department analyzes that everybody over $200,000 gets a big tax cut? Everybody under $200,000 a year in income gets a big tax increase? Do you think you will be better off with that kind of Tax Code? I don't think so. Is a business going to be better off when they find they can't get their existing depreciation deductions ? Or tens of millions of homeowners will be better off when they discover they can't deduct their home mortgage interest?

No, this isn't about change. And with respect to Mr. Greenspan, who we are told about here—Mr. Greenspan, of course, is the fellow who said if we ever go below 6 percent unemployment we have calamity in this country. It has been about 45 months that we have been below 6 percent unemployment and the economy is doing well and inflation is in check. He was wrong about that. He said we will have a new wave of inflation, every month. He has been wrong about that for 4 years. Inflation is way down. I was about ready to think maybe the Senator had merit until he started talking about Greenspan supporting his case.

Sunset the Tax Code—what will you replace it with? Will the American people be better off with a flat tax? A VAT tax? A national sales tax?

This is the only town in America where people think it is a bold new stroke, having a billionaire proposing a tax plan that would cut his taxes by hundreds of millions of dollars. That is not bold or new. It is the same tired old argument the American people have heard for years and years and years.

Mr. LAUTENBERG. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. LAUTENBERG. Does the Senator know that Chairman ROTH in a March 13, 1998, letter—

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Mexico has 1 minute 45 seconds.

Mr. BROWNBACK. Will the Senator yield 1 minute?

Mr. DOMENICI. I yield 1 minute.

Mr. BROWNBACK. I guess the rationale of the Senator from North Dakota is we are stuck with this Tax Code forever and that is the way it will be.

Frankly, there are a lot of different ideas floating around. I heard the Senator from North Dakota has a tax proposal, as well.

I simply ask people looking at this, could we do any worse than this current Tax Code? If I had a stack of books here now, it would be this tall. I am a lawyer. I confess that sin. I looked at this Tax Code and it is unintelligible. We couldn't do any worse with something different.

Mr. HUTCHINSON. Will the Senator yield some time to me?

Mr. DOMENICI. I yield 40 seconds.

Mr. HUTCHINSON. The language contained in our budget resolution mimics the language of the Tax Code Termination Act. Thirty-eight Members of the Senate are cosponsoring it; 154 Members of the House. It is responsible language that will force this Congress to act. It will force the national debate, it will force a consensus, and it will force us to make a decision.

We can do better and the American people deserve better. We need to set a sunset for this Tax Code.

Mr. LAUTENBERG. If the discussion on the amendment is done, I yield myself 2 minutes off the bill.

Mr. DOMENICI. I thought we weren't going to do that. We entered a unanimous consent agreement that we couldn't do that. Or did we say we would only do it for ourselves?

Mr. LAUTENBERG. I guess that is what I thought we said, but it is like the Senator made a mistake and thought 7 o'clock was 9 o'clock.

Fair enough.

Mr. DOMENICI. How many seconds do I have?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. I gave him 40 seconds and you said I had 57 seconds.

The PRESIDING OFFICER. Time was counting as the Senator was asking the question.

Mr. LAUTENBERG. Thirty seconds apiece.

Mr. DOMENICI. Thirty seconds apiece.

Mr. LAUTENBERG. In my 30 seconds, by unanimous consent, Mr. President, I say that it is important to note that in a March 13, 1998, letter to the Budget Committee, Chairman ROTH wrote, "I believe a comprehensive overhaul of the Tax Code should be in place before any action is taken to sunset the existing Tax Code."

I rest my case.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator DORGAN proposed to us, and I think to the American people, that he is not for reform and he likes the current tax system. Unless that is the case, then it seems to me he would at least permit those who write the tax laws to try to write a new one that is better than this one.

My question is, do you like the Tax Code the way it is? Do you like tax reform, which has never been passed yet? We don't know what it will be, except it will be better than this one.

The PRESIDING OFFICER. All time has expired.

Mr. DORGAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2170

Mr. ALLARD. I ask the pending amendment be laid aside and I ask to call up amendment No. 2170.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment numbered 2170, previously proposed by the Senator from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. President, the purpose of the Allard amendment, which we did debate last night—I brought it back to continue the debate this evening—is to explain just how easy it is for us to make a commitment to pay down the debt by making some commitment of revenue flow for that sole purpose.

I have a chart with a provision called the "American Debt Repayment Act." Basically, what it does is take the budget bill, the 5-year plan we have before us, take the revenues, and say we don't spend it, we save it to pay down the debt, and after 5 years we will take $11.7 billion, less than 1 percent of the total budget allocated over 30 years, and we will eliminate the debt by doing that.

The American family today, when they take out their largest loan—usually to buy a new home—has a 30-year mortgage. I am just saying that we can make a minimal commitment from the budget and we can pay off this debt within 30 years. That is the reason I propose my amendment, because I want this body to make a minimal commitment to paying down the debt.

When you do this, several things happen. First of all, there is tremendous savings on interest, some $3.7 trillion in interest over that 30 years that is saved that can be used for other programs, whether it is tax cuts or whether it is additional spending. I am not in favor of additional spending. I think tax cuts is the way to go, but the money is there to do it. We do this with this commitment, and yet when we do that we still let our budget grow traditionally at the rate it has been growing in the past.

We are really not making a sacrifice but we are making a commitment, if

we pass this Allard amendment, to help pay off the debt. If we pay off the debt in 30 years, that gets us out to year 2027, 2028. If that has a familiar ring, let me remind Members that is the same date that many economists predict Social Security will be bankrupt. So this is a key first step in us being able to address some very serious problems that we are faced with today, and that is a Social Security that is getting ready to go bankrupt, a Medicare system that is even in worse shape than the Social Security system. This frees up revenue to address those kinds of problems.

I asked the chairman of the Federal Reserve when he testified before the Banking Committee, Alan Greenspan, if he would comment about paying down the debt. He said he agrees that paying down the debt or eliminating the Federal debt would have several positive impacts on Social Security reform. I will quote his testimony before the Senate Banking Committee on the 25th of February:

> The notion to pay down the debt creates a very large amount of savings in the system, a very big window to do a lot in the area of Social Security, if you go that direction.

In a letter that I received from Alan Greenspan on March 26, 1998, he said: "Budget surpluses will not by themselves make the current structure of Social Security taxes and benefits viable over the long run. Assuring payment of intended benefits beyond that date will require some statutory adjustments to Social Security receipts and or benefits." So he does recognize that there is definitely a correlation between Social Security reform and making a commitment to pay down that debt.

I will comment about the impact of paying off the debt on the total economy. Again, I will quote the Chairman of the Federal Reserve, Alan Greenspan, when he testified before the Senate Banking Committee, again on the 25th of February. In regard to the economy he says: "The means by which you pay off the debt is to run very substantial unified budget surpluses. What happens when you do that is you shift the issue of debt from the public to the private sector. I think there are very major benefits from that occurring."

So I think there is a lot of support from people who really know about the budget, know about the economy, know about Social Security, about this, and there are a lot of Americans who support the idea we ought to be paying down the debt. I think the Senate ought to show a similar commitment to pay down this huge debt, which is somewhere around $5.6 trillion.

I have on the floor with me a colleague, and I yield 8 minutes to the Senator from Wyoming to talk about paying down the debt.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I rise to express my support for the common sense amendment, No. 2170, which would pay down the national debt.

When Congress was in session, and on most weekends, I traveled thousands of miles throughout the vast State of Wyoming. I polled people on what they think is the most important thing we can be doing with their money. I consistently heard many people say, "If there's a surplus, pay down the debt." I have to tell you, they don't quite believe in the surplus we keep talking about back here because they understand Social Security. But they don't want us squandering it on new spending and new ideas.

If recent CBO statistics hold true, we should see a budget surplus of $8 billion in fiscal year 1999—not counting Social Security. However, we did not get to this point by exercising fiscal constraint. We still spend too much. We spend about $1.7 trillion every year. I voted against the spending portion of the balanced budget amendment of 1997 because it seemed clear to me that more could have been done to cut down the size and scope of the Federal Government. We could have enacted more meaningful entitlement reform. We could have gotten the fiscal house in order faster. If not for the unexpected revenues that came as a result of 7 years of economic expansion, we would not be close to eliminating that deficit today.

Just the interest that we are now paying on the Federal debt has reached about 15 percent of the total budget outlays. That amounts to about $250 billion that cannot be used for education or military readiness or national defense. The only way we can cut down on the amount and percentage of interest paid is to reduce the Federal debt.

This amendment will accomplish just that. It will set Congress on a path of fiscal responsibility and will require a 30-year pay down of the Federal debt. In the past few months, I have seen a unique attitude transformation take place in this city. Even though a budget surplus or zero deficit, only estimated, has not yet occurred, the administration did not hesitate to offer around $100 billion worth of new or expanded programs that would easily create a larger deficit in the proposed balanced budget. It seems their eye for spending is still bigger than the taxpayers' wallet.

Even though the economy is strong, I am surprised that so few in Congress are concerned about what we, as a nation, are in danger of passing on to our children and our grandchildren. It seems we are tied to the immediate gratification we receive from spending more money that we don't have, that we don't see the danger that looms in the not-too-distant future if we don't stop spending on credit with reckless abandon. That danger is a massive Federal debt and the changing demographics that will place a tremendous amount of pressure on young taxpayers who, if no change is made with the entitlement programs, will see a bankrupt Social Security and Medicare system and a mountain of high debt and an economy so weak that there will be no hope of passing it off—paying it off; we are trying to pass us off.

Somehow we have convinced ourselves that we deserve these benefits and we will it to our children to figure out a way to pay for them. Throughout the debate in the budget resolution it becomes even more evident that it does not matter whether the economy is performing at record highs or lows, some Members of Congress will always propose more spending and more programs. I have heard numerous excuses this week of why we should spend more of our Federal dollars.

There seems to be a belief that no matter how much we spend, we are not spending enough for the American people. Before I came to Washington as a Senator, I knew we had a plethora of Federal programs. Now that I am here, however, I am even more astounded at the number of programs available for nearly everything and everyone under the sun. But some still believe the Federal Government is not doing nearly enough to help those in want or need, or more.

It is very short-sighted to believe that our children or grandchildren will not be left with the bill that is accruing. Do we ever stop to think what the possible consequences are before we propose a program expansion or creation? The Allard amendment would require us to focus on our priorities. It would help us focus on a limited, less-expansive Federal Government. A limited, responsive Federal Government is what the people of Wyoming expect from any government, whether at the State, local or Federal level. They and the other American people deserve a disciplined Federal Government. This amendment will help Congress focus on limiting the scope of Government.

With a Federal debt of over $5.5 trillion, we must run budget surpluses not just for 1 or 2 years, but for 30 or more years to pay off the debt. I believe the administration and Congress should heed the words of Federal Reserve Board Chairman Alan Greenspan. He noted in his testimony in the Senate Budget Committee on January 29, 1998, that we should be cautious in our spending because Federal revenues are not guaranteed and may fall short of expectations. He, again, advised that we should be aiming for budgetary surpluses and using the proceeds to retire the outstanding Federal debt. He mentions how that will help the economy and save Social Security.

The Allard amendment follows the advice of Chairman Greenspan. It requires budgetary surpluses every year,

with these surpluses going toward payment of the Federal debt. These payments would amortize the debt over the next 30 years, similar to mortgage payments on a $5.5 trillion mansion. Anybody who purchases a house must pay the mortgage that accompanies it. Why should the Federal Government be exempt from a similar requirement? It is the ethical thing to do and it just makes sound economic sense. Yes, we bought a house for ourselves and our kids and our grandkids, and we will pass on the house and we will pass on the debt. But let's be sure that we are current on the payments.

The Allard amendment will not take money from the Social Security system. To the contrary, it will extend the life and solvency of the Social Security system and other entitlement programs. The best way to shore up Social Security is to pay down the national debt while we work on reforms to the system.

Now is the time to start making those mortgage payments and to begin to chip away at the mountain of debt. It is irresponsible, reckless, and selfish to wait any longer. Any delay will further jeopardize the national security and economic freedom of our Nation and our children. Some may ask if we can afford to do this now. In response, I will borrow the words of President Ronald Reagan: "If not now, when? If not us, who?"

I urge my colleagues to support the Allard-Enzi amendment.

Mr. ALLARD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 15 seconds remaining.

Mr. ALLARD. Mr. President, I reserve the remainder of my time and yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I watched with interest the development of this amendment and the others that we heard over the last couple days. It seems like there is a testimonial here to Alan Greenspan. He is a very smart guy, and I will tell you how I know how smart he is. He used to be on the board of my company, and when I left to come to the Senate, he was still on the board of my company. He didn't leave there until he was chosen to be chairman of the Fed. At that point, he could not stay and continue enjoying the private side of things. It was very nice.

He is a very bright guy. At our board meetings, everybody used to listen so attentively to what Alan said. Fortunately, in this country of ours, there are lots of smart people. It doesn't mean that he is wrong, but it means that others can have a differing view. I think that this amendment—and I am not putting myself in his league, I must tell you; but we talked to economists, too, and we see a problem with this.

This amendment would establish a point of order against any budget resolution in which revenues do not exceed outlays for any given year. We are considering a budget resolution today. There would be a point of order against any budget resolution in which revenues do not exceed outlays for any given year. Well, this amendment would lock us into a rigid formula for fiscal policy, threaten to make future recessions more severe, jeopardize our national security—I don't use these words casually—and deprive the Nation of needed investments in our future well-being.

We all know that reducing the Federal debt is an important goal of fiscal policy. I don't think it is unknown that our President, President Clinton, is a very strong advocate of doing that. He proposed using any surpluses to pay down debt and, yes, to shore up Social Security, which it does at the same time—pay down that. That is what the President said, "I am not going to let you tinker with that. If I have anything to do about it, I don't want you to use that money for anything but paying down the debt." So we have a common goal here, but it should not be pursued to the exclusion of all other worthy goals.

If this amendment were to pass, it would make future recessions deeper by eliminating the budget's ability to stabilize the economy automatically. We use it that way—perhaps to the surprise of some—and when an economic downturn hits, tax revenues go down automatically and spending for unemployment benefits increases automatically. That is the way, frankly, I think it should be. The budget's automatic response helps to offset some of the economic pain and to shorten the recession's duration.

Handcuffing our fiscal policy in times of economic crisis, as this amendment would do, risks turning recessions into depressions. As one who lived through the Great Depression myself, I know very well what that would mean to our Nation. I know what it did to help my family, the only time—other than the GI bill—that we had to reach out. My father was humiliated when his job was finally lost in the Depression and he had to go to work for the WPA, a Government program. It was embarrassing to him, but that was the only way he could see to try to support his family. That is the way it happens in times of stress like that.

So when I look at what is being proposed here, I say thank goodness we have the capacity in times of need to make changes. For instance, the Allard amendment doesn't just pose a threat to our economic security; it also jeopardizes our national security. The cold war may be over, but that doesn't mean we won't face serious new military threats in the future. What would happen if America confronted an enemy that was building up its military in preparation for conflict? We would not be able to arm ourselves to meet the challenge because of this fiscal straitjacket.

I know that the Senator from Colorado wants to do the right thing and, again, we share a goal, but the approach is radically different. The Allard amendment does include an exception in matters of Defense, when a declaration of war is in effect. There is very significant meaning to those few words. We faced a variety of major military challenges since war was last officially declared, and the year was 1941. This amendment, in those several times, would have tied our hands behind our backs. I also say to Senators who care about public investment that this amendment could prevent us from providing prudently for our future.

Here is an example: If Congress were to decide that it's important to make significant new investments in our telecommunications infrastructure or our transportation infrastructure and we wanted to amortize the cost over several years, even though we don't have amortization formally in our financial statement, the Allard amendment would create a new roadblock. I want to say especially to our friends on the other side of the aisle who believe that tax cuts underwrite our future prosperity, this amendment would also make it more difficult to enact tax cuts.

My point is not at all to advocate huge, new tax breaks. But I want to highlight the fact that this amendment will tie everybody's hands behind our backs and limit flexibility for Senators on all sides of the ideological spectrum. We have eliminated the deficit, restored fiscal discipline, and helped create the strongest economy in decades—maybe retroactively we are going to say it has been the strongest decade ever. We have done it all without procedural gimmicks that limited our flexibility. We did it the old-fashioned way, with hard work and hard choices. That is the way I think we ought to do it now and in the future. There is just no need for this kind of rigid rule.

I urge my colleagues to oppose this amendment. I think it would be a huge mistake. It could wreak havoc on our economy, could weaken our national security to a dangerous point. It could impede our ability to make needed investments either directly or through the Tax Code.

Mr. President, at the appropriate time, I intend to raise a point of order against this amendment. It is not germane. If the proponents of the amendment move to waive my point of order, I hope my colleagues will vote no on the motion to waive.

With that, I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would like to summarize and make sure that any opposition to my amendment has had an opportunity to speak. When they are finished, I would like to make concluding comments, if I might.

Mr. LAUTENBERG. Mr. President, I can't promise that. If we have time left, we will use it. It is there now for the proponents to make their case.

Mr. ALLARD. Mr. President, it is my understanding that we have 2 minutes remaining on our time.

The PRESIDING OFFICER. The Senator is correct. The Senator has 1 minute 31 seconds. The opponents have 7 minutes 38 seconds.

Who yields time?

If neither side yields time, time runs equally.

Mr. ALLARD. Mr. President, I would like to have an opportunity to summarize my remarks. I ask that my opposition yield back the remainder of their time so I can summarize my comments.

Apparently, they don't want to do that. I will briefly make comments so that we can move along.

First of all, we heard many arguments about voting against the balanced budget amendment. Those who voted against the balanced budget amendment said that we should not tie down the hands of the Senate, the Senate should have the discipline in order not to go into deficit spending. My argument has been that the Senate—I have always supported it because I never felt the Senate, although well-intentioned, would ever allow that to happen. We are asking for a simple amendment to pay down the debt, and one of the arguments made against this is that it may raise a point of order if the Senate goes into deficit spending. Most of us, I think, in this Chamber agree that we should not have deficit spending. So it points out again how very important it is to have these types of plans before us if we really are serious about eliminating deficit spending and pay down the debt. If we want a secure economy and we want to make sure that our children and grandchildren have a secure future and we want to continue to see economic growth, the way we do that is to make a commitment to pay down the debt. So I am here to ask for an aye vote on the Allard amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, the pending amendment is not germane and I, therefore, raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act.

Is the time available all on our side?

The PRESIDING OFFICER. Having made the point of order, all time has elapsed.

Mr. DOMENICI. Mr. President, if the Senator from Colorado is not going to move to waive, I will.

Mr. ALLARD. I was going to do that, but the chairman can do it.

Mr. DOMENICI. Mr. President, I move to waive the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2195

Mr. LAUTENBERG. Mr. President, I call up amendment No. 2195.

Mr. President, I want to point out that we have the following cosponsors on our amendment. They include Senators DASCHLE, KERRY, BAUCUS, BINGAMAN, BOXER, GRAHAM, MOYNIHAN, LEAHY, REID, WYDEN, LIEBERMAN, and MURRAY.

Mr. President, this amendment would establish a reserve fund that would allocate funding from a reinstated Superfund tax on polluters for several important environmental initiatives.

Mr. President, President Clinton has made environmental protection a top priority. And the American people agree with that. Americans feel strongly about the need to keep our water and air clean, and our national parks well maintained. And, in my view, they're right.

The President has urged that several related environmental initiatives be funded by reinstating the Superfund tax on polluters. But the resolution before us largely rejects this approach. It does allow for spending up to $200 million next year from this tax, if it is reinstated, and if the reinstatement is part of broader Superfund reauthorization legislation.

However, the Superfund tax raises $1.7 billion per year. And the Resolution would allow the extra $1.5 billion per year to be used for purposes that have nothing to do with environmental protection.

By contrast, my amendment would use these environmental taxes for environmental objectives.

My proposal largely incorporates the President's Environmental Resources Fund for America, as proposed in his budget.

Under the proposal, revenue from a reinstated Superfund tax could be used for a variety of environmental priorities. These include, but are not limited to the following: cleanup of hazardous waste sites; clean water initiatives to assist states in protecting waterways from polluted runoff; construction and maintenance for our deteriorating national parks, forests, refuges, public lands and tribal schools; and purchases of valuable natural resources through the Land and Water Conservation Fund.

The funding for hazardous waste cleanup would increase the Superfund budget by 40%. This would double the pace of cleanups, bringing the total number of cleanups to 900 by the end of 2001.

Let me be clear, also, that this amendment does not raid the Superfund program to pay for other initiatives. Under the amendment, we would still appropriate more money for hazardous waste cleanup than is collected from the Superfund tax, as has been our practice in the past.

Mr. President, let me take a moment to highlight the Clean Water and Watershed Restoration Initiative. Today, the major source of pollution of our rivers, lakes and other sources of drinking water is not industry, and it's not municipal sewage treatment plants. It's polluted runoff from our cities and farms.

This program would provide funds—not to increase the federal bureaucracy—but to aid states and localities in their efforts to address this problem.

Mr. President, I want to emphasize that this amendment would not increase the deficit or reduce a surplus by one penny. It's entirely deficit neutral.

I would also note that the amendment is broad enough to allow the appropriate committees to make the specific decisions about where this additional $1.5 billion per year would be spent. The amendment does not limit the committees to the particular proposals in the President's budget. Rather, it allows them flexibility to shape programs based on their needs and priorities when the Superfund tax is passed.

I would note that the amendment is supported by the League of Conservation Voters, the Natural Resources Defense Council and the American Planning Association.

In conclusion, Mr. President, the American people want us to protect the environment and to protect our investments in our national parks, refuges and forests. This amendment could go a long way toward meeting these goals in a deficit-neutral manner. I hope my colleagues will support it.

We have a letter from the Council on Environmental Quality responding to our request for administration views on the proposed amendment.

> Please be assured that the Administration strongly supports your efforts to secure adequate funding for pressing environmental challenges facing this country.

I submit that and the letter from the League of Conservation Voters, as well as a letter signed by 44 environmental groups.

Mr. President, I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,

Washington, DC, April 1, 1998.

Hon. FRANK LAUTENBERG,

Ranking Member, Senate Committee on Budget, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing in response to your request for the Administration's views on your proposed amendment to the Senate budget resolution. Please be assured that the Administration strongly supports your efforts to secure adequate funding for pressing environmental challenges facing this country.

As you are well aware, the President's Fiscal Year 1999 budget proposes significant investments to protect our environment and public health. It would accelerate Superfund cleanups, provide new resources for the President's Clean Water Action Plan, and continue our efforts to restore and protect our national parks and other public lands.

Despite your efforts in the Budget Committee, however, the resolution now before the Senate fails to provide adequate funds for each of these priorities. The effect of the resolution would be quite serious. It would jeopardize public health by delaying cleanup of Superfund sites in communities across the country. It would significantly limit nationwide efforts to curb polluted runoff, the largest remaining threat to the health of our lakes, rivers and coastal waters. And it would hamper our ability to repair deteriorating infrastructure at national parks and other facilities, posing a threat to the health and safety of visitors and workers.

Your proposed amendment to correct these deficiencies by securing $1.7 billion in Fiscal Year 1999 and a total of $7.4 billion over five years is consistent with the Administration's budget request. Furthermore, it is important to note that your amendment is budget-neutral because it would ensure that reinstatement of the Superfund tax is committed to these environmental priorities.

The Office of Management and Budget advises me that this letter is consistent with the President's program.

I greatly appreciate your effort to ensure that these vital environmental priorities are met.

Sincerely,

KATHLEEN A. MCGINTY,
Chairman.

LEAGUE OF CONSERVATION VOTERS,

Washington, DC, March 30, 1998.

U.S. Senate,

Washington, DC.

Re Senate Concurrent Resolution 86, Supporting the Lautenberg amendment to fund environment and national resource protection.

DEAR SENATOR: The League of Conservation Voters is the bipartisan, political arm of the national environmental movement. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide and the press.

Last year's balanced budget agreement contemplated decreasing spending every year until at least 2003 for natural resources and environmental programs. The American public has made clear that clean water, our public lands, fisheries and wildlife management, and other environmental programs require a higher priority than was reflected in this agreement.

During consideration of the Budget Resolution, S. Con. Res. 86, LCV urges you to support an amendment by Senator Lautenberg (D-NJ) that would restore funding for critical environment and natural resource programs that were proposed in the President's budget but omitted from the Resolution. This amendment would address the following crucial environmental initiatives.

The Clear Water Action Plan, which will provide increased resources to states, tribes and individuals in order to address polluted runoff from urban areas, agriculture, mining and other sources.

A continuation of funding for the Drinking Water and Clean Water State Revolving Loan Funds which will help to ensure that our drinking water and wastewater treatment infrastructure can meet water quality and public health needs for the next century.

The Land, Water and Facility Restoration Initiative, which provide increased funding for "Safe Visits to Public Lands" and "Supporting the Land and Water Conservation Fund Vision".

An increase in funding to continue progress in cleanups at Superfund sites around the nation, where many communities have been waiting for over a decade to have toxic and hazardous sites restored to safety.

In addition, LCV urges you to support any amendments to address the following:

We understand that an amendment may be offered to reduce or eliminate the existing tax subsidy for mining on public and patented lands—known as the percentage depletion allowance.

The Budget Resolution assumes that landowner incentives programs for endangered species would be funded from the proceeds of the sale of public lands under the Interior Department's Bureau of Land Management. This proposal would set an unacceptable precedent regarding the sale of public lands and would fail to provide a sustainable, long-term revenue mechanism for endangered species protection.

America's land, water, fish, wildlife and plants are irreplaceable natural assets that belong to, and benefit, our entire nation; their protection and stewardship warrant the modest increase in funding that Senator Lautenberg's amendment would allow. LCV's Political Advisory Committee will consider including votes on S. Con. Res. 86 in compiling LCV's 1998 Scorecard. Thank you for your consideration of this issue. If you need more information please call Paul Brotherton in my office at 202/785-8683.

Sincerely,

DEB CALLAHAN,
President.

March 27, 1998.

SUPPORT THE LAUTENBERG AMENDMENT TO FUND ENVIRONMENT AND NATURAL RESOURCES

Attention: ENVIRONMENTAL LA.

DEAR SENATOR: On behalf of the undersigned organizations, we strongly urge your support for the amendment to the Budget Resolution, S. Con. Res. 86, that will be offered by Senator Lautenberg during Floor consideration. Senator Lautenberg's amendment would provide funding for critical environment and natural resource programs proposed in the President's budget. America's land, water, fish, wildlife, and plants are irreplaceable natural assets that belong to, and benefit, our entire nation; their protection and stewardship warrant the modest investment of funds that will be provided by Senator Lautenberg's amendment.

Some of these crucial environmental initiatives fall under the President's proposed Environmental Resources Fund for America and include:

The "Clean Water Action Plan", which will provide increased resources (a total of $568 Million for this multi-agency initiative) to States, tribes and individuals in order to address polluted runoff from urban areas, agriculture, mining and other sources. Polluted runoff is the single biggest cause of water quality impairment in the nation today. The "Clean Water Action Plan" will help to reduce its impacts through improved coordination among different levels of government and through increased spending to help farmers and other individuals improve their water quality management practices.

A continuation of funding for the Drinking Water and Clean Water State Revolving Loan Funds (a total of $1.875 Billion for both) which will help to ensure that our drinking water and wastewater treatment infrastructure can meet water quality and public health needs for the next century.

The "Land, Water and Facility Restoration Initiative", which provides increased funding for "Safe Visits to Public Lands" and supports the "Land and Water Conservation Fund (LWCF) Vision". "Safe Visits to Public Lands" would begin to address the critical multi-billion dollar maintenance backlog on our public lands by providing a $92 Million (eight percent) increase in funding to repair and refurbish the aging infrastructure in our national parks, forests, wildlife refuges and other public lands. Supporting the "LWCF Vision" would provide a 43% increase in LWCF spending over the next five years to continue acquisition and permanent protection of key land, water, and open space resources for future generations. Even this modest increase still falls far below the level of $900 Million authorized yearly for LWCF.

An increase in funding to continue progress in cleanups at Superfund sites around the nation, where many communities have been waiting for over a decade to have toxic and hazardous sites restored to safety. The Environmental Resources Fund for America proposes $2.1 Billion in spending, which would be a forty percent increase over 1998.

In addition, the Senate Budget Resolution does not include crucial FY99 increases requested for the Fish and Wildlife Service (FWS). The Lautenberg amendment would provide funding for these increases including:

An increase in funding for Enhancing Endangered Species Act (ESA) Efforts. In the last five years, the number of listed U.S. species has doubled and a growing number of species require management to survive. The requested increase will allow the FWS to carry out necessary activities to conserve species, to provide more efficient implementation for regulated interests, and to offer new incentives for private landowners. The FY99 increase for FWS is $38.8 million.

An increase in funding for FWS National Wildlife Refuge System Operations. The nearly 93 million acre National Wildlife Refuge System is the only federal public lands system dedicated primarily to the conservation of fish and wildlife; yet chronic and severe funding shortfalls threaten its mission. The requested $15 Million increase for FY99 would take a small step in addressing the current $410 Million shortfall in operating needs.

Last year's balanced budget agreement contemplated decreasing spending every year until at least 2003 for natural resources and environmental programs. The American

public has made clear that clean water, stewardship of our public lands, fisheries and wildlife management, and other environmental programs require a higher priority than was reflected in this agreement. At the same time, we would be happy to work with the Senate to weed out environmentally destructive spending that would more than pay for the funding increases reflected in the Lautenberg amendment to fund environment and natural resources.

A 'yes' vote on the Lautenberg Amendment will send a clear signal of your support for protection of the environment and public health, and in particular for clean water, vibrant public lands, and protection of species and habitat. Thank you in advance for your support.

Sincerely,

David Younkman, Executive Director, American Oceans Campaign, Washington, DC; Rebecca R. Wodder, President, American Rivers, Washington, DC; Roger E. McManus, President, Center for Marine Conservation, Washington, DC; Roger Schlickeisen, President, Defenders of Wildlife, Washington, DC; Fred D. Krupp, Executive Director, Environmental Defense Fund, New York, NY; Brent Blackwelder, President, Friends of the Earth, Washington, DC; Paul Hansen, Executive Director, Izaak Walton League of America, Gaithersburg, MD; John Flicker, President, National Audubon Society, New York, NY; Thomas C. Kiernan, President, National Parks & Conservation, Association, Washington, DC; Mark Van Putten, President & CEO, National Wildlife Federation, Washington, DC; John H. Adams, Executive Director, Natural Resources Defense Council, New York, NY; Robert K. Musil, Executive Director, Physicians for Social Responsibility, Washington, DC; David Burwell, President, Rails to Trails Conservancy, Washington, DC; Carl Pope, Sierra Club, Executive Director, San Francisco, CA; Will Rogers, President, The Trust for Public Land, San Francisco, CA; Gene Karpinski, Executive Director, U.S. Public Interest Research Group, Washington, DC; William H. Meadows, President, The Wilderness Society, Washington, DC; William M. Eichbaum, Vice President, US Conservation and Global Threats World Wildlife Fund, Washington, DC; Becky Cain, President, League of Women Voters, Washington, DC; Jackie Savitz, Executive Director, Coast Alliance, Washington, DC; Jason E. Klein, President, The Outdoor Company, Field & Stream and Outdoor Life, New York, NY; Steve Moyer, Vice President, Conservation Programs, Trout Unlimited, Arlington, VA; Liz Raisbeck, Watershed Program Manager, River Network, Washington, DC; Michael F. Hirshfield, Ph.D., Vice President, Resource Protection, Chesapeake Bay Foundation, Annapolis, MD; Jim Jontz, Executive Director, Western Ancient Forest Campaign, Washington, DC; Frank So, Executive Director, American Planning Association, Washington, DC; William R. Neil, Director of Conservation, New Jersey Audubon, Bernardsville, NJ; Robin Cunningham, Executive Director, Montana River Action Network, Bozeman, MT; Judith D. Petersen, Director, Kentucky Waterways Alliance, Munfordville, KY; Ralph H. Goodno, President, Merrimack River Watershed Council, Lawrence, MA; Barry Nelson, Senior Fellow, Save the San Francisco Bay Association, San Francisco, CA; Mark Davis, Executive Director, Coalition to Restore Coastal Louisiana, Baton Rouge, LA; Peter Shelly, Vice President, Conservation Law Foundation, Boston, MA; John Atkin, Executive Director, Save the Sound, Inc., Stamford, CT; Lisa Carey, Coordinator, Long Island Sound Watershed Alliance, Stamford, CT; Todd Miller, Executive Director, North Carolina Coastal Federation, Newport, NC; Peter Clark, Executive Director, Tampa Bay Watch, Tampa, FL; Kathy Fletcher, Executive Director, People for Puget Sound, Seattle, WA; David W. Bott, Executive Director, West Virginia Rivers Coalition, Elkins, WV; Cynthia Chapman, Executive Director, Frontera Audubon Society; George Lea, President, Public Lands Foundation; Norene Chase, Local Conservation Chair, Big Bend Sierra Club, Tallahassee, FL; Nancy Backstrand, Friends of the Santa Margarita River, San Diego County, CA; and Marion Sizemone, Environmental Programs, Wyandotte Tribe of OK, Wyandotte, OK.

[From the New York Times, March 1, 1998]

A PROMISING CLEAN WATER STRATEGY

The 1972 Clean Water Act has been the most effective of all the landmark environmental measures enacted in the early 1970's. But while it has done a good job of controlling pollution from so-called "point sources" like factories and waste treatment plants, the act has failed to stem poisonous runoff from "non-point" sources like farms and city streets. This runoff is the main reason why nearly 40 percent of the nation's lakes and streams remain unfishable and unswimmable.

The Clinton Administration has now offered a strategy to remedy this flaw. Given the hostility of this Congress to new environmental legislation, the President has chosen to attack the problem with a series of administrative actions by the Environmental Protection Agency, the Interior Department and other agencies. But Congress will be asked to provide about $2.4 billion in new money over five years to make the plan work. We urge it to do so. This is a modest, common-sense strategy that merits bipartisan support.

For the first time, the plan would establish enforceable limits on runoffs of nitrogen and phosphorus—two destructive nutrients found in fertilizers, sewage and animal wastes. At the same time, Washington would make available hundreds of millions of dollars to states and individual landowners to pay for setting aside land for stream buffers that prevent the nutrients from entering the water in the first place. These nutrients have been linked not only to outbreaks of Pfiesteria piscicida, a fish-killing microbe, in Maryland and North Carolina, but also to the 6,000-square-mile "dead zone" of oxygen-depleted water in the Gulf of Mexico.

The plan would also impose new restrictions on huge corporate farming operations that generate mountains of waste that are typically stored in "lagoons" the size of several football fields. These gigantic pits, which sometimes overflow during rainstorms, would be regarded as "point sources" subject to regular inspections and, when violations occur, heavy fines.

Another ambitious element of the plan seeks to add 100,000 acres a year to the nation's declining inventory of valuable wetlands. To do so, however, the Administration must win the cooperation of the Army Corps of Engineers, which oversees wetlands policy and has been parceling out the land bit by bit to developers. One of the more attractive features of the Clinton strategy is that it promises to involve every Federal agency in the fight for cleaner water. Without the corps, the strategy will be incomplete.

[The Washington Post, March 3, 1998]

THE PRESIDENT ON CLEAN WATER

The Country's leading water pollution problem is no longer the industrial and municipal waste that flows from particular pipes but the elusive agricultural and urban runoff that accumulates across entire watersheds. The Clean Water Act provides only indirect authority to deal with it, and the current Congress is hardly likely to strengthen the relevant provisions. In the last Congress, House Republicans tried instead to weaken them. The clean-water initiative the president announced the other day is thus an effort to make the most of a limited arsenal. Within those limits, it does a reasonable job.

The government will use existing authority to set new standards for nutrients in lakes, streams and estuaries—the nitrogen and phosphorus that are byproducts of agricultural operations especially. Excessive amounts do harm. The states are then meant to apply the standards to water within their jurisdiction, and to draw up plans to reduce them where required. If the plans are too weak, the Environmental Protection Agency can disapprove them, but it lacks the power to enforce them except indirectly if the states default. The administration seeks to fill the enforcement hole with financial inducements both to the states and to farmers to reduce the spread of the pollutants. It has assembled a fairly impressive package of money, much of it from existing programs. Some of the largest are in the Agriculture Department, including the mighty Conservation Reserve Program which each year pays farmers to idle vast amounts of vulnerable land across the country and now supports such things as water quality projects as well.

Watersheds extend across state boundaries, and the president's initiative includes some fuzzy talk about the need for interstate cooperation. Among much else, a program embracing an entire watershed can liberate states from the fear that if they take strong action, neighboring states may use weaker environmental standards to lure away industry. That's part of the argument that Congess has ignored for a stronger federal law. The administration uses what it has—mostly words and a little money—to push in this useful direction.

The initiative also promises, again a bit fuzzily, to convert the current annual loss of wetlands across the country into a net gain within a few years. Exactly how is left unclear. The last time anyone looked, the Corps of Engineers was proposing to ease the rules under which developers and others are allowed to invade wetlands. This would mark a more aggressive policy, if it occurs. Likewise, there is a promise to do a better job of managing the government's own lands. Because the government is such a large landowner, this would be important.

This administration generally has pushed in the right directions on environmental issues. But its penchant for show over substance—this report trumpets "more than 100 major new actions"—often gets the best of it. Many of these are neither major steps nor new. We hope they take them anyway.

Mr. LAUTENBERG. Mr. President, in conclusion, the American people want to protect the environment and to protect our investments in our national parks and refuges and forests. This amendment could go a long way toward meeting these goals in a deficit-neutral manner.

I urge my colleagues to support it.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise in opposition to the proposal by the distinguished Senator from New Jersey.

At the appropriate time I will raise a point of order.

First, let me say that this proposal exceeds the spending caps set in the balanced budget amendment by $600 million in budget authority, and $900 million in outlays.

The budget before us assumes $1 billion in additional spending over 5 years of the Superfund as originally agreed upon in the balanced budget amendment.

The budget resolution provides $1.4 billion in budget authority, and $1.3 billion in outlays to fund critical construction programs within the Corps of Engineers rejecting the proposal of the President to cut it 47.4 percent.

It fully funds the President's request for National Park Service operations at $1.3 billion; $1.2 billion in outlays. It fully funds the President's request for the National Oceanic and Atmospheric Administration, NOAA, with $2.3 billion in budget authority; $2.19 billion in expected expenditures.

It assumes funding for the Landowner Incentives Program of the pending Endangered Species Recovery Act, a step forward for both the environmental community and private owners and protecting the Nation's endangered species.

It rejects the President's proposed reductions in the Environmental Protection Agency and tribal assistance grant funds; $2.7 billion above the President's budget over 5 years for clean water, drinking water, and targeted wastewater funds.

It provides $1.1 billion more in budget authority over 5 years than the alternative that was provided in the committee by the minority.

Frankly, when all of that is said and done, this is another one of these funds that is set up. The money that is going to be needed to do all the things that Senator LAUTENBERG contends should be done is not provided for, nor are cuts in programs provided for that would go into the fund.

I guess while it sounds good, I firmly believe that it will never really happen.

But, in all events, it is not germane. I will make that point of order as soon as time is available.

I yield any additional time that I may have.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, there is no additional spending that is provided for by virtue of the Superfund tax. These are not entitlements. We are talking now about direct appropriations. If the funds aren't there obviously out of this fund, out of this reserve fund, if money doesn't come in, it can't be spent. There were programs developed by the Environment and Public Works Committee. I assume the Senator is aware that we have finished a Superfund reauthorization bill out of the committee. I didn't support it. But it is due to come to the floor sometime after our recess. The committee has mandatory spending authority for minimum allocation for ISTEA, the orphans' share funding for Superfund, and funding for landowner incentives under the proposed Endangered Species Act. Under current law the committee has mandatory spending authority for the Wallop-Breaux Sports Fishery Act and other legislation.

So this isn't a casual proposal. It is going to be paid for by taxes that accrue to the Superfund reserve fund. It will be used for environmental purposes. That is what we are talking about. It is fairly simple. We offer the amendment, and we are ready to have it processed and hope that our colleagues will vote for it.

Mr. DOMENICI. Mr. President, I make a point of order that the pending amendment violates the Budget Act and is not germane.

The PRESIDING OFFICER. Until the time has been used or yielded, a point of order is not in order.

Mr. LAUTENBERG. I yield back my time.

Mr. DOMENICI. I yield all time back.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I make a point of order, as I previously indicated, that it violates the Budget Act and is not germane.

Mr. LAUTENBERG. I move to waive the point of order, and I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2213, AS MODIFIED

Mr. DOMENICI. Mr. President, I call up the Bond-Mikulski amendment, as modified.

Mr. President, Senator BOND has argued this at length here on the floor of the Senate during the pendency of this budget resolution, and does not desire any time tonight.

I would merely indicate that amendment No. 2213, as modified, opposes the President's proposed reduction in elderly housing by expressing the sense of the Senate that the budget resolution levels for elderly housing programs shall be funded between 1999 and 2003 at no less than the 1998 level of $645 million dollars.

I yield any time that Senator BOND might have with reference to his amendment.

Mr. LAUTENBERG. We have no comment. We yield any time that we have in response.

Mr. DOMENICI. I ask for the yeas and nays on the Bond amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2205

Mr. DOMENICI. Mr. President, I call up the Durbin amendment, No. 2205.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment numbered 2205, previously proposed by the Senator from New Jersey, [Mr. LAUTENBERG], for Mr. DURBIN.

AMENDMENT NO. 2205, AS MODIFIED

Mr. DOMENICI. Mr. President, I send a modification of the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DURBIN and Mr. KYL, proposes an amendment numbered 2205, as modified.

The amendment follows:

At the end of title III, insert the following:

SEC. ___. FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they have the right to choose their physicians, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

Mr. DOMENICI. Senator KYL of Arizona is an original cosponsor. The amendment should be known as Durbin-Kyl.

Mr. President, Senator KYL and Senator DURBIN have cooperated on this amendment. There is no objection to it. We don't have to have a vote. I yield back any time there might be on the amendment.

Mr. LAUTENBERG. We yield back all time as well.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2205), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2275

(Purpose: To express the sense of the Congress regarding a permanent extension of income averaging for farmers)

Mr. DOMENICI. Mr. President, Senators BURNS and BAUCUS have a new amendment. I send it to the desk and ask for its immediate consideration. I ask it be in order.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. BURNS, for himself and Mr. BAUCUS, proposes an amendment numbered 2275.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

SEC. . SENSE OF CONGRESS REGARDING PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

It is the sense of Congress that the provisions of this resolution assume that if the revenue levels are reduced pursuant to section 201 of this resolution for tax legislation, such amount as is necessary shall be used to permanently extend income averaging for farmers for purposes of the Internal Revenue Code of 1986.

Mr. DOMENICI. We have no objection to the amendment. We yield back any time we might have on the amendment.

Mr. LAUTENBERG. We yield back time. We have no objection.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2275) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2203

Mr. WYDEN. I appreciate the cooperation of the Chairman of the Budget Committee, Mr. DOMENICI, in working with me on this matter. My purpose in offering the original amendment in Committee was truth in budgeting. The truth I am seeking has been masked by inflation. With inflation being lower than anticipated, the CBO and GAO estimate there is as much as a $3 billion inflationary windfall surplus in the budget for 1999, and as much as a $26 billion surplus over the next five years. My concern is the American taxpayer never sees this inflationary windfall and probably doesn't even know it exists. The money is not accounted for by the agencies and is not returned to the taxpayer. Unfortunately, the windfall appears to end up as walk-around money in the pockets of bureaucrats. That is why I am pleased that together with the Chairman of the Budget Committee we will request the General Accounting Office to tell Congress by May 15 the exact amount of the inflationary windfall for FY99, how the agencies intend to use the inflationary windfall and how CBO can go about making this calculation for future years. Our request will also direct the GAO by August 15 to develop for us a methodology for correctly calculating inflationary estimates that is applicable to both defense and non-defense spending and how the agencies expect to use the additional funds. I ask unanimous consent to have printed in the RECORD the GAO's chart for FY99 Economic Adjustments as well as the CBO's March 24, 1998 letter to me on the inflationary windfall.

There being no objection, the material is ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 24, 1998.

Hon. RON WYDEN,
U.S. Senate, Washington, DC.

DEAR SENATOR: At your request, the Congressional Budget Office (CBO) has estimated adjustments to budget authority for defense programs, as allocated under last year's budget resolution for the 1999–2002 period, that would preserve its implied purchasing power for nonsalary expenses given the changes in CBO's estimates of inflation. Specifically, you asked us to adjust the year-by-year amounts in the budget resolution using actual inflation during 1997 and new estimates of inflation for the 1998–2002 period.

Last year's budget resolution called for defense budget authority of $271.5 billion for 1999 and $289.6 billion for 2002. A year ago, CBO projected that the chain-type price index for the Gross Domestic Product (GDP) would grow by an average of 2.5 percent a year during the 1997–2002 period. CBO currently projects that annual inflation, as measured by the GDP index, will grow by an average of 2.2 percent over that six-year period. Thus, the budget authority in last year's budget resolution could be reduced and still maintain the same inflation-adjusted levels.

Under its current inflation projection, CBO estimates that lowering last year's budget resolution for defense appropriations by $1.7 billion in 1999 and $9.8 billion over the 1999–2002 period would provide about the same level of real resources for nonsalary purchases as assumed a year ago for that period. Similarly, we also calculated adjustments for 2003 given the assumptions specified in your request. If last year's defense budget authority for 2003 was pegged at $297.8 billion, reducing that figure by $3.5 billion would maintain the purchasing power for nonsalary expenses. The enclosed table shows the adjustments to budget authority and the corresponding changes in outlays for the five-year period.

CBO does not attempt to forecast the prices of defense-related goods and services. Instead, we follow the common practice of using a general measure of inflation—The GDP price index—to adjust purchasing power. The lower growth in our inflation forecast stems from an unexpectedly rapid decline in import and computer prices and slower growth in medical care prices. Although these factors could affect defense-related purchasing power, the changes in assumptions for the growth in the GDP price index do not necessarily indicate a commensurate change in purchasing power for the defense budget.

If you have further questions, we will be pleased to answer them. The CBO staff contacts are John Peterson, who can be reached at 226–2753 for questions on price indexes, and Kent Christensen, who can be reached at 226–2840 for questions pertaining to their impact on the defense budget.

Sincerely,

JUNE E. O'NEILL,
Director.

INFLATION ADJUSTMENTS FOR BUDGET FUNCTION 050, NATIONAL DEFENSE

[By fiscal year, in billions of dollars]

	1999	2000	2001	2002	[2] 2003	Total
1998 Budget Resolution:						
Budget Authority [1]	271.5	275.4	281.8	289.6	297.8	1,416.1
Outlays	266.5	269.0	270.7	273.1	280.8	1,360.1

INFLATION ADJUSTMENTS FOR BUDGET FUNCTION 050, NATIONAL DEFENSE—Continued

[By fiscal year, in billions of dollars]

	1999	2000	2001	2002	[2] 2003	Total
Adjustments to Reflect Current Inflation Projections:[3]						
Budget Authority	−1.7	−2.3	−2.7	−3.1	−3.5	−13.4
Outlays	−0.8	−1.6	−2.2	−2.7	−2.9	−10.2
Adjusted Levels:						
Budget Authority [1]	269.8	273.1	279.1	286.5	294.3	1,402.7
Outlays	265.7	267.4	268.5	270.4	277.9	1,349.9

[1] These figures represent funding for discretionary defense programs.
[2] The 1998 budget resolution contained budget authority and outlay levels through 2002. The amounts shown for 2003 correspond to the assumptions requested by Senator Wyden.
[3] These changes would keep inflation-adjusted funding for nonsalary expenses at the same levels assumed in the 1998 budget resolution. They use actual inflation in 1997 and CBO's current projection of the 1998–2003 period.
Note: Details may add to totals due to rounding.

FYDP 99—ECONOMIC ADJUSTMENTS

[Dollars in millions]

	FY99	FY00	FY01	FY02	FY03	FYDP total
DOD Savings: [1]						
Nonpay Purchases Inflation	2,785	3,537	4,373	4,945	5,698	21,338
Fuel Inflation	159	173	194	216	238	979
Foreign Currency Fluctuations	367	347	354	361	369	1,798
Total Savings	3,311	4,056	4,921	5,522	6,305	24,115
Allocation of Nonpay Purchases Inflation: [2]						
Civilian/Military Pay Raise	377	810	1,216	1,633	2,073	6,109
Defense Health Program	.....	500	500	300	300	1,600
Nuclear Stockpile Stewardship	.....	600	500	700	600	2,400
Chemical Demilitarization Program	.....	121	320	469	11	921
Additional Procurement	2,000	1,200	900	1,600	2,700	8,400
All Other	400	300	900	200	.....	1,800
Total Allocated	2,777	3,531	4,336	4,902	5,684	21,230

[1] DOD savings for Nonpay Purchases Inflation in FY1998 is $846 million.
[2] Allocation of the remaining $2,885 million in savings over FY1999–2003 is unknown.

Mr. DOMENICI. Mr. President, I share the Senator's concern about this issue. It is correct that when inflation increases less than projected, the buying power of a dollar increases. According to CBO, inflation projections for the National Defense Budget Function for 1999 through 2003 have decreased from the 2.6 percent of the GDP Price Index projected last year to rates varying from 2.2 percent to 2.4 percent. This translates into a 1999 inflation "dividend" for National Defense of $1.7 billion in budget authority and $0.8 billion in outlays. For 1999–2003, the amounts are $13.2 billion in budget authority and $10.3 billion in outlays.

The Department of Defense reports to us that it has already reinvested this dividend in other defense programs. Therefore, taking this money out of the 050 budget this year will cause real program reductions, and I would strongly oppose that. However, DoD does not routinely report these budgetary data to Congress, and I agree that it is important for us to have the data for oversight purposes. I also agree it would be useful to have similar data for both defense and nondefense purchases.

I am concerned, however, that an appropriate methodology needs to be developed that is applicable to both defense and nondefense agencies. I am also concerned that we collect information from each major agency and analyze what they do with the additional funds, when such "dividends" are generated. Also, I would argue that when inflation is increasing faster than projected, we need to know from the Department of Defense and others what constraints this imposes on purchases.

I believe the appropriate agency to develop the methodology and to perform the agency-by-agency research is the General Accounting Office. Once appropriate methodologies have been developed for making estimates of economic changes, we could ask CBO and GAO to perform further research.

I am happy to work with the Senator from Oregon on this issue, and I will gladly join with him to request the GAO to perform the needed work. I look forward to starting this research in a timely fashion and making it a part of the information we use to exercise our oversight.

Mr. President, I ask that Senator WYDEN'S amendment, No. 2203, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2203) was withdrawn.

AMENDMENT NO. 2226

Ms. MIKULSKI. Mr. President, I want to go on record today in support of the amendment to the Fiscal Year 1999 Budget Resolution offered by the Ranking Member of the Veterans Affairs Committee, Senator ROCKEFELLER.

Mr. President, since the VA was founded, we have fought a World War, a Cold War and a Gulf War. From the World Wars to Korea, Vietnam to the Persian Gulf, each conflict produced a new generation of veterans with unique needs.

The particular needs may vary somewhat for veterans of different eras, but one thing should never change - the commitment that we make to our veterans.

Our veterans entered into a covenant with this nation when they agreed to risk their lives for our freedom.

We must ensure that promises made must be promises kept. Our veterans must receive quality medical care, effective services and timely processing of benefits.

I have fought for many years, and continue to fight, to ensure that our veterans receive the medical care and benefits that they have earned.

Mr. President, our veterans didn't waiver when they put their lives on the line. When they were fighting to defend our liberty, risking death to ensure that we could sleep easy at night, they didn't waiver.

Mr. President, we should not waiver on our veterans. The VA General Counsel issued a ruling in 1997 that veterans who develop illnesses linked to nicotine dependence developed while in service were entitled to compensation benefits.

The Department of Veterans Affairs, beginning in Fiscal Year 1998, is due to begin paying those benefits. There is now a proposal before us to eliminate the VA's obligation to pay those benefits.

The Congressional Budget Office estimates that by eliminating the benefits, the government would save $10 billion.

Well, apparently that money was too attractive to resist, and is included in the Budget Resolution to offset ISTEA spending.

Mr. President, let me be clear. I support the much needed money that is going to provide critical infrastructure work throughout the country. And like many Senators, I am pleased to see federal support of transportation spending in my home state of Maryland.

But Mr. President, our benefits for our veterans should not be traded and bartered. The funds that are due for our veterans must be protected.

It is wrong to take money that is targeted for the benefits that our veterans have earned and use it for anything else - no matter how noble it may be.

Mr. President, I urge my colleagues to support the Rockefeller amendment and prevent the raiding of these veterans benefits.

Mr. KYL. Mr. President, I want to commend the Senator from New Mexico, the Chairman of the Budget Committee, Senator DOMENICI, for the budget resolution that he has brought to the Senate floor. It is not exactly as I would have written it—and my hope is that we will be able to make some improvements during the course of debate over the next few days—but I believe it is generally on the right track and compares favorably to the alternative budget submitted by President Clinton.

First and foremost, the Senate budget resolution would balance the unified budget and keep it in balance during each of the next five years. We will even run a small surplus.

By comparison, President Clinton's budget appears to throw fiscal discipline out the window with proposals to spend billions of dollars on new government programs. According to the Congressional Budget Office, the Clinton budget would take us back into deficit as early as the year 2000.

Second, the Senate budget would adhere to the spending limits that both Congress and the President agreed to just last year. The Clinton plan, by contrast, would bust the spending caps outright—by $12 billion in FY99, and a total of $68 billion over the next four years. I think we ought to keep our word and stick to the spending limits, and we do.

Third, the Senate budget would reserve the anticipated surplus for Social Security. The President said that is what he wanted, too, but he then submitted a budget that would spend down the unified budget surplus on myriad new government programs. And of course, he is asking us to spend every dime of the Social Security surplus on general operating expenses of the government.

Fourth, our budget would set aside any proceeds from a tobacco settlement to shore up the Medicare trust fund for our nation's senior citizens. The Clinton budget would spend all of the tobacco money on other programs.

And fifth, the Senate budget would accommodate another, albeit small, installment of tax relief for hard-working Americans. By comparison, President Clinton's budget would raise taxes yet again.

Mr. President, let me turn for a moment to the portion of the Senate budget resolution that deals with education, training, and employment programs, since that seems to be what we are hearing about most from the other side. Last year's budget agreement made education, training, and employment a protected category and called for spending—outlays—of $61 billion next year. It called for a total of $318.3 billion over five years.

Here is what President Clinton said about the level of education spending in the budget agreement when he signed off on it last year. These are comments the President made on the South Lawn of the White House on July 29, 1997:

> . . . at the heart of this balanced budget [agreement] is the historic investment in education—the most significant increase in education funding in more than 30 years.

He went on to call it "the best education budget in a generation and the best for future generations." The level of spending the President was referring to then is exactly what is included in the Senate budget resolution that is before us today. It is the exact level.

What about health research? Over the next five years, spending at the National Institutes of Health would increase substantially under the Senate budget. We are talking about an 11 percent increase in 1999, on top of the seven percent increase provided in 1998. And we would provide these additional funds within the overall spending limits, and regardless of whether a tobacco settlement is passed later this year.

By contrast, President Clinton would link increased NIH spending to the fate of the tobacco settlement. That means that if there is no settlement, there is no increase for the NIH either. I do not think that is good enough. We should devote more to health research whether or not we are able to achieve a tobacco settlement, and we do that in our budget.

If there is any revenue derived from the tobacco settlement, we say that it ought to go into the Medicare trust fund. And that is what this budget resolution would do. We all know that Medicare's long-term solvency is still tenuous at best. We ought to shore up the system before tapping new sources of revenue for a multitude of new government programs.

So these are some of the things I think the Senate does better than the alternatives. But, in my opinion, it still does not do enough to limit the growth of federal spending. It is true that the committee-reported budget is within the spending caps that were set last year, but those caps are still too high. The caps allow total spending to grow from $1.73 trillion next year to $1.95 trillion in 2003. That will amount to a nearly 13 percent increase at the end of the five-year period.

And it comes on top of the 25 percent increase in spending that has occurred in just the last five years. What does that mean for taxpayers?

The Tax Foundation estimates that the median income family in America saw its combined federal, state, and local tax bill climb to 38.2 percent of income last year—up from 37.3 percent the year before. That is more than the average family spends on food, clothing, and shelter combined. Put another way, in too many families, one parent is working to put food on the table, while the other is working almost full time just to pay the bill for the government bureaucracy.

Here is a different way to measure how heavy the federal tax burden is. Consider that federal revenues this year will claim about 19.9 percent of the nation's income, the Gross Domestic Product. Next year, that portion would climb to 20.1 percent, according to the administration's projections. That would be higher than any year since 1945. It would be only the third year in our nation's entire history that revenues have exceeded 20 percent of national income—and the first two times, our economy tipped into recession.

So the question we need to ask is whether a balanced budget is the only goal, even if it means we achieve balance at a level where taxes and spending are too high? Or is the real goal of a balanced budget to limit government's size and give people more choices and more control over their lives?

For me, there is not great achievement in balancing the budget if it means that hard-working families continue to be overtaxed. There is no great achievement in a balanced budget if the government continues to grow, even as it balances its books. If it is doing that, it is continuing to take choice and freedom away from its citizens. A balanced budget is really the means of right-sizing the government so that it is more respectful of hard-working taxpayers' earnings and their desire to support their own families.

With that in mind, I believe we have got to do much better in providing tax relief. Currently, this budget calls for tax relief amounting to $30 billion over the next five years. Although that may initially sound like a lot, let me put it into perspective.

The federal government expects to collect nearly $9.3 trillion—that is, $9.3 trillion—over the next five years. So a tax cut of $30 billion really amounts to just about 0.3 percent. It is too little. We must find a way to do more. And the way to do more within the confines of a balanced budget is to reduce nonpriority spending and limit spending growth.

At the very least, if we cannot provide more tax relief, we should at least be able to agree that taxes are high enough and should go no higher. I intend to offer an amendment to express the sense of the Senate that it should be harder to raise taxes—at least as hard to raise taxes as it is to cut them.

Recall that President Clinton's record-setting tax increase in 1993 failed to win support from even a simple majority of elected Senators—Vice President GORE's vote in favor broke a 50 to 50 tie. By contrast, it would have taken a supermajority vote to provide tax relief two years later; President Clinton vetoed our tax-relief bill, and it would have required a two-thirds vote—67 votes in the Senate—to overcome the President's resistance and provide tax relief. That is wrong. A supermajority vote to raise taxes would ensure that future tax increases, if they are needed, are approved with broad bipartisan support in Congress and around the country.

Mr. President, I again want to commend the chairman of the Budget Committee for his work on this measure. It is a good proposal, and I think we have an opportunity during the next few days to make it even better.

Mr. DOMENICI. Mr. President, how much time remains on the budget resolution with the completion of work?

The PRESIDING OFFICER. The Senator from New Mexico has 4 hours 58 minutes, and the Senator from New Jersey has 4 hours 58 minutes.

Mr. LAUTENBERG. Mr. President, while we have a minute, I must once again apologize to the pages, who work so hard, for keeping them out of school tomorrow by working them past 10 o'clock. I am sorry, really.

Mr. DOMENICI. They seem very happy to be excused today.

We will keep you slightly later tonight.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FIRST SERGEANT CHARLES W. PARKER

Mr. LOTT. Mr. President, I wish to rise and take this opportunity to say farewell to an outstanding Non-Commissioned Officer of the Mississippi Army National Guard, First Sergeant Charles W. Parker, upon his retirement. Throughout his military career, First Sergeant Parker served the people of Mississippi with valor and distinction. It is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Mississippi Army National Guard and the Nation for the past 32 years.

First Sergeant Parker enlisted in the Mississippi Army National Guard in August 1965, and served as a federal technician from October 1971, until February 1981. He then began an active duty career in the Guard as a Training Non-Commissioned Officer from February 1981, until his retirement in April 1998. He served the majority of his military career with Company B, 223rd Engineer Combat Battalion, in Calhoun City, Mississippi. During his 32 years of service, First Sergeant Parker was activated three times to provide relief due to flooding, ice storms and tornadoes.

First Sergeant Parker served the Great State of Mississippi with honor. He received the Army Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal (4), Reserve Components Achievement Medal (5), Armed Forces Reserve Medal (3), National Defense Medal (2), Army Physical Fitness Award (14) and achieved the highest score in his company, battalion, group and brigade on more than one occasion.

During his 32 years of military service, First Sergeant Parker led his men selflessly by continuously putting his subordinate soldiers before himself. He is known by all throughout the State of Mississippi in National Guard circles for helping young people get into the Guard and continue their education.

Most importantly, First Sergeant Parker is also a loving husband and father to his wife Sandra, sons Brent and Kent, daughter Vanessa. While he missed valuable time away from his family during his military career, he must look forward to spending many wonderful years with them in retirement.

I know his family and the Mississippi Army National Guard are proud of his many accomplishments. My colleagues in the Senate join me in wishing First Sergeant Parker well upon his retirement. The Great State of Mississippi and the Nation are indebted to him for his many years of distinguished service.

BELLA ABZUG

Ms. MIKULSKI. Mr. President, I wanted to rise very briefly and share with my colleagues the fact that a colleague who served in the House has passed on to God's glory. I knew her as a very dear friend. Congresswoman Bella Abzug died yesterday of complications of heart disease. I knew Mrs. Abzug as friend. I knew her as a wonderful Congresswoman. I want to state on the Senate floor how much she will be missed.

Congresswoman Abzug fought for the rights of women. She fought for civil rights. She fought for human rights. She was known as "Battling Bella." She had a very big heart and a very large agenda.

I cannot believe that she died of heart disease, because if there was one fault that Bella did not have, it was heart problems. In fact, it was her very big heart that wanted to be sure that women were fully included in our society and enjoyed equal protection under the law in the Constitution. She wanted to be sure that she spoke out for the women of this country and that we also included everyone else who was left out and left behind.

Also, when she left the Congress, she spoke very eloquently and added to her agenda the human rights of women and children all around the world.

She will be deeply missed. Her hat stood there. You could always find Bella in a crowd. But when the history books are searched, we will find that Congresswoman Abzug is the indelible mark on the history of the United States of America for those who worked with her. She will be greatly missed. But, most of all, she will be missed by the people she fought for and championed all of her life.

DOUBLE CHARGING FOR ATM USE

Mr. D'AMATO. Two years ago today, the Nation's two largest electronic banking networks, Plus and Cirrus, better known as MasterCard and VISA, lifted their longstanding ban on the practice of double charging ATM users. They had a ban; it was not permitted.

Now, since that fateful April Fool's Day in 1996, the joke has been on the consumers, and it has been a costly joke. They have had to shell out billions of dollars just to take their own money out of the bank.

Today, I hold up a report "Big Banks, Bigger ATM Fees" from the U.S. Public Interest Research Group. In that report they indicate that double chargers in 28 States and the District of Columbia have shown that 71 percent of all banks today are double charging consumers for the privilege of getting their own money out. That percentage is more than twice the number reported by the General Accounting Office in May of 1997. So, more and more people have less and less opportunity to be able to withdraw their money without that double charge.

Going further, it says the price of the average double charging has also risen to $1.23. Keep in mind this charge is on top of a fee that the consumer already pays to his or her own bank. The survey found that 83 percent of the banks charged their own customer an average of $1.18 per transaction whenever they use another ATM. So that means a consumer pays $2.41, on average, every time they use an ATM that does not belong to their own bank.

So what we have, if a person uses an ATM six times a month—a relatively small utilization—they can be paying an average of $173 a year more. What an April Fool's joke on the people of America.

This situation is not going to get better; it is going to get worse. What a windfall for the large banks who are now making profits of over $3 billion a year by charging people twice to get their own money.

I am not going to say more about this except to say we will be voting on this issue. Make no mistake about it, we will be voting. When that amendment comes to the floor—and I will pick what I consider to be legislation that must be acted on—there will be hoots and hollers, why on this bill? But make no mistake about it, the people are entitled to know where their representatives stand with respect to this issue.

To date we have 10 cosponsors, evenly divided between Democrats and Republicans. I know the power and the pressure of those who oppose this, but I think it is about time we began to look at the little guy, and I'm talking about the American taxpayer.

TRIBUTE TO LIEUTENANT COLONEL CHARLES WILSON, III

Mr. FORD. Mr. President, I wanted to let my Senate colleagues know of the retirement of Lieutenant Colonel Charles Wilson, III, a truly outstanding soldier in the United States Army. Colonel Wilson is most deserving of our attention. His career accomplishments reflect the type of military leader this nation was depended upon for two hundred years during peace and war.

Colonel Wilson has distinguished himself throughout his 23-year career as a soldier and officer in the United States Army. A native of Bowling Green, Kentucky, Charles began his service as a Military Police enlisted soldier in October 1969. As a young soldier, Charles's Battalion Commander recognized his special skills in leading and working with fellow soldiers. He received responsibility for key positions in his company, earning promotion quickly.

Within his first year he was already selected for leadership responsibility within his military police platoon. Colonel Wilson only served as a military policeman for two years before he was honorably discharged in September 1971, to pursue his college degree, which included studies as a Reserve Officer Training Corps cadet. During this short period of duty, Charles had earned the rank of sergeant. He graduated from the University of Tennessee-Chattanooga and the ROTC program as a distinguished military graduate, and he was commissioned a Second Lieutenant in the Infantry in May 1977. After graduation as an Infantry Lieutenant, he was assigned to Fort Leonard Wood, Missouri. Again, Charles' inherent leadership skills were soon recognized. As a junior Second Lieutenant, his Brigade Commander selected him to command Bravo Company, 5th Battalion, 3rd Basic Training Brigade.

Because of his mature and talented leadership and his competence, the Commanding General later designated Charles' company as the first at Fort Leonard Wood to integrate women trainees into the basic training program. His hard work and enthusiasm as a company commander ensured that his unit successfully accomplished the challenging task.

Subsequent assignments found Lieutenant Colonel Wilson with increasing amounts of responsibility to include duties as a Company Commander with 197th Separate Infantry Brigade, Fort Benning, Georgia; G3 for Operations and Plans, Schweinfurt Military Community, 3d Infantry Division, Germany; and Deputy Division Comptroller for the 101st Airborne Division (Air Assault), at Fort Campbell, Kentucky.

In September 1990, Charles deployed with the "Screaming Eagles" to Desert Shield and Desert Storm. He was one of only five Combat Comptrollers in the desert. His expertise in resource management and contracting was invaluable. The Division's units and soldiers had the items they needed to go to war and the items they needed to maintain quality of life at Camp Eagle, Saudi Arabia.

The Army reassigned Colonel Wilson in 1993 to the Pentagon to work in the Inspections Division of the Office of the Inspector General and later with the Army Budget Office as the "point man" for developing and validating the Army's cost of conducting contingency operations. His current and final assignment has been as the Deputy Chief of the Congressional Budget Liaison Office, Army Budget Office. Through his tireless effort and positive "can do" personality, Wilson ensured that soldiers were well represented on Capitol Hill.

Speaking for Kentucky and the nation, I wish to thank this distinguished soldier, his wife Melissa, sons Jason, Andy and daughter Kathryne, and to wish him continued success in future endeavors.

DEATH OF COLLEEN CLEARY-MYERS

Mr. SANTORUM. Mr. President, I rise today to offer tribute to the late Ms. Colleen Cleary-Myers and to offer condolences to her family on their loss.

Mrs. Cleary-Myers was a beloved wife, daughter and mother. I describe her this way not only because it is true, but because, in a very literal way, it was these ties to these people that helped to define her life. It is these ties which are her legacy.

Mrs. Cleary-Myers, only 30 years old, died of complications associated with a rare form of leukemia called chronic myleogensis. When she learned she was suffering from this illness, she was joyfully pregnant with her first child. Her husband, Michael, shared in this joy and grateful anticipation. In this way, she resembled most other young mothers. But unlike them, she was faced with a cruel choice: she could be treated immediately and risk the life of her baby or she could delay chemotherapy and a bone marrow transplant, be treated after the child's birth and be unable to have more children. When faced with this dilemma, she did a noble thing. She chose to postpone treatment and looked forward to the birth of her son, Derek Vincent.

Upon learning the news, Mrs. Cleary-Myers' family resolved to support her in any way that they could. Two of her sisters were compatible matches for the required bone marrow transplant and both were eager to assist her.

Tragically, Mrs. Cleary-Myers died on March 15th. While I join her family in mourning her untimely death, I also am uplifted by the example and the standard she sets for all of us. Her example is the example of unselfish love and the standard she sets of willing and uncomplaining sacrifice for the sake of another life is one to which we can all aspire. Because this young woman knew, in an intimate way, a simple truth: Every life is infinitely precious and valuable.

Too often, when confronted with an example of courage and sacrifice, we tell ourselves that others are capable of, and perhaps called to, such behavior, but we, most surely, are not. I believe this conclusion is a mistake. The example of Mrs. Cleary-Myers, a young woman living happily and without notoriety, reminds us that we are all capable of such gallantry and, in different ways, are called to it. Her son, Derek Vincent, provides us with eloquent testimony that such gallantry can sometimes mean nothing less than the protection of life itself. May God bless her, her husband and little Derek Vincent.

FOOD STAMPS TO LEGAL IMMIGRANTS

Mr. KENNEDY. Mr. President, the 1996 welfare law unfairly reduced SSI, Medicaid and food stamp benefits for legal immigrants. Food stamps alone were cut by $25 billion. No other program has been cut as deeply.

Last year, recognizing that these cuts were too extreme, Congress restored SSI and Medicaid to many elderly and disabled immigrants. It's time to finish the job and ensure that those whose Medicaid and SSI were restored, do not go hungry. And we should do the same for children of legal immigrants.

Last week, the conferees on the Agricultural Research bill made a down payment toward restoring food stamps for the needy legal immigrants. The conference report on the bill includes $818 million for this program. It is far less than the $2 billion proposed in the President's budget, and it covers a much smaller group of immigrants.

The conferees' proposal is a bipartisan effort. Both Republicans and Democrats urged them to take this step as soon as possible.

Yet, the Republican leadership in the Senate is ignoring the urgent need. The Republican budget does not include a single penny to restore food stamps to immigrant children, refugees, Hmong veterans, or elderly and disabled legal immigrants, and the Republican leadership has declined to allow the Senate to pass on the Agricultural Research bill.

According to Department of Agriculture estimates, at least 935,000 low-income legal immigrants lost their federal food stamps in 1997 as a result of the 1996 welfare law. Nearly two-thirds are immigrant families with children.

Many legal immigrants live in poverty and have great difficulty feeding their families. In fact, according to the Department of Agriculture, the average legal immigrant denied food stamps has an income equal to just 62 percent of the poverty line, or about $8,000 for a family of three.

In addition, thousands of refugees who have applied for citizenship could lose food stamps as they wait in the naturalization backlog for their applications to be processed if the 5 year limit on food stamps for this group is not extended to 7 years.

The effects of these food stamps terminations is not limited to legal immigrants. Their children born here are American citizens but they too are facing sharp reductions in their food stamps. Their children remain eligible for food stamps themselves, but the removal of their parents from the program has meant that the food stamp benefits for their families have been cut by 50 to 70 percent in many cases. 600,000 poor children who are American citizens live in families where food stamp benefits have been reduced for this reason, resulting in less food for all family members, including the children.

The food stamp cut-off has hurt immigrant families, and it has also hurt state and local governments, who must fill the gap. As a result, governors and state legislatures have joined Congress to restore these food stamp benefits. As Governor Bush of Texas said, "Food stamps are a federal program and the federal responsibility, but the federal government is shirking its responsibility. The rules have changed unfairly and retroactively for those least able to help themselves."

It is time for the Senate to act on the bill. It is unconscionable that these benefits can continue to be denied.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H.Con.Res. 257. Concurrent resolution providing for an Adjournment of both Houses.

ENROLLED BILL SIGNED

At 10:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 750. An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private minerals interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1889. A bill to reduce tobacco use by children and others through an increase in the cost of tobacco products, the imposition of advertising and marketing limitations, assuring appropriate tobacco industry oversight, expanding the availability of tobacco use cessation programs, and implementing a strong public health prevention and education strategy that involves the private sector, schools, States, and local communities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4498. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the consolidated financial statements of the U.S. government for fiscal year 1997; to the Committee on Governmental Affairs.

EC–4499. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on government-wide spending to combat terrorism; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–375. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 330

Whereas, Since 1989 the Pennsylvania National Guard Counterdrug Program has supported 2,965 counterdrug missions at Federal, State and local law enforcement levels in this Commonwealth; and

Whereas, Pennsylvania National Guard counterdrug efforts have supported drug law enforcement missions that have taken 10,221 pounds of cocaine, 402 pounds of heroin and 21,689 pounds of marijuana off Pennsylvania streets; and

Whereas, Since 1994 Pennsylvania National Guard counterdrug personnel have cleaned and sealed or razed over 2,270 units of houses in seven different municipalities within this Commonwealth; and

Whereas, The Pennsylvania National Guard Counterdrug Program has provided construction support in the rehabilitation of three victims' centers in Philadelphia and five pocket parks in Chester; and

Whereas, Since 1993 the Pennsylvania National Guard Counterdrug Program has assisted in drug seizures of over $1,600,000,000 in Pennsylvania; and

Whereas, The President of the United States and Congress have proposed a reduction in the amount of the Federal appropriation to the Pennsylvania National Guard Counterdrug Program; and

Whereas, The antidrug efforts being performed by the Pennsylvania National Guard have been very valuable to the citizens of this Commonwealth; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President of the United States and Congress to maintain and increase funding for the Pennsylvania National Guard Counterdrug Program.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Katherine L. Archuleta, of Colorado, to be a Member of the Institute of American Indian and Alaska Native Culture and Arts Development for the remainder of the term expiring May 19, 2000.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on Armed Services:

Paul J. Hoeper, of California, to be an Assistant Secretary of the Army.

Sue Bailey, of Maryland, to be an Assistant Secretary of Defense.

David R. Oliver, of Idaho, to be Deputy Under Secretary of Defense for Acquisition and Technology.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Elaine D. Kaplan, of the District of Columbia, to be Special Counsel, Office of Special Counsel, for the term of five years.

Melvin R. Wright, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2002.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Rebecca T. Bingham, of Kentucky, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2001.

Scott Snyder Fleming, of Virginia, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Martha B. Gould, of Nevada, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2002. (Reappointment)

Cherryl T. Thomas, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2002.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 1894. A bill to amend the Alcoholic Beverage Labeling Act of 1988 to improve a warning label requirement; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 1895. A bill for the relief of Augusto Segovia and Maria Segovia, husband and wife, and their children; to the Committee on the Judiciary.

By Mr. McCONNELL:

S. 1896. A bill to transfer administrative jurisdiction over Land Between the Lakes National Recreation Area to the Secretary of Agriculture; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KERREY):

S. 1897. A bill to require accurate billing by telecommunications carriers with respect to the costs and fees resulting from the enactment of the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1898. A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building"; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1899. A bill entitled "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998"; to the Committee on Indian Affairs.

By Mr. D'AMATO (for himself, Ms. MOSELEY-BRAUN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. BENNETT, Mr. HAGEL, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mrs. BOXER, Mr. REED, and Mr. DEWINE):

S. 1900. A bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. ASHCROFT, Mr. REID, and Mr. WYDEN):

S. 1901. A bill to amend the Freedom of Information Act to provide electronic access to certain Internal Revenue Service information on the Internet, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1902. A bill to amend the Internal Revenue Code of 1986 to allow the first $2,000 of health insurance premiums to be fully deductible; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. THURMOND, Mr. HELMS, Mr. HAGEL, and Mr. SMITH of Oregon):

S. 1903. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans Affairs.

By Mr. GORTON:

S. 1904. A bill to amend the Elwha River Ecosystem and Fisheries Restoration Act to provide further for the acquisition and removal of the Elwha dam and acquisition of Glines Canyon dam and the restoration of the Elwha River ecosystem and native anadromous fisheries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. BIDEN, Mr. LOTT, Mr. THURMOND, Mr. TORRICELLI, Mr. BREAUX, Mr. GRASSLEY, Mr. DEWINE, Mr. FORD, Mr. REID, Mr. GRAMM, Mr. MACK, Ms. LANDRIEU, Mr. CLELAND, Mr. COVERDELL, Mr. CRAIG, Mr. INOUYE, Mr. BRYAN, Ms. SNOWE, Mr. THOMAS, Mr. WARNER, Mr. LIEBERMAN, Mr. ALLARD, Mrs. HUTCHISON, Mr. D'AMATO, Mr. SHELBY, Mr. CAMPBELL, Mr. COATS, Mr. FAIRCLOTH, Mr. FRIST, Mr. SMITH of New Hampshire, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. SMITH of Oregon, Mr. HUTCHINSON, Mr. INHOFE, Mr. MURKOWSKI, Mr. BOND, and Mr. GRAMS):

S.J. Res. 44. A Joint Resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 1894. A bill to amend the Alcoholic Beverage Labeling Act of 1988 to improve a warning label requirement; to the Committee on Commerce, Science, and Transportation.

ALCOHOLIC BEVERAGE LABELING ACT AMENDMENTS

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce a bill to amend the Alcoholic Beverage Labeling Act of 1988. Current law requires all containers of alcoholic beverages to display the following warning on the label:

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

For nine years this warning has made consumers aware of some of the potential dangers associated with the consumption of alcohol. While I am confident that this warning appropriately illustrates the hazards of drinking during pregnancy and drinking and driving, I am concerned that it does not adequately describe the negative health effects associated with drinking alcohol. There is no shortage of well-substantiated information about the detrimental health effects of drinking. Excessive consumption of alcohol can raise the risk of stroke, heart disease, high blood pressure, certain cancers, malnutrition, cirrhosis of the liver, inflammation of the pancreas, and damage to the brain and heart. Obviously, there are so many adverse consequences of excessive alcohol consumption that it would be impossible to include them all on the face of a label. The bill I am introducing today, however, will warn consumers of the dangers associated with moderate consumption of alcohol. I am concerned that citizens may not realize that even moderate consumption of alcohol can put their health at risk. A recent study conducted by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) indicates that there is an increased risk of breast cancer associated with moderate drinking. Specifically, there is a 40 percent increase in the risk of breast cancer associated with an average intake of one drink per day, and a doubling of the risk of breast cancer with an average consumption of three drinks per day. The NIAAA study also revealed that a moderate alcohol intake of about two drinks per day can lead to an increase in blood pressure.

Mr. President, the use of alcoholic beverages, even in moderate amounts, can have very serious health consequences that might ultimately be fatal. The government has a legitimate and important role to play in helping to assure that Americans understand

these dangers. The legislation I am introducing today will supplement the current warning on labels to inform consumers of the dangers of moderate alcohol consumption. Further, this legislation will require that the warning label indicate that consumption of alcohol may lead to alcoholism. Alcohol has an addictive effect much like illegal drugs, and it is important that consumers are aware of this fact.

I urge my colleagues to join me in cosponsoring this critical legislation and look forward to its speedy passage.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1894

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

SECTION 1. LABELING REQUIREMENT.

Section 204(a) of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 215(a)) is amended by striking "may cause health problems" and inserting "may lead to alcoholism. (3) Moderate consumption of alcoholic beverages may cause health problems such as hypertension and breast cancer".

By Mr. MCCONNELL:

S. 1896. A bill to transfer administrative jurisdiction over Land Between the Lakes National Recreation Area to the Secretary of Agriculture; to the Committee on Environment and Public Works.

THE LAND BETWEEN THE LAKES PROTECTION ACT OF 1998

Mr. MCCONNELL. Mr. President I have come to the floor today to introduce a bill known as the Land Between the Lakes Protection Act. Land Between the Lakes is a national treasure that must be protected. It is visited by more than 2 million tourists a year who enjoy its natural beauty, whether by camping, fishing, hunting, or just taking a long hike with the family.

That's why, after studying this issue for over a year, we have drafted a bill to ensure that the LBL, which so many Kentuckians enjoy today, will be there for them—unchanged—tomorrow.

As a member of the Senate Appropriations Committee, my top priority has been to provide LBL the money it needs to operate—including $6.9 million last year. I remain committed to providing that funding to ensure that LBL remains a national treasure just like Mammoth Cave or Daniel Boone National Forest.

But because of TVA Chairman Craven Crowell's harmful and ill-considered request last year to zero-out LBL's funding, it may be that Congress will deny funding to TVA's non-power budget this year. Because of this reality, LBL needs a safety net. That's what this bill is—a safety net.

If Congress decides to fund TVA then TVA will remain LBL's steward. If TVA is denied funding, my bill will safely and seamlessly transition LBL to a less controversial steward without interrupting the myriad of recreational activities that millions of visitors have come to enjoy every year.

There may be some who want to gamble everything on TVA receiving its appropriation. But I believe LBL is far too precious for such an all or nothing gambit. That's why our bill provides for both contingencies.

Mr. President, let me take a moment to explain some of the provisions I have included in this legislation based on the input I have received from area residents, and those who enjoy LBL. The goal of this bill is to ensure that the day to day operations of LBL remain the same for its visitors. Therefore, this bill codifies LBL's 1972 mission statement and ensures that the Forest Service continues to manage LBL for multiple use with a focus on recreation, conservation and environmental education.

This legislation also gives the U.S. Fish and Wildlife Service the authority to assist the Forest Service in managing the wildlife populations and educating visitors on the unique species at LBL, with an emphasis on endangered species, like the American bald eagle. LBL is home to over 100 eagles.

One of the most important aspects of this bill is the creation of a 17-member citizen advisory board that will assist the Forest Service in establishing a management plan at LBL. I believe this will ensure that LBL managers are more responsive to the local concerns about development at LBL. This will ensure that proposals like the "Five Concepts" proposed by TVA in 1995 will never be considered again.

We have given the authority to Federal, State and local officials to appoint the members to the board. While the board will represent a variety of interests, I am confident that each will have the best intentions for LBL foremost in mind.

The Secretary will appoint 4 individuals, two from each state. The Governors from Kentucky and Tennessee will each nominate two individuals from their state. The Kentucky and Tennessee Fish and Wildlife Commissioners will each nominate 1 person. The Land Between the Lakes Association, which is a non-profit organization that operates the gift shops, planetarium and welcome stations at LBL, will nominate one individual. The County Judge Executives from each of the three counties, which make up LBL will each nominate two individuals.

This bill also protects existing TVA payments to counties, and increases federal payments in lieu of taxes. This will ensure that county schools and county services are not negatively impacted.

This bill creates a $5 million trust fund to be used for internships, education grants, and regional economic and tourism promotion.

Finally, the bill also seeks to minimize any disruption to the employees working at LBL. We have sought to ensure that all eligible benefits provided to an employee will not be diminished or lost as a result of transferring this facility. This bill also provides a generous severance package based on a previous downsizing package offered by TVA.

Mr. President, we are rapidly nearing the end of the fiscal year and we need to ensure that this safety net is available if TVA doesn't receive sufficient funding. I look forward to working with my colleagues in the House and Senate, Republican and Democrat alike, putting aside politics and doing right by all those who treasure LBL.

Finally, I want to thank the hundreds of Kentuckians who have worked so closely with us in drafting this bill. I believe the plan we have arrived at together will help secure LBL's future for a long, long time.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1896

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 referred to as "The Land Between the Lakes Protection Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Purposes.

TITLE I—ESTABLISHMENT, ADMINISTRATION, AND JURISDICTION

Sec. 101. Establishment.
Sec. 102. Civil and criminal jurisdiction.
Sec. 103. Payments to States and counties.
Sec. 104. Forest highways.

TITLE II—MANAGEMENT PROVISIONS

Sec. 201. Land and resource management plan.
Sec. 202. Advisory Board.
Sec. 203. Fees.
Sec. 204. Disposition of receipts.
Sec. 205. Special use authorizations.
Sec. 206. Cooperative authorities and gifts.
Sec. 207. Designation of national recreation trail.
Sec. 208. Cemeteries.
Sec. 209. Resource management.
Sec. 210. Dams and impoundments.
Sec. 211. Trust Fund.
Sec. 212. Electricity.

TITLE III—TRANSFER PROVISIONS

Sec. 301. Effective date of transfer.
Sec. 302. Statement of policy.
Sec. 303. Memorandum of agreement.
Sec. 304. Records.
Sec. 305. Transfer of personal property.
Sec. 306. Compliance with environmental laws.
Sec. 307. Personnel.

TITLE IV—FUNDING

Sec. 401. Tennessee Valley Authority transitional funding.

Sec. 402. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ADVISORY BOARD.—The term "Advisory Board" means the Land Between the Lakes Advisory Board established under section 202.

(3) CHAIRMAN.—The term "Chairman" means the Chairman of the Board of Directors of the Tennessee Valley Authority.

(4) ELIGIBLE EMPLOYEE.—The term "eligible employee" means a person that was, on the date of enactment of this Act, a full-time employee of the Tennessee Valley Authority at the Recreation Area.

(5) ENVIRONMENTAL LAW.—

(A) IN GENERAL.—The term "environmental law" means all applicable Federal, State, and local laws (including regulations) and requirements related to protection of human health, natural and cultural resources, or the environment.

(B) INCLUSIONS.—The term "environmental law" includes—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(iv) the Clean Air Act (42 U.S.C. 7401 et seq.);

(v) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(vi) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(vii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(6) FOREST HIGHWAY.—The term "forest highway" has the meaning given the term in section 101(a) of title 23, United States Code.

(7) GOVERNMENTAL UNIT.—The term "governmental unit" means an agency of the Federal Government or a State or local government, local governmental unit, public or municipal corporation, or unit of a State university system.

(8) HAZARDOUS SUBSTANCE.—The term "hazardous substance" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(9) PERSON.—The term "person" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(10) POLLUTANT OR CONTAMINANT.—The term "pollutant or contaminant" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(11) RECREATION AREA.—The term "Recreation Area" means the Land Between the Lakes National Recreation Area.

(12) RELEASE.—The term "release" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(13) RESPONSE ACTION.—The term "response action" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE.—The term "State" means the State of Kentucky and the State of Tennessee.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to transfer without consideration administrative jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary so that the Recreation Area may be managed as a unit of the National Forest System;

(2) to protect and manage the resources of the Recreation Area for optimum yield of outdoor recreation and environmental education through multiple use management by the Forest Service;

(3) to authorize, research, test, and demonstrate innovative programs and cost-effective management of the Recreation Area;

(4) to authorize the Secretary to cooperate between and among the States, Federal agencies, private organizations, and corporations, and individuals, as appropriate, in the management of the Recreation Area and to help stimulate the development of the surrounding region and extend the beneficial results as widely as practicable; and

(5) to provide for the smooth and equitable transfer of jurisdiction from the Tennessee Valley Authority to the Secretary.

TITLE I—ESTABLISHMENT, ADMINISTRATION, AND JURISDICTION

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—On the transfer of administrative jurisdiction under section 301, the Land Between the Lakes National Recreation Area in the States of Kentucky and Tennessee is established as a unit of the National Forest System.

(b) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Recreation Area for multiple use as a unit of the National Forest System.

(2) EMPHASES.—The emphases in the management of the Recreation Area shall be—

(A) to provide public recreational opportunities;

(B) to conserve fish and wildlife and their habitat; and

(C) to provide for diversity of native and desirable non-native plants, animals, opportunities for hunting and fishing, and environmental education.

(3) STATUS OF UNIT.—The Secretary may administer the Recreation Area as a separate unit of the National Forest System or in conjunction with an existing national forest.

(c) AREA INCLUDED.—

(1) IN GENERAL.—The Recreation Area shall comprise the federally owned land, water, and interests in the land and water lying between Kentucky Lake and Lake Barkley in the States of Kentucky and Tennessee, as generally depicted on the map entitled "Land Between the Lakes National Recreation Area—January, 1998".

(2) MAP.—The map described in paragraph (1) shall be available for public inspection in the Office of the Chief of the Forest Service, Washington, D.C.

(d) WATERS.—

(1) WATER LEVELS AND NAVIGATION.—Nothing in this Act affects the jurisdiction of the Tennessee Valley Authority or the Army Corps of Engineers to manage and regulate water levels and navigation of Kentucky Lake and Lake Barkley and areas subject to flood easements.

(2) OCCUPANCY AND USE.—Subject to the jurisdiction of the Tennessee Valley Authority and the Army Corps of Engineers, the Secretary shall have jurisdiction to regulate the occupancy and use of the surface waters of the lakes for recreational purposes.

SEC. 102. CIVIL AND CRIMINAL JURISDICTION.

(a) ADMINISTRATION.—The Secretary, acting through the Chief of the Forest Service, shall administer the Recreation Area in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System.

(b) STATUS.—Land within the Recreation Area shall have the status of land acquired under the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 515 et seq.).

SEC. 103. PAYMENTS TO STATES AND COUNTIES.

(a) PAYMENTS IN LIEU OF TAXES.—Land within the Recreation Area shall be subject to the provisions for payments in lieu of taxes under chapter 69 of title 31, United States Code.

(b) DISTRIBUTION.—All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall not be subject to distribution to States under the Act of May 23, 1908 (16 U.S.C. 500).

(c) PAYMENTS BY THE TENNESSEE VALLEY AUTHORITY.—After the transfer of administrative jurisdiction is made under section 301—

(1) the Tennessee Valley Authority shall continue to calculate the amount of payments to be made to States and counties under section 13 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831*l*); and

(2) each State (including, for the purposes of this subsection, the State of Kentucky, the State of Tennessee, and any other State) that receives a payment under that section shall continue to calculate the amounts to be distributed to the State and local governments, as though the transfer had not been made.

SEC. 104. FOREST HIGHWAYS.

(a) IN GENERAL.—For purposes of section 204 of title 23, United States Code, the road known as "The Trace" and every other paved road within the Recreation Area (including any road constructed to secondary standards) shall be considered to be a forest highway.

(b) STATE RESPONSIBILITY.—

(1) IN GENERAL.—The States shall be responsible for the maintenance of forest highways within the Recreation Area.

(2) REIMBURSEMENT.—To the maximum extent provided by law, from funds appropriated to the Department of Transportation and available for purposes of highway construction and maintenance, the Secretary of Transportation shall reimburse the States for all or a portion of the costs of maintenance of forest highways in the Recreation Area.

TITLE II—MANAGEMENT PROVISIONS

SEC. 201. LAND AND RESOURCE MANAGEMENT PLAN.

(a) IN GENERAL.—As soon as practicable after the effective date of the transfer of jurisdiction under section 301, the Secretary shall prepare a land and resource management plan for the Recreation Area in conformity with the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.) and other applicable law.

(b) INTERIM PROVISION.—Until adoption of the land and resource management plan, the Secretary may use, as appropriate, the existing Tennessee Valley Authority management plan to provide interim management direction. Use of all or a portion of the management plan by the Secretary shall not be considered to be a major Federal action significantly affecting the quality of the human environment.

SEC. 202. ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish the Land Between the Lakes Advisory Board.

(b) MEMBERSHIP.—The Advisory Board shall be composed of 17 members appointed as follows:

(1) 4 individuals appointed by the Secretary, including—

(A) 2 residents of the State of Kentucky; and

(B) 2 residents of the State of Tennessee.

(2) 2 individuals, including—

(A) 1 individual appointed by the Kentucky Fish and Wildlife Commissioner or designee; and

(B) 1 individual appointed by the Tennessee Fish and Wildlife Commission or designee.

(3) 1 individual appointed by the Land Between the Lakes Association.

(4) 4 individuals, including—

(A) 2 individuals appointed by the Governor of the State of Tennessee; and

(B) 2 individuals appointed by the Governor of the State of Kentucky.

(5) 6 individuals, including 2 individuals appointed by each of the counties containing the Recreation Area.

(c) TERM.—

(1) IN GENERAL.—The term of a member of the Advisory Board shall be 5 years.

(2) SUCCESSION.—Members of the Advisory Board may not succeed themselves.

(d) CHAIRPERSON.—The Regional Forester shall serve as chairperson of the Advisory Board.

(e) RULES OF PROCEDURE.—The Secretary shall prescribe the rules of procedure for the Advisory Board.

(f) FUNCTIONS.—The Advisory Board may advise the Secretary on—

(1) means of promoting public participation for the land and resource management plan for the Recreation Area; and

(2) environmental education.

(g) MEETINGS.—

(1) FREQUENCY.—The Advisory Board shall meet at least biannually.

(2) PUBLIC MEETING.—A meeting of the Advisory Board shall be open to the general public.

(3) NOTICE OF MEETINGS.—The chairperson, through the placement of notices in local news media and by other appropriate means shall give 2 weeks' public notice of each meeting of the Advisory Board.

(h) TERMINATION.—The Secretary may terminate the Advisory Board on or after the date as of which the Secretary determines that implementation of the initial land and resource management plan for the Recreation Area under section 201 has begun.

SEC. 203. FEES.

(a) AUTHORITY.—The Secretary may charge reasonable fees for admission to and the use of the designated sites, or for activities, within the Recreation Area.

(b) FACTORS.—In determining whether to charge fees, the Secretary may consider the costs of collection weighed against potential income.

(c) LIMITATION.—No general entrance fees shall be charged within the Recreation Area.

SEC. 204. DISPOSITION OF RECEIPTS.

(a) IN GENERAL.—All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall be deposited in a special fund in the Treasury of the United States to be known as the "Land Between the Lakes Management Fund".

(b) USE.—Amounts in the Fund shall be available to the Secretary until expended, without further Act of appropriation, for the management of the Recreation Area, including payment of salaries and expenses.

SEC. 205. SPECIAL USE AUTHORIZATIONS.

(a) IN GENERAL.—In addition to other authorities for the authorization of special uses within the National Forest System, within the Recreation Area, the Secretary may, on such terms and conditions as the Secretary may prescribe—

(1) convey for no consideration perpetual easements to governmental units for public roads over U.S. Route 68 and the Trace, and such other rights-of-way as the Secretary and a governmental unit may agree;

(2) transfer or lease to governmental units developed recreation sites or other facilities to be managed for public purposes; and

(3) lease or authorize developed recreational sites or other facilities, consistent with sections 3(2) and 101(b)(2), to for-profit and not-for-profit corporations and organizations for renewable periods not to exceed 30 years.

(b) CONSIDERATION.—

(1) IN GENERAL.—Consideration for a lease or other special use authorization within the Recreation Area shall be based on fair market value.

(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive a fee to a governmental unit or nonprofit organization commensurate with other consideration provided to the United States, as determined by the Secretary.

(c) PROCEDURE.—The Secretary may use any fair and equitable method for authorizing special uses within the Recreation Area, including public solicitation of proposals.

(d) EXISTING AUTHORIZATIONS.—

(1) IN GENERAL.—A permit or other authorization granted by the Tennessee Valley Authority that is in effect on the date of enactment of this Act may continue on transfer of administration of the Recreation Area to the Secretary.

(2) REISSUANCE.—A permit or authorization described in paragraph (1) may be reissued on termination under terms and conditions prescribed by the Secretary.

(3) EXERCISE OF RIGHTS.—The Secretary may exercise any of the rights of the Tennessee Valley Authority contained in any permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

SEC. 206. COOPERATIVE AUTHORITIES AND GIFTS.

(a) FISH AND WILDLIFE SERVICE.—

(1) MANAGEMENT.—

(A) IN GENERAL.—Subject to such terms and conditions as the Secretary may prescribe, the Secretary may issue a special use authorization to the United States Fish and Wildlife Service for the management by the Service of facilities and land agreed on by the Secretary and the Secretary of the Interior.

(B) FEES.—

(i) IN GENERAL.—Reasonable admission and use fees may be charged for all areas administered by the United States Fish and Wildlife Service.

(ii) DEPOSIT.—The fees shall be deposited in accordance with section 204.

(2) COOPERATION.—The Secretary and the Secretary of the Interior may cooperate or act jointly on activities such as population monitoring and inventory of fish and wildlife with emphasis on migratory birds and endangered and threatened species, environmental education, visitor services, conservation demonstration projects and scientific research.

(3) SUBORDINATION OF FISH AND WILDLIFE ACTIVITIES TO OVERALL MANAGEMENT.—The management and use of areas and facilities under permit to the United States Fish and Wildlife Service as authorized pursuant to this section shall be subordinate to the overall management of the Recreation Area as directed by the Secretary.

(b) AUTHORITIES.—For the management, maintenance, operation, and interpretation of the Recreation Area and its facilities, the Secretary may—

(1) make grants and enter into contracts and cooperative agreements with Federal agencies, governmental units, nonprofit organizations, corporations, and individuals; and

(2) accept gifts under Public Law 95–442 (7 U.S.C. 2269) notwithstanding that the donor conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

SEC. 207. DESIGNATION OF NATIONAL RECREATION TRAIL.

Effective on the date of enactment of this Act, the North-South Trail is designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243).

SEC. 208. CEMETERIES.

The Secretary shall conduct an inventory of and ensure access to all cemeteries within the Recreation Area for purposes of visitation and maintenance.

SEC. 209. RESOURCE MANAGEMENT.

(a) MINERALS.—

(1) WITHDRAWAL.—The land within the Recreation Area is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(2) USE OF MINERAL MATERIALS.—The Secretary may permit the use of common varieties of mineral materials for the development and maintenance of the Recreation Area.

(b) HUNTING AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting and fishing on land and water under the jurisdiction of the Secretary within the boundaries of the Recreation Area in accordance with applicable laws of the United States and of each State, respectively.

(2) PROHIBITION.—

(A) IN GENERAL.—The Secretary may designate areas where, and establish periods when, hunting or fishing is prohibited for reasons of public safety, administration, or public use and enjoyment.

(B) CONSULTATION.—Except in emergencies, a prohibition under subparagraph (A) shall become effective only after consultation with the appropriate fish and game departments of the States.

(3) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction or responsibilities of the States with respect to wildlife and fish on national forests.

SEC. 210. DAMS AND IMPOUNDMENTS.

(a) IN GENERAL.—The Tennessee Valley Authority and the Army Corps of Engineers, as appropriate, shall be responsible for the maintenance of all dams, dikes, causeways, impoundments, subimpoundments, and other water resources facilities, including appurtenant roads and boat ramps, existing within the Recreation Area on the date of enactment of this Act.

(b) REMOVAL.—A facility described in subsection (a) may be removed and the associated land and water area restored to a natural condition only with the approval of the Secretary.

SEC. 211. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a special interest-bearing fund known as the "Land Between the Lakes Trust Fund".

(b) AVAILABILITY.—Amounts in the Fund shall be available to the Secretary, until expended, for—

(1) public education, grants, and internships related to recreation, conservation, and multiple use land management in the Recreation Area; and

(2) regional promotion in the Recreation Area, in cooperation with development districts, chambers of commerce, and State and local governments.

(c) DEPOSITS.—From revenues available to the Tennessee Valley Authority from any source, the Tennessee Valley Authority shall deposit into the Fund $1,000,000 annually for each of 5 fiscal years that begin after the date of enactment of this Act.

SEC. 212. ELECTRICITY.

The Tennessee Valley Authority shall compensate distributors in providing the Secretary, at no charge, continued electrical service, including maintenance of all lines, poles, and other facilities necessary for the distribution and use of electric power.

TITLE III—TRANSFER PROVISIONS

SEC. 301. EFFECTIVE DATE OF TRANSFER.

Effective on October 1 of the first fiscal year for which Congress does not appropriate to the Tennessee Valley Authority at least $6,000,000 for the Recreation Area, administrative jurisdiction over the Recreation Area is transferred from the Tennessee Valley Authority to the Secretary.

SEC. 302. STATEMENT OF POLICY.

It is the policy of the United States that, to the maximum extent practicable—

(1) the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary should be effected in an efficient and cost-effective manner; and

(2) due consideration should be given to minimizing—

(A) disruption of the personal lives of the Tennessee Valley Authority and Forest Service employees; and

(B) adverse impacts on permittees, contractees, and others owning or operating businesses affected by the transfer.

SEC. 303. MEMORANDUM OF AGREEMENT.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Tennessee Valley Authority shall enter into a memorandum of agreement concerning implementation of this Act.

(b) PROVISIONS.—The memorandum of understanding shall provide procedures for—

(1) the orderly withdrawal of officers and employees of the Tennessee Valley Authority;

(2) the transfer of property, fixtures, and facilities;

(3) the interagency transfer of officers and employees;

(4) the transfer of records; and

(5) other transfer issues.

(c) TRANSITION TEAM.—

(1) IN GENERAL.—The memorandum of understanding may provide for a transition team consisting of the Tennessee Valley Authority and Forest Service employees.

(2) DURATION.—The team may continue in existence after the date of transfer.

(3) PERSONNEL COSTS.—The Tennessee Valley Authority and the Forest Service shall pay personnel costs of their respective team members.

SEC. 304. RECORDS.

(a) RECREATION AREA RECORDS.—The Secretary shall have access to all records of the Tennessee Valley Authority pertaining to the management of the Recreation Area.

(b) PERSONNEL RECORDS.—The Tennessee Valley Authority personnel records shall be made available to the Secretary, on request, to the extent the records are relevant to Forest Service administration.

(c) CONFIDENTIALITY.—The Tennessee Valley Authority may prescribe terms and conditions on the availability of records to protect the confidentiality of private or proprietary information.

(d) LAND TITLE RECORDS.—The Tennessee Valley Authority shall provide to the Secretary original records pertaining to land titles, surveys, and other records pertaining to transferred personal property and facilities.

SEC. 305. TRANSFER OF PERSONAL PROPERTY.

(a) SUBJECT PROPERTY.—

(1) INVENTORY.—Not later than 60 days after the date of enactment of this Act, the Tennessee Valley Authority shall provide the Secretary with an inventory of all property and facilities at the Recreation Area.

(2) AVAILABILITY FOR TRANSFER.—

(A) IN GENERAL.—All Tennessee Valley Authority property associated with the administration of the Recreation Area as of January 1, 1998, including any property purchased with Federal funds appropriated for the management of the Tennessee Valley Authority land, shall be available for transfer to the Secretary.

(B) PROPERTY INCLUDED.—Property under subparagraph (A) includes buildings, office furniture and supplies, computers, office equipment, buildings, vehicles, tools, equipment, maintenance supplies, boats, engines, and publications.

(3) EXCLUSION OF PROPERTY.—At the request of the authorized representative of the Tennessee Valley Authority, the Secretary may exclude movable property from transfer based on a showing by the Tennessee Valley Authority that the property is vital to the mission of the Tennessee Valley Authority and cannot be replaced in a cost-effective manner, if the Secretary determines that the property is not needed for management of the Recreation Area.

(b) DESIGNATION.—Pursuant to such procedures as may be prescribed in the memorandum of agreement entered into under section 303, the Secretary shall identify and designate, in writing, all Tennessee Valley Authority property to be transferred to the Secretary.

(c) FACILITATION OF TRANSFER.—The Tennessee Valley Authority shall, to the maximum extent practicable, use existing appropriated and unappropriated funds and current personnel to facilitate the transfer of necessary property and facilities to the Secretary, including replacement of signs and insignia, repainting of vehicles, printing of public information, and training of new personnel.

(d) SURPLUS PROPERTY.—

(1) DISPOSITION.—Any personal property, including structures and facilities, that the Secretary determines cannot be efficiently managed and maintained either by the Forest Service or by lease or permit to other persons may be declared excess by the Secretary and—

(A) sold by the Secretary on such terms and conditions as the Secretary may prescribe to achieve the maximum benefit to the Federal Government; or

(B) disposed of under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(2) DEPOSIT OF PROCEEDS.—All net proceeds from the disposal of any property shall be deposited into the Fund established by section 211.

SEC. 306. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) DOCUMENTATION OF EXISTING CONDITIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Chairman and the Administrator shall provide the Secretary all documentation and information that exists on the environmental condition of the land and waters comprising the Recreation Area property.

(2) ADDITIONAL DOCUMENTATION.—The Chairman and the Administrator shall provide the Secretary with any additional documentation and information regarding the environmental condition of the Recreation Area property as such documentation and information becomes available.

(b) ACTION REQUIRED.—

(1) ASSESSMENT.—Not later than 120 days from the date of enactment of this Act, the Chairman shall provide to the Secretary an assessment indicating what action, if any, is required under any environmental law on Recreation Area property.

(2) MEMORANDUM OF UNDERSTANDING.—If the assessment concludes action is required under any environmental law with respect to any portion of the Recreation Area property, the Secretary and the Chairman shall enter into a memorandum of understanding that—

(A) provides for the performance by the Chairman of the required actions identified in the assessment; and

(B) includes a schedule providing for the prompt completion of the required actions to the satisfaction of the Secretary.

(c) DOCUMENTATION DEMONSTRATING ACTION.—On the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary, the Chairman shall provide the Secretary with documentation demonstrating that all actions required under any environmental law have been taken, including all response actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on Recreation Area property.

(d) CONTINUATION OF RESPONSIBILITIES AND LIABILITIES.—

(1) IN GENERAL.—The transfer of the Recreation Area property under this Act, and the requirements of this section, shall not in any way affect the responsibilities and liabilities of the Tennessee Valley Authority at the Recreation Area under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or any other environmental law.

(2) ACCESS.—After transfer of the Recreation Area property, the Chairman shall be accorded any access to the property that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) NO LIABILITY.—The Secretary shall not be liable under any environmental law for matters that are related directly or indirectly to present or past activities of the Tennessee Valley Authority on the Recreation Area property, including liability for—

(A) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and

Liability Act of 1980 (42 U.S.C. 9601 et seq.) at or related to the Recreation Area; or

(B) costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Recreation Area or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the Recreation Area, including contamination resulting from migration.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Except as provided in paragraph (3), nothing in this Act affects, modifies, amends, repeals, alters, limits or otherwise changes, directly or indirectly, the responsibilities or liabilities under any environmental law of any person with respect to the Secretary.

(e) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations at the Recreation Area resulting in the release or threatened release of a hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product for which that agency would be liable under any environmental law shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or their derivatives.

SEC. 307. PERSONNEL.

(a) IN GENERAL.—

(1) HIRING.—Notwithstanding section 3503 of title 5, United States Code, and subject to paragraph (2), the Secretary may—

(A) appoint, hire, and discharge officers and employees to administer the Recreation Area; and

(B) pay the officers and employees at levels that are commensurate with levels at other units of the National Forest System.

(2) INTERIM RETENTION OF ELIGIBLE EMPLOYEES.—

(A) IN GENERAL.—For a period of not less than 5 months after the effective date of transfer to the Forest Service—

(i) all eligible employees shall be retained in the employment of the Tennessee Valley Authority;

(ii) those eligible employees shall be considered to be placed on detail to the Secretary and shall be subject to the direction of the Secretary; and

(iii) the Secretary shall reimburse the Tennessee Valley Authority for the amount of the basic pay of those eligible employees, and the Tennessee Valley Authority shall remain responsible for all other compensation of those employees.

(B) NOTICE TO EMPLOYEES.—The Secretary shall provide eligible employees a written notice of not less than 30 days before termination.

(C) TERMINATION FOR CAUSE.—Subparagraph (A) does not preclude a termination for cause during the 5-month period.

(b) APPLICATIONS FOR TRANSFER AND APPOINTMENT.—An eligible employee shall have the right to apply for employment by the Secretary under procedures for transfer and appointment of Federal employees outside the Department of Agriculture.

(c) HIRING BY THE SECRETARY.—

(1) IN GENERAL.—Subject to subsection (b), in filling personnel positions within the Recreation Area, the Secretary shall follow all laws (including regulations) and policies applicable to the Department of Agriculture.

(2) NOTIFICATION AND HIRING.—Notwithstanding paragraph (1), the Secretary—

(A) shall notify all eligible employees of all openings for positions with the Forest Service at the Recreation Area before notifying other individuals or considering applications by other individuals for the positions; and

(B) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(3) NONCOMPETITIVE APPOINTMENTS.—Notwithstanding any other placement of career transition programs authorized by the Office of Personnel Management of the United States Department of Agriculture, the Secretary may noncompetitively appoint eligible employees to positions in the Recreation Area.

(4) PERIOD OF SERVICE.—Except to the extent that an eligible employee that is appointed by the Secretary may be otherwise compensated for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the Secretary for the purposes of probation, career tenure, time-in-grade, and leave.

(d) TRANSFER TO POSITIONS IN OTHER UNITS OF THE TENNESSEE VALLEY AUTHORITY.—The Tennessee Valley Authority—

(1) shall notify all eligible employees of all openings for positions in other units of the Tennessee Valley Authority before notifying other individuals or considering applications by other individuals for the positions; and

(2) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(e) EMPLOYEE BENEFIT TRANSITION.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The Secretary and the heads of the Office of Personnel Management and the Tennessee Valley Authority Retirement System shall enter into a memorandum of understanding providing for the transition for all eligible employees of compensation made available through the Tennessee Valley Authority Retirement System.

(B) EMPLOYEE PARTICIPATION.—In deciding on the terms of the memorandum of understanding, the Secretary and the heads of the Office of Personnel Management and the Tennessee Valley Authority Retirement System shall meet and consult with and give full consideration to the views of employees and representatives of the employees of the Tennessee Valley Authority.

(2) ELIGIBLE EMPLOYEES THAT ARE TRANSFERRED TO OTHER UNITS OF TVA.—An eligible employee that is transferred to another unit of the Tennessee Valley Authority shall experience no interruption in coverage for or reduction of any retirement, health, leave, or other employee benefit.

(3) ELIGIBLE EMPLOYEES THAT ARE HIRED BY THE SECRETARY.—

(A) LEVEL OF BENEFITS.—The Secretary shall provide to an eligible employee that is hired by the Forest Service a level of retirement and health benefits that is equivalent to the level to which the eligible employee would have been entitled if the eligible employee had remained an employee of the Tennessee Valley Authority.

(B) TRANSFER OF RETIREMENT BENEFITS.—

(i) IN GENERAL.—All retirement benefits accrued by an eligible employee that is hired by the Forest Service shall be transferred into the Federal Retirement System of the Forest Service.

(ii) FUNDING SHORTFALL.—

(I) IN GENERAL.—For all eligible employees that are not part of the Civil Service Retirement System, the Tennessee Valley Authority shall meet any funding shortfall resulting from the transfer of retirement benefits.

(II) NOTIFICATION.—The Secretary shall notify the Tennessee Valley Authority Board of the cost associated with the transfer of retirement benefits.

(III) PAYMENT.—Not later than 60 days after notification under subclause (II), the Tennessee Valley Authority, using nonappropriated funds, shall fully compensate the Secretary for the costs associated with the transfer of retirement benefits.

(IV) NO INTERRUPTION.—An eligible employee that is hired by the Forest Service and is eligible for Civil Service Retirement shall not experience any interruption in retirement benefits.

(B) NO INTERRUPTION.—An eligible employee that is hired by the Secretary—

(i) shall experience no interruption in coverage for any health, leave, or other employee benefit; and

(ii) shall be entitled to carry over any leave time accumulated during employment by the Tennessee Valley Authority.

(C) PERIOD OF SERVICE.—Notwithstanding section 8411(b)(3) of title 5, United States Code, except to the extent that an eligible employee may be otherwise compensated (including the provision of retirement benefits in accordance with the memorandum of understanding) for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the Secretary for all purposes relating to the Federal employment of the eligible employee.

(4) ELIGIBLE EMPLOYEES THAT ARE DISCHARGED NOT FOR CAUSE.—

(A) LEVEL OF BENEFITS.—The parties to the memorandum of understanding shall have authority to deem any applicable requirement to be met, to make payments to an employee, or take any other action necessary to provide to an eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause and that does not accept an offer of employment from the Secretary, an optimum level of retirement and health benefits that is equivalent to the level that has been afforded employees discharged in previous reductions in force by the Tennessee Valley Authority.

(B) MINIMUM BENEFITS.—An eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause shall, at a minimum, be entitled to—

(i) at the option of the eligible employee—

(I) a lump-sum equal to $1,000, multiplied by the number of years of service of the eligible employee (but not less than $15,000 nor more than $25,000);

(II) a lump-sum payment equal to the amount of pay earned by the eligible employee for the last 26 weeks of the eligible employee's service; or

(III) the deemed addition of 5 years to the age and years of service of an eligible employee;

(ii) 15 months of health benefits for employees and dependents at the same level provided as of September 30, 1998;

(iii) 1 week of pay per year of service as provided by the Tennessee Valley Authority Retirement System;

(iv) a lump-sum payment of all accumulated annual leave;

(v) unemployment compensation in accordance with State law;

(vi) eligible pension benefits as provided by the Tennessee Valley Authority Retirement System; and

(vii) retraining assistance provided by the Tennessee Valley Authority.

(C) SHORTFALL.—If the board of directors of the Tennessee Valley Authority Retirement System determines that the cost of providing the benefits described in subparagraph (B) would have a negative impact on the overall retirement system, the Tennessee Valley Authority shall be required to meet any funding shortfalls using nonappropriated funds.

TITLE IV—FUNDING

SEC. 401. TENNESSEE VALLEY AUTHORITY TRANSITIONAL FUNDING.

(a) AVAILABILITY TO THE SECRETARY.—

(1) IN GENERAL.—After the effective date of transfer of jurisdiction of the Recreation Area from the Tennessee Valley Authority to the Secretary, all of the funds authorized to be appropriated to the Tennessee Valley Authority for the administration of the Recreation Area shall be available to the Secretary to carry out this Act.

(2) INTERAGENCY AGREEMENT.—Funds made available to the Tennessee Valley Authority for the transition shall be made available to the Secretary pursuant to an interagency agreement.

(b) AVAILABILITY TO THE UNITED STATES FISH AND WILDLIFE SERVICE.—Funds appropriated to the Secretary of the Interior for purposes of the United States Fish and Wildlife Service shall be available to administer any portions of the Recreation Area that are authorized for administration by the Service under section 206(a).

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) AGRICULTURE.—There are authorized to be appropriated to the Secretary of Agriculture such sums as are necessary to—

(1) permit the Secretary to exercise administrative jurisdiction over the Recreation Area under this Act; and

(2) administer the Recreation Area area as a unit of the National Forest System.

(b) INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to carry out activities within the Recreation Area.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KERREY):

S. 1897. A bill to require accurate billing by telecommunications carriers with respect to the costs and fees resulting from the enactment of the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER PROTECTION ACT

Mr. ROCKEFELLER. Mr. President, it took Congress a decade to forge consensus necessary to pass the 1996 Telecommunication Act. This bold law was designed to promote competition in the dynamic telecommunications industry, but such competition is to be balanced by maintaining the commitment to universal service, a fundamental principle which has ensured affordable access to communications for every American, especially those in rural areas.

I voted for this historic legislation because in my view it struck the right balance.

I support competition, but I will insist on universal service.

And I will insist on time to fully implement the Act. This bold law seeks to move the $200 billion telecommunications industry to a more competitive market, but it will not happen overnight. President Clinton signed this major legislation into law in February 1998, just two years ago. This started the telecommunications industry on the path toward competition, but there have been some road blocks along the way with implementation snags, mergers instead of competition, and excessive litigation.

The current result, unfortunately, is confusion.

I do not want to reopen the Telecommunications Act, but I do want to relieve the confusion among consumers who seem to be bearing the brunt of this transition. Today, I am introducing bipartisan legislation called the Consumer Protection Act to ensure "truth in billing." I believe that consumers deserve to have the truth, the whole truth about changes in billings.

As the telecommunications industry moves from a regulated, monopolistic model into a more competitive model, we need to ensure that consumers get the information they need to make wise decisions in selecting their telecommunications carriers. In a regulated market, the regulations are intended to protect consumers' interests. Under a more competitive model, we need to ensure that accurate information is provided to consumers so they can protect themselves and use their ability to choose in the market place.

This legislation is very simple. It directs the Federal Communications Commission (FCC) and the Federal Trade Commission (FTC) to investigate billing practices, and report on the findings to Congress. If this investigation exposes misleading practices, we need to have disciplinary action to protect consumers.

If telecommunications companies choose to use line-items on phones bills, those companies must accurately report all regulatory actions, including how federal actions reduce costs, such as the $1.5 billion in access reductions provided in July 1997.

This legislation ensures that telecommunications companies cannot selectively disclose only those pieces of information that are in the companies' interest. When federal actions bring rates down, consumers have the right to know. As the industry makes the transition to a more competitive market, consumers deserve a full accounting so they can make informed decisions when they choose their telecommunications provider.

The Consumer Protection Act will ensure that consumers will see on their own bill how companies allocate savings resulting from deregulation of the industry, as companies are required to disclose how savings are passed along to residential rates, small business rates and other customer payment plans. This is not re-regulation. Nothing in this dictates how much companies can charge for their services. And nothing prevents companies from putting line items on bills. Those choices are still entirely at the companies' discretion. This legislation simply requires them to tell the whole truth if they choose to put a line item on customers bills.

The legislation has a third provision that requires companies using a line-item on customer bills to file with the FCC all the revenue and company reports they now file with the Securities and Exchange Commission (SEC).

The idea behind this requirement is simple. Since we require companies to report their revenues to the SEC in order to protect stockholders, shouldn't we provide the same information to the FCC in order to protect consumers?

During this period of transition from a monopoly-based system to a market-based system, there will be some ups and downs. But we should act to minimize confusion and protect consumers as the new market evolves.

At the state level, public service commissions are beginning to take steps to provide fuller, more accurate information to consumers. In January of this year, New York Administrative Law Judge Eleanor Stein recommended that telecommunications carriers be required to disclose fully, in bills of all classes of customers, the fee increases and fee reductions resulting from the enactment of the 1996 Telecommunications Act.

In February the National Association of Regulatory Utility Commissioners (NARUC) passed a resolution that clearly noted that line-items are a business choice made by companies not a mandate from the federal government. The NARUC resolution called on the FCC to take action to require interstate carriers to provide accurate customer notice and the purpose of line-items.

Some state officials are taking action. NARUC is calling on the FCC to lead. Now Congress needs to end the confusion, and tell consumers the truth.

I am proud that the Consumers Union supports this bipartisan legislation. I welcome the support of my colleagues, Senator SNOWE of Maine and Senator KERREY of Nebraska.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1897

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

SECTION 1. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Billing practices by telecommunications carriers may not reflect accurately the cost or basis of the additional telecommunications services and benefits that consumers receive as a result of the enactment of the Telecommunications Act of 1996 (Public Law 104–104) and other Federal regulatory actions taken since the enactment of that Act.

(2) Congress has never enacted a law with the intent of permitting providers of telecommunications services to misrepresent to customers the costs of providing services or the services provided.

(3) Certain providers of telecommunications services have established new, specific charges on customer bills commonly known as "line-item charges".

(4) Certain providers of telecommunications services have described such charges as "Federal Universal Service Fees" or similar fees.

(5) Such charges have generated significant confusion among customers regarding the nature of and scope of universal service and of the fees associated with universal service.

(6) The State of New York is considering action to protect consumers by requiring telecommunications carriers to disclose fully in the bills of all classes of customers the fee increases and fee reductions resulting from the enactment of the Telecommunications Act of 1996 and other regulatory actions taken since the enactment of that Act.

(7) The National Association of Regulatory Utility Commissioners adopted a resolution in February 1998 supporting action by the Federal Communications Commission to require interstate carriers to provide accurate customer notice regarding the implementation and purpose of end user charges.

(b) PURPOSE.—It is the purpose of this Act to require the Federal Communications Commission and the Federal Trade Commission to protect consumers of telecommunications services by assuring accurate cost reporting and billing practices by telecommunications carriers nationwide.

SEC. 2. INVESTIGATION OF TELECOMMUNICATIONS CARRIERS BILLING PRACTICES.

(a) INVESTIGATION.—

(1) REQUIREMENT.—The Federal Communications Commission and the Federal Trade Commission shall jointly conduct an investigation of the billing practices of telecommunications carriers.

(2) PURPOSE.—The purpose of the investigation is to determine whether the bills sent by carriers to their customers accurately assess and correctly characterize any additional fees paid by such customers for telecommunications services as a result of the enactment of the Telecommunications Act of 1996 (Public Law 104–104) and other Federal regulatory actions taken since the enactment of that Act.

(b) DETERMINATIONS.—In carrying out the investigation under subsection (a), the Federal Communications Commission and the Federal Trade Commission shall determine the following:

(1) The amount, if any, of additional fees imposed by telecommunications carriers on their customers as a result of the requirements of the Telecommunications Act of 1996 (including the amendments made by that Act) and other Federal regulatory actions taken since the enactment of that Act during the period beginning on June 30, 1997, and ending on the date of enactment of that Act.

(2) In the event that additional fees described in paragraph (1) are being imposed, the following:

(A) Whether the amount of such fees accurately reflect—

(i) the additional costs to carriers as a result of the enactment of that Act (including the amendments made by that Act) and other Federal regulatory actions taken since the enactment of that Act; and

(ii) any reductions in costs, or other financial benefits, to carriers as a result of the enactment of that Act (including such amendments) and other Federal regulatory actions taken since the enactment of that Act.

(B) Whether the bills that impose such fees characterize correctly the nature and basis of such fees.

(c) REVIEW OF RECORDS.—

(1) AUTHORITY.—For purposes of the investigation under subsection (a), the Federal Communications Commission and the Federal Trade Commission may obtain from any telecommunications carrier any record of the carrier that is relevant to the investigation.

(2) USE.—The Federal Communications Commission and the Federal Trade Commission may use records obtained under this subsection only for purposes of the investigation.

(d) DISCIPLINARY ACTIONS.—

(1) IN GENERAL.—In the event that the Federal Communications Commission or the Federal Trade Commission determine as a result of the investigation under subsection (a) that the bills sent by a telecommunications carrier to its customers does not accurately assess or correctly characterize any fee addressed in the investigation, the Federal Communications Commission or the Federal Trade Commission, as the case may be, shall take such actions against the carrier as such Commission is authorized to take under law.

(2) ADDITIONAL ACTIONS.—If the Federal Communications Commission or the Federal Trade Commission determines that such Commission does not have adequate authority under law to take appropriate actions under paragraph (1), the Federal Communications Commission and the Federal Trade Commission shall notify Congress of that determination in the report under subsection (e).

(e) REPORT.—Not later than 45 days after the date of enactment of this Act, the Federal Communications Commission and the Federal Trade Commission shall jointly submit to Congress a report on the results of the investigation under subsection (a). The report shall include the determination, if any, of either Commission under subsection (d)(2) and any recommendations for further legislative action that the Commissions consider appropriate.

SEC. 3. REQUIREMENTS FOR TELECOMMUNICATIONS CARRIERS IMPOSING CERTAIN FEES FOR SERVICES.

(a) REQUIREMENTS.—Any telecommunications carrier that includes on any of the bills sent to its customers a charge described in subsection (b) shall—

(1) specify in the bill imposing such charge any reduction in charges or fees allocable to all classes of customers (including customers of residential basic service, customers of other residential services, small business customers, and other business customers) by reason of any regulatory action of the Federal Government; and

(2) submit to the Federal Communications Commission the reports required to be submitted by the carrier to the Securities and Exchange Commission under sections 13(a) and 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m(a), 78*o*(d)).

(b) COVERED CHARGES.—Subsection (a) applies in the case of the following charges:

(1) Any specific charge included after June 30, 1997, if the imposition of the charge is attributed to a regulatory action of the Federal Government.

(2) Any specific charge included before that date if the description of the charge is changed after that date to attribute the imposition of the charge to a regulatory action of the Federal Government.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1899. A bill entitled "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998"; to the Committee on Indian Affairs.

THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT OF 1998

Mr. BAUCUS. Mr. President, I rise today to introduce the "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998" along with my colleague Senator BURNS.

This bill represents the culmination of sixteen years of intensive technical studies and six years of negotiations involving the Chippewa Cree Tribe, the State of Montana, local governments, water districts and ranchers as well as the United States Departments of justice and Interior.

The 108,000 acre Rocky Boy's Reservation is located west of Havre, Montana in the Bears Paw Mountains with portions extending onto the plains between the mountains and the Milk River in north-central Montana. Historically, the area was part of the large territory north of the Missouri and Musselshell Rivers designated for the Blackfeet Nation in the treaty of 1855.

In 1880 the Fort Assiniboine military reservation was established. In 1916 Congress set aside 56,035 acres for the Chippewa and Cree Bands of Chief Rocky Boy. In 1947 it was expanded by 45,523 acres bringing it to near its current size. None of the land has been allotted although some individual assignments have been made.

The reservation is home to over 3,000 tribal members and has an annual population growth exceeding 3%. While unemployment is estimated at nearly 70% the tribe has made important progress in economic development. Production of cattle and grain, development of timber and tourism provide solid sources of tribal income.

The reservation is located in an area of scarce water supply. Studies have demonstrated that the reservation could not sustain tribal membership without additional supplies of water for drinking, agricultural and municipal purposes.

Since 1992, the tribe, state and federal government have worked hard to reach an equitable water rights settlement.

The tribe and state reached tentative agreement on the compact in January

1997. The tribal Council passed a resolution supporting ratification of the agreement shortly thereafter. In the spring of 1997, the Montana State Senate unanimously ratified the compact and the State House gave its approval on a 91–9 vote. It was signed into law by the Governor of Montana on April 14, 1997.

This legislation ratifies the compact and settles the tribe's claims against the United States. The bill provides for:

(1) quantification of the tribe's water rights including 10,000 acre feet from surface and groundwater sources on the reservation as well as reserving 10,000 acre feet for the tribe from Lake Elwell, a US Bureau of Reclamation Project located approximately 50 miles from the reservation. The settlement does not provide for transport of this water to the reservation;

(2) mitigation of impacts on off-reservation water use including designating two pools of water stored in Bonneau Reservoir on the reservation for irrigation, stockwatering and maintenance of water quality on Box Elder Creek. Additional water will also be made available for protecting the Brook Trout fishery in upper Beaver Creek;

(3) authorization of two feasibility studies by the Bureau of Reclamation to examine water and related resources for both reservation and off-reservation water supplies in the area, and;

(4) authorization of $25 million in Federal funding for development of reservation water supplies including enlargement of Bonneau, Towe, Brown and East Fork Reservoirs; a $3 million dollar economic development fund for the tribe and $15 million for future importation of drinking water to the reservation, a much needed project in north central Montana. Additionally, $3 million will be provided for tribal administration of the agreement.

This legislation would never have become a reality without the hard work and cooperation of many people. I would especially like to recognize the staff and tribal council of the Chippewa Cree Tribe, the staff of the Montana Water Rights Compact Commission, the Department of Interior and the Native American Rights Fund. I am particularly grateful for the efforts of David Hayes, Special Counselor to Secretary Babbitt. Mr. Hayes' involvement was like a breath of fresh air, he moved forward when others were ready to give up on negotiations.

Mr. President, I look forward to working with Senator BURNS to expedite passage of this historic settlement.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1899

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998".

SEC. 2 FINDINGS.

Congress hereby finds that—

(1) in fulfillment of its trust responsibility to Indian tribes and to promote tribal sovereignty and economic self sufficiency, it is the policy of the United States to settle the water rights claims of the tribes without lengthy and costly litigation;

(2) the Rocky Boy's Reservation was established as a homeland for the Chippewa Cree Tribe;

(3) adequate water for the Chippewa Cree Tribe of the Rocky Boy's Reservation is important to a permanent, sustainable and sovereign homeland for the Tribe and its members;

(4) the Chippewa Cree Tribe's sovereignty and Reservation economy depend on the development of the Reservation's water resources;

(5) the planning, design, and construction of the facilities needed to utilize water supplies effectively are necessary to the development of a viable Reservation economy and to implementation of the Chippewa Cree-Montana Water Rights Compact;

(6) the Rocky Boy's Reservation is located in a water short area of the State of Montana and the Compact contemplates the development of additional water supplies, including importation of domestic water, to meet the needs of the Chippewa Cree Tribe;

(7) proceedings to determine the full extent of the Chippewa Cree Tribe's water rights are currently pending before the Montana Water Court as a part of "In the Matter of the Adjudication of All Rights to the Use of Water, Both Surface and Underground, within the State of Montana;"

(8) recognizing that final resolution of the general stream adjudication will take many years and entail great expense to all parties, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Chippewa Cree Tribe and the State of Montana entered into a Water Rights Compact on April 14, 1997; and

(9) the allocation of water resources from the Tiber Reservoir to the Tribe under this Act is uniquely suited to the geographic, social, and economic characteristics of the situation involved.

SEC. 3. PURPOSES OF ACT.

The purposes of this Act are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the State of Montana for—

(A) the Chippewa Cree Tribe; and

(B) the United States of America for the benefit of the Chippewa Cree Tribe;

(2) to approve, ratify, and confirm, as modified herein, the Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, and to provide funding and other authorization necessary to its implementation;

(3) to authorize the Secretary of the Interior to execute and implement the Water Rights Compact and to take such other actions as are necessary to implement the Compact consistent with this Act;

(4) to authorize Federal feasibility studies designed to identify and analyze potential mechanisms to enhance, through conservation or otherwise, water supplies in North Central Montana, including, but not limited to, mechanisms to import domestic water supplies for the future growth of the Rocky Boy's Indian Reservation;

(5) to authorize certain projects on the Rocky Boy's Indian Reservation, Montana, in order to implement the Compact;

(6) to authorize certain modifications to the purposes and operation of the Bureau of Reclamation's Tiber Dam and Lake Elwell on the Marias River in Montana in order to implement the Compact; and

(7) to authorize appropriation of funds necessary for the implementation of the Compact.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) "Compact" means the water rights compact between the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana published at 85–20–601 MCA (1997);

(2) "Final" with reference to approval of the decree in section 5(b) means completion of any direct appeal to the Montana Supreme Court of a final decree by the Water Court pursuant to 85–2–235, MCA (1997), or to the Federal Court of Appeals, including the expiration of the time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such a petition, or the issuance of the Supreme Court's mandate, whichever occurs last;

(3) "Missouri River System" means the mainstem of the Missouri River and its tributaries, including but not limited to the Marias River;

(4) "Secretary" means the Secretary of the United States Department of the Interior, or his or her duly authorized representative;

(5) "Towe Ponds" means the reservoir or reservoirs referred to as "Stoneman Reservoir" in the Compact;

(6) "Tribal Compact Administration" means the activities assumed by the Tribe for implementation of the Compact as set forth in Article IV of the Compact;

(7) "Tribal Water Right" means the right of the Chippewa Cree Tribe of the Rocky Boy's Reservation to divert, use, or store water as described by Article III of the Compact;

(8) "Tribe" means the Chippewa Cree Tribe of the Rocky Boy's Reservation and all officers, agents, and departments thereof;

(9) "Water development" includes all activities that involve the use of water or modification of water courses or water bodies in any way.

SEC. 5. RATIFICATION OF COMPACT AND ENTRY OF DECREE.

(a) WATER RIGHTS COMPACT APPROVED.—Except as modified by this Act, and to the extent the Compact does not conflict with this Act, the Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, is hereby approved, ratified and confirmed and the Secretary shall execute and implement the Compact together with any amendments agreed to by the parties or necessary to bring the Compact into conformity with this Act, and to take such other actions as are necessary to implement the Compact.

(b) APPROVAL OF "PROPOSED DECREE".—No later than 180 days after the date of the enactment of this Act, the United States, the Tribe, or the State of Montana shall petition the Montana Water Court, individually or jointly, to enter and approve the "Proposed Decree" agreed to by the United States, the

Tribe, and the State of Montana attached as Appendix 1 to the Compact, or any amended version thereof agreed to by the United States, the Tribe and the State of Montana. Resort may be had to the Federal District Court in the circumstances set forth in Article VII.B.4 of the Compact. In the event the approval by the appropriate court, including any direct appeal, does not become final within three (3) years following the filing of the decree, or the decree is approved but is subsequently set aside by the appropriate court, the Compact shall be void. The Secretary may act for the United States to extend this three (3) year deadline twice in one (1) year increments on agreement with the State and the Tribe.

SEC. 6. USE AND TRANSFER OF THE TRIBAL WATER RIGHT.

(a) ADMINISTRATION AND ENFORCEMENT.—As provided in the Compact, until the adoption and approval of a tribal water code, the Secretary shall administer and enforce the Tribal Water Right.

(b) TRIBAL MEMBER ENTITLEMENT.—Any entitlement to Federal Indian reserved water of any tribal member shall be satisfied solely from the water secured to the Tribe by the Compact and shall be governed by the terms and conditions thereof. Such entitlement shall be administered by the Tribe pursuant to a tribal water code developed and adopted pursuant to Article IV.A.2. of the Compact, or by the Secretary pending the adoption and approval of the tribal water code.

(c) TEMPORARY TRANSFER OF TRIBAL WATER RIGHT.—Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, including limitation on transfer of any portion of the Tribal Water right to within the Missouri River Basin, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water rights confirmed to the Tribe in the Compact; provided, however, that no service contract, lease, exchange or other agreement entered into under this subsection may permanently alienate any portion of the Tribal Water Right.

SEC. 7. FEASIBILITY STUDIES AUTHORIZATION.

(a) MUNICIPAL, RURAL AND INDUSTRIAL FEASIBILITY STUDY.—The Secretary of the Interior, through the Bureau of Reclamation shall perform a municipal, rural, and industrial (MR&I) feasibility study of water and related resources in North Central Montana to evaluate alternatives for an MR&I supply for the Rocky Boy's Reservation. The study shall include but not be limited to the feasibility of releasing the Tribe's Tiber allocation as provided in section 8 of this Act into the Missouri River System for later diversion to a treatment and delivery system for the Rocky Boy's Reservation. The MR&I Study shall include utilization of existing Federal and non-Federal studies and shall be planned and conducted in consultation with other Federal agencies, the State of Montana, and the Chippewa-Cree Tribe.

(b) ACCEPTANCE OR PARTICIPATION IN IDENTIFIED OFF-RESERVATION SYSTEM.—The United States, the Chippewa Cree Tribe of the Rocky Boy's Reservation, and the State of Montana shall not be obligated to accept or participate in any potential off-reservation water supply system identified in the MR&I Feasibility Study authorized in subsection 7(a) of this Act.

(c) REGIONAL FEASIBILITY STUDY.—The Secretary, through the Bureau of Reclamation, shall conduct, pursuant to Reclamation Law, a Regional Feasibility Study to evaluate water and related resources in North Central Montana in order to determine the limitations of such resources and how they can best be managed and developed to serve the needs of the citizens of Montana. The Regional Study shall evaluate existing and potential water supplies, uses, and management; identify major water related issues, including environmental, water supply and economic issues; evaluate opportunities to resolve such issues; and evaluate options for implementation of resolutions to issues. Because of the regional and international impact of the Regional Study, it may not be segmented. The Regional Study shall utilize, to the maximum extent possible, existing information and shall be planned and conducted in consultation with all affected interests, including interests in Canada.

SEC. 8. TIBER RESERVOIR ALLOCATION.

(A) ALLOCATION OF WATER TO THE TRIBE.—(1) The Secretary shall permanently allocate to the Tribe, without cost to the Tribe, 10,000 acre-feet per year of stored water from the water right of the Bureau of Reclamation in Lake Elwell, Lower Marias Unit, Upper Missouri Division, Pick-Sloan Missouri Basin Program, Montana, measured at the outlet works of the dam or at the diversion point from the reservoir. The allocation shall be effective when the requirements of section 5(b) of this Act are met.

(2) The Secretary shall enter into an agreement with the Tribe setting forth the terms of the allocation and providing for the Tribe's use or temporary transfer of water stored in Lake Elwell, subject to the terms and conditions of the Compact and this Act.

(3) The allocation provided in this section shall be subject to the prior reserved water rights, if any, of any Indian tribe, or persons claiming water through any Indian Tribe.

(b) USE AND TEMPORARY TRANSFER OF ALLOCATION.—(1) Subject to the limitations and conditions set forth in the Compact and this Act, the Tribe shall have the right to devote the water allocated by this Section to any use, including, but not limited to, agricultural, municipal, commercial, industrial, mining, or recreational uses, within or outside the rocky Boy's Reservation.

(2) Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water allocated by this section: *Provided, however*, That no service contract, lease, exchange, or other agreement may permanently alienate any portion of the tribal allocation.

(c) REMAINING STORAGE.—The United States shall retain the right to use for any authorized purpose, any and all storage remaining in Lake Elwell after the allocation made to the Tribe in subsection (a)(1) of this section.

(d) WATER TRANSPORT OBLIGATION; DEVELOPMENT AND DELIVERY COSTS.—The United States shall have no responsibility or obligation to provide any facilities for the transport of the water allocated by this section to the Rocky boy's Reservation or to any other location. Except for the contribution set forth in section 11(b)(3) of this Act, the cost of developing and delivering the water allocated by this section or any other supplemental water to the Rocky Boys Reservation shall not be borne by the United States.

(e) ACT NOT PRECEDENTIAL.—The provisions of this Act regarding the allocation of water resources from the Tiber Reservoir to the Tribe shall not be precedent for any other Indian water right claims.

SEC. 9. ON-RESERVATION WATER RESOURCES DEVELOPMENT.

(a) WATER DEVELOPMENT PROJECTS.—The Secretary of the Interior, through the Bureau of Reclamation, is authorized and directed to plan, design, and construct, or to provide, pursuant to subsection (b) of this section, for the planning, design, and construction of the following water development projects on the Rocky Boy's Reservation:

(1) Bonneau Dam and Reservoir Enlargement.

(2) East Fork of Beaver Creek Dam Repair and Enlargement

(3) Brown's Dam Enlargement.

(4) Towe Ponds' Enlargement.

(5) Such other water development projects as the Tribe shall from time to time deem appropriate.

(b) IMPLEMENTATION AGREEMENT.—The Secretary, at the request of the Tribe, shall enter into an agreement with the Tribe to implement the provisions of this Act through the Tribe's Self-Governance Compact and Annual Funding Agreement by which the Tribe shall plan, design, and construct any or all of the projects authorized by this section.

(c) BUREAU OF RECLAMATION PROJECT ADMINISTRATION.—The Secretary, through the Bureau of Reclamation, has entered into an agreement with the Tribe, pursuant to P.L. 93-638, as amended by the Self Governance Act, defining and limiting the role of the Bureau of Reclamation in its administration of the projects authorized in subsection (a) of this section; establishing the standards upon which the projects will be constructed; and for other purposes necessary to implement this section. This agreement shall be effective on the Tribe exercising its right under subsection (b) of this section.

SEC. 10. CHIPPEWA CREE INDIAN RESERVED WATER RIGHTS SETTLEMENT FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is hereby established in the Treasury of the United States a trust fund for the Chippewa Cree Tribe of the Rocky Boy's Reservation to be known as the "Chippewa Cree Indian Reserved Water Rights Settlement Trust Fund." Pursuant to the provisions of the Trust Fund Management Act of 1994, 25 U.S.C. 4001 et seq., the Tribe, with the approval of the Secretary, may transfer the Fund to a mutually agreed upon private financial institution. The Fund shall consist of the following accounts:

(1) Tribal Compact Administration Account.

(2) Economic Development Account.

(3) Future Water Supply Facilities Account.

(b) FUND COMPOSITION.—The Fund shall consist of such amounts as are appropriated to its accounts in accordance with the authorizations for appropriations in subsections (b)(1), (2), and (3) of section 11 of this Act together with all interest which accrues on the Fund: *Provided*, That, if the Tribe exercises its right pursuant to subsection (a) of this section to transfer the funds to a private financial institution, except as provided in the transfer agreement, the Secretary shall retain no oversight over the investment of the funds. In addition, the transfer agreement shall provide for the appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in subsections (c)(2) and (c)(3) of this section.

(c) USE OF FUND.—The Tribe may use the Fund to fulfill the purposes of this Act, subject to the following restrictions on expenditures:

(1) Except for $400,000 necessary for capital expenditures in connection with tribal compact administration, only interest accrued on the Tribal Compact Administration Account shall be available to satisfy the Tribe's obligations for tribal compact administration under the provisions of the Compact.

(2) Both principal and accrued interest on the Economic Development Account shall be available to the Tribe for expenditure pursuant to an Economic Development Plan approved by the Secretary.

(3) Both principal and accrued interest on the Future Water Supply Facilities Account shall be available to the Tribe for expenditure pursuant to a Water Supply Plan approved by the Secretary.

(d) AGREEMENT REGARDING FUND EXPENDITURES.—If the Tribe does not exercise its right under subsection (a) of this section to transfer the funds to a private financial institution, the Secretary shall enter into an agreement with the Tribe providing for appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in subsections (e)(2) and (c)(3) of this section.

(e) PER CAPITA DISTRIBUTIONS PROHIBITED.—No part of the Fund shall be distributed on a per capita basis to members of the Tribe.

(f) CONGRESSIONAL INTENT.—Nothing in this Act is intended—

(1) to alter the trust responsibility of the United States to the Tribe; or

(2) to prohibit the Tribe from seeking additional authorization or appropriation of funds for tribal programs or purposes.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) FEASIBILITY STUDIES.—There is authorized to be appropriated to the Department of Interior, Bureau of Reclamation, not to exceed $4,000,000 for the purpose of conducting the Feasibility Studies authorized in section 7(a) and (c) of this Act as follows:

(a) $1,000,000 in FY 1999 to be divided equally between the two studies.

(2) $3,000,000 in FY 2000; $500,000 for the study authorized in section 7(a) and the balance for the study authorized in section 7(c).

(b) CHIPPEWA CREE FUND.—There is authorized to be appropriated to the Department of the Interior, Bureau of Indian Affairs, for the Chippewa Cree Fund, established in section 10 of this Act, $21,000,000 as follows:

(1) TRIBAL COMPACT ADMINISTRATION ACCOUNT.—For tribal compact administration assumed by the Tribe under the Compact and this Act $3,000,000 in FY 1999.

(2) ECONOMIC DEVELOPMENT ACCOUNT.—For Tribal economic development, $3,000,000, in FY 2000.

(3) FUTURE WATER SUPPLY FACILITIES ACCOUNT.—For the total Federal contribution to the planning, design, construction, operation, maintenance and rehabilitation of a future Reservation water supply system, $15,000,000 as follows:

(A) $2,000,000 in FY 1999.

(B) $5,000,000 in FY 2000.

(C) $8,000,000 in FY 2001.

(c) ON-RESERVATION WATER DEVELOPMENT.—There is authorized to be appropriated to the Department of the Interior, Bureau of Reclamation, $24,000,000 for the construction of the on-Reservation water development projects authorized by section 9 of this Act as follows:

(1) $13,000,000 in FY 2000 for the planning, design and construction of the Bonneau Dam Enlargement. The Federal contribution is provided for the development of additional capacity in Bonneau Reservoir for storage of water secured to the Tribe under the Compact.

(2) $8,000,000 in FY 2001 for the planning, design and construction of the East Fork Dam and Reservoir enlargement ($4,000,000), of the Brown's Dam and Reservoir enlargement ($2,000,000), and the Towe Ponds enlargement ($2,000,000).

(3) $3,000,000 in FY 2002 for the planning, design and construction of such other water resource developments as the Tribe, with the approval of the Secretary, from time to time may deem appropriate or for the completion of the four projects enumerated in subsections 11(c)(1) and (2) of this Act.

(4) Any unexpended balance in the funds appropriated under paragraphs (c)(1) and (c)(2) of this section, after substantial completion of all of the projects enumerated in section 9(a)(1), (2), (3), and (4) shall be available to the Tribe first for completion of the enumerated projects and then for other water resource development projects under Section 9(a)(5).

(d) ADMINISTRATION COSTS.—There is authorized to be appropriated to the Department of the Interior, Bureau of Reclamation, in FY 2000, $1,000,000 for its costs of administration: *Provided*, That, if such costs exceed $1,000,000, the Bureau of Reclamation may use funds authorized for appropriation under subsection (c) of this section for such costs: *Provided, further*, That, the Bureau of Reclamation shall exercise its best efforts to minimize such costs to avoid exceeding $1,000,000.

(e) AVAILABILITY OF FUNDS.—The monies authorized in section 11(a) and (b)(1) shall be available for use immediately upon appropriation. Those monies deposited in the Chippewa Cree Fund accounts shall draw interest consistent with section 10(a), but the monies appropriated under section 11(b)(2) and (3) and 11(c) are not available for expenditure until completion of the requirements of section 5(b) of this Act and execution of the waiver and release required of Sec. 13(c).

(f) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this Act shall be available without fiscal year limitation.

SEC. 12. STATE CONTRIBUTIONS TO SETTLEMENT.

Consistent with Article VI.C.2. and C.3. of the Compact, the State contribution to settlement shall be as follows:

(1) $150,000 for the following purposes: water quality discharge monitoring wells and monitoring program; diversion structure on Big Sandy Creek; conveyance structure on Box Elder Creek; and purchase of contract water from Lower Beaver Creek Reservoir.

(2) Subject to the availability of funds, the State shall provide services valued at $400,000 for administration required by the Compact and for water quality sampling required by the Compact.

SEC. 13. MISCELLANEOUS PROVISIONS.

(a) NON-EXERCISE OF TRIBE'S RIGHTS.—The Tribe shall not exercise the rights set forth in Article VII(A)(3) of the Compact.

(b) WAIVER OF SOVEREIGN IMMUNITY.—The United States shall not be deemed to have waived its sovereign immunity except to the extent provided in subsections (a), (b), and (c) of section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

(c) TRIBAL RELEASE OF CLAIMS AGAINST THE UNITED STATES.—(1) Upon passage of this Act, the Tribe shall execute a waiver and release of the following claims against the United States, the validity of which are not recognized by the United States: *Provided* That the waiver and release of claims shall not be effective until completion of the appropriation of the funds set forth in section 11 of this Act and completion of the requirements of section 5(b) of this Act.

(2) Any and all claims to water rights (including water rights in surface water, groundwater, and effluent), claims for injuries to water rights, claims for loss or deprivation of use of water rights and claims for failure to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(3) Any and all claims arising out of the negotiation of the Compact and the settlement authorized by this Act.

(4) In the event the waiver and release does not become effective as set forth in subsection (c)(1), the United States shall be entitled to set-off against any claim for damages asserted by the Tribe against the United States any funds transferred to the Tribe pursuant to section 11 and any interest accrued thereon up to the date of set-off, and the United States shall retain any other claims or defenses not waived in this Act or in the Compact as modified by this Act.

(d) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this Act is intended to quantify or otherwise adversely affect the land and water rights, or claims or entitlements to land or water of an Indian Tribe other than the Chippewa Cree Tribe.

(e) ENVIRONMENTAL COMPLIANCE.—In implementing the Compact, the Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et. seq.), and all other applicable environmental acts and regulations.

(f) EXECUTION OF COMPACT.—Execution of the Compact by the Secretary as provided for in this Act shall not constitute a major Federal Action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary is directed to carry out all necessary environmental compliance required by Federal law in implementing this agreement.

(g) ACT NOT PRECEDENTIAL.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement acts.

Mr. BURNS. Mr. President, today, I am pleased to join with my colleagues from Montana, Senator BAUCUS, to introduce the The Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998, a bill to settle the claims and quantify the water rights of the Chippewa Cree Tribe of the Rocky Boy's Reservation. This bill is the culmination of many years of work and negotiations in our state and will result in the federal government sanctioning the water rights compact that has been adopted by the Montana State Legislature. This settlement may represent a textbook example of how state and tribal governments, together with off-reservation local representatives, can sit down and resolve their differences. I am pleased that local ranchers were involved in every step of the discussions.

The Rocky Boy's Indian Reservation, the present homeland of the Chippewa Cree Tribe, is located in area of scarce water supply. The region is arid with an average annual precipitation of 12 inches suitable for growing hay. However, an average annual precipitation

of 30 inches of snowpack in the Bearpaw Mountains contributes to a significant spring runoff. A more efficient and effective utilization of that runoff is a critical part of this package. The state legislation authorized funding for efficiency improvements that mitigate the impact of tribal water development on off-reservation water use.

By reaching an out of court settlement, the parties will—once this package is implemented—go to the state water court and ask that all pending litigation involving claims by the Tribe, and by the United States on behalf of the Tribe, be dropped. The quantification of the Tribe's water right will also clearly benefit upstream and downstream users of water in the effected drainage, including the Big Sandy and Beaver Creek as well as the Milk River. These other users will be able to plan for their future because they will know precisely how much water the Chippewa Cree Tribe is entitled to. One of the progressive components of this settlement is a Water Compact Board made up of three members, a tribal representative, an off-reservation representative and a third person mutually agreed to by the state and tribe. This Board will be tasked with resolving disputes between users of the tribal water right and users of water rights recognized under state law.

The bill set ups a Chippewa Cree Fund that will include funds for the administration of the compact, a tribal economic development account and a future water supply facilities account. The bill allows for increased on reservation storage at existing dams and two feasibility studies for alternative sources and methods of delivery for MR&I water supplies for both the reservation and the region. Finally, all parties to this settlement agree that the Tribe will need more water in the future for drinking purposes. While the settlement reserves 10,000 acre feet of water in Tiber Reservoir, it does not propose a method of delivery. We are all committed to revisiting the on-reservation drinking water matter in the near future either through a pipeline or other methods that will be part of the authorized studies.

Mr. President, I ask unanimous consent to include in the RECORD a letter from our state's Governor, Marc Racicot, endorsing this legislation. Senator BAUCUS and I will soon be asking the Indian Affairs Committee to hold hearings and then to act favorable on this bill as expeditiously as the Committee's schedule will allow.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
STATE OF MONTANA,
Helena, MT, March 30, 1998.

Hon. CONRAD BURNS,
Dirksen Senate Office Bldg.,
Washington, DC.

DEAR SENATOR BURNS: I write to express my strong support for Congressional ratification of the compact settling the water rights of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and to express my appreciation for your efforts in this process. The settlement of reserved water rights claimed within the State of Montana is of utmost importance to the State, particularly the reserved water rights claimed within the water-short Milk River basin where the Rocky Boy's Reservation lies. The Rocky Boy's Compact provides for the development of much needed water resources on the Reservation, while at the same time protecting existing water development adjacent to, and downstream from the Reservation. The federal funding for development will help alleviate some of the very dire needs of Montana citizens who are Tribal members living on the Reservation.

Thank you again for your efforts in helping us finalize this historic agreement.

Sincerely,

MARC RACICOT,
Governor.

By Mr. D'AMATO (for himself, Ms. MOSELEY-BRAUN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. BENNETT, Mr. HAGEL, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mrs. BOXER, Mr. REED, and Mr. DEWINE):

S. 1900. A bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE U.S. HOLOCAUST ASSETS COMMISSION ACT OF 1998

Mr. D'AMATO. Mr. President, I rise today along with Senators MOSELEY-BRAUN, SHELBY, FAIRCLOTH, BENNETT, HAGEL, SARBANES, DODD, KERRY, BRYAN, BOXER, REED and DEWINE to introduce the U.S. Holocaust Assets Commission Act of 1998. This legislation will create the "Presidential Advisory Commission on Holocaust Assets in the United States," that will examine the disposition of assets of Holocaust victims, survivors, and heirs here in the United States.

For two years now, I have worked closely with Ambassador Stuart Eizenstat who has labored tirelessly to close this difficult chapter of history in an honorable, speedy, and satisfactory manner. He cares passionately that the survivors receive justice and I could not agree more. I am pleased to say that the Administration fully supports this legislation and we have worked with them closely over the past four months to craft the language to bring this commission to reality.

While we have sought answers from Switzerland and other nations on the disposition of dormant bank accounts and Nazi gold, we have not pursued the issue here in the United States. Today, we begin this search. Now we are obliged to set history straight and correct any injustices in our own country. The United States has a moral responsibility to address the same issues to which we have sought answers from Switzerland and other nations in Europe. The spirit of American decency demands no less.

If we are to provide long overdue justice to Holocaust survivors and the heirs of the victims, we must do so as expeditiously as possible. Time is of the essence if we are going to provide the necessary restitution to this already aged and rapidly dwindling survivor community. Moreover, by creating this commission we establish even greater moral authority and diplomatic credibility with other nations from which we seek answers on these important questions. Thus far, twelve nations have already set up national commissions to look into these issues.

With this legislation we will create a commisison that will seek to find the disposition of the following assets in this country: dormant bank accounts of Holocaust victims in U.S. banks; brokerage accounts, securities, & bonds; artwork & religious/cultural artifacts; German-looted gold shipped to the U.S. through the Tripartite Gold Commission; and insurance policies.

As far as funding is concerned, the Commission will be funded for $3.5 million, with the costs split by the interested agencies of the U.S. Government. The Commission will operate through December 31, 1999, the date its final report is due to the President.

The Commission will comprise members appointed by both the Congress and the President, as well as private citizens who have demonstrated their leadership on issues relating to the financial community, public service, and the history of the Holocaust.

Mr. President, we need this Commission. We must leave no stone unturned. If we are to fully examine the disposition of the assets of the victims of the Holocaust, we cannot ignore what happened in this country. While it is not within our power to change what happened during WWII, it is within our power to correct a historic wrong by providing answers to questions that have remained unanswered for over fifty years. If we do at least this much now, then we will provide a measure of comfort and justice for the survivors of the greatest evil mankind has ever known. I encourage my colleagues to join me in this legislation and I urge its speedy passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1900

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Holocaust Assets Commission Act of 1998".

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Presidential Commission, to be known as the "Presidential Advisory Commission on Holocaust Assets in the United States" (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—

(1) NUMBER.—The Commission shall be composed of 23 members, appointed in accordance with paragraph (2).

(2) APPOINTMENTS.—Of the 23 members of the Commission—

(A) 11 shall be private citizens, appointed by the President;

(B) 3 shall be representatives of the Department of State, the Department of Justice, and the Department of the Treasury (1 representative of each such Department), appointed by the President;

(C) 2 shall be Members of the House of Representatives, appointed by the Speaker of the House of Representatives;

(D) 2 shall be Members of the House of Representatives, appointed by the Minority Leader of the House of Representatives;

(E) 2 shall be Members of the Senate, appointed by the Majority Leader of the Senate;

(F) 2 shall be Members of the Senate, appointed by the Minority Leader of the Senate; and

(G) 1 shall be the Chairperson of the United States Holocaust Memorial Council.

(3) CRITERIA FOR MEMBERSHIP.—Each private citizen appointed to the Commission shall be an individual who has a record of demonstrated leadership on issues relating to the Holocaust or in the fields of commerce, culture, or education that would assist the Commission in analyzing the disposition of the assets of Holocaust victims.

(4) ADVISORY PANELS.—The Chairperson of the Commission may, in the discretion of the Chairperson, establish advisory panels to the Commission, including State or local officials, representatives of organizations having an interest in the work of the Commission, or others having expertise that is relevant to the purposes of the Commission.

(5) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(c) CHAIRPERSON.—The Chairperson of the Commission shall be selected by the President from among the members of the Commission appointed under subparagraph (A) or (B) of subsection (b)(2).

(d) PERIOD OF APPOINTMENT.—Members of the Commission shall be appointed for the life of the Commission.

(e) VACANCIES.—Any vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson at any time after the date of appointment of the Chairperson.

(g) QUORUM.—Thirteen of the members of the Commission shall constitute a quorum, but a lesser number of members may hold meetings.

SEC. 3. DUTIES OF THE COMMISSION.

(a) ORIGINAL RESEARCH.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (3), the Commission shall conduct a thorough study and develop an historical record of the collection and disposition of the assets described in paragraph (2), if such assets came into the possession or control of the Federal Government at any time after January 30, 1933, either—

(A) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c); or

(B) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c).

(2) TYPES OF ASSETS.—Assets described in this paragraph include—

(A) gold;

(B) gems, jewelry, and non-gold precious metals;

(C) accounts in banks in the United States;

(D) domestic financial instruments purchased before May 8, 1945 by individual victims of the Holocaust, whether recorded in the name of the victim or in the name of a nominee, and whether or not held in a brokerage account;

(E) insurance policies and proceeds thereof;

(F) real estate situated in the United States;

(G) works of art; and

(H) books, manuscripts, and religious objects.

(3) COORDINATION OF ACTIVITIES.—In carrying out its duties under paragraph (1), the Commission shall, to the maximum extent practicable, coordinate its activities with, and not duplicate similar activities already or being undertaken by, private individuals, private entities, or government entities, whether domestic or foreign.

(b) COMPREHENSIVE REVIEW OF OTHER RESEARCH.—Upon request by the Commission and permission by the relevant individuals or entities, the Commission shall review comprehensively research by private individuals, private entities, and non-Federal government entities, whether domestic or foreign, into the collection and disposition of the assets described in subsection (a)(2), to the extent that such research focuses on assets that came into the possession or control of private individuals, private entities, or non-Federal government entities within the United States at any time after January 30, 1933, either—

(1) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c); or

(2) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c).

(c) GOVERNMENTS INCLUDED.—A government referred to in this subsection includes, as in existence during the period beginning on March 23, 1933, and ending on May 8, 1945—

(1) the Nazi government of Germany;

(2) any government in any area occupied by the military forces of the Nazi government of Germany;

(3) any government established with the assistance or cooperation of the Nazi government of Germany; and

(4) any government which was an ally of the Nazi government of Germany.

(d) REPORTS.—

(1) SUBMISSION TO THE PRESIDENT.—Not later than December 31, 1999, the Commission shall submit a final report to the President that shall contain any recommendations for such legislative, administrative, or other action as it deems necessary or appropriate. The Commission may submit interim reports to the President as it deems appropriate.

(2) SUBMISSION TO THE CONGRESS.—After receipt of the final report under paragraph (1), the President shall submit to the Congress any recommendations for legislative, administrative, or other action that the President considers necessary or appropriate.

SEC. 4. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of any such department or agency shall furnish such information to the Commission as expeditiously as possible.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 5. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION.—No member of the Commission who is a private citizen shall be compensated for service on the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

(1) IN GENERAL.—Not later than 90 days after the selection of the Chairperson of the Commission under section 2, the Chairperson shall, without regard to the civil service laws and regulations, appoint an executive director, a deputy executive director, and a general counsel of the Commission, and such other additional personnel as may be necessary to enable the Commission to perform its duties under this Act.

(2) QUALIFICATIONS.—The executive director, deputy executive director, and general counsel of the Commission shall be appointed without regard to political affiliation, and shall possess all necessary security clearances for such positions.

(3) DUTIES OF EXECUTIVE DIRECTOR.—The executive director of the Commission shall—

(A) serve as principal liaison between the Commission and other Government entities;

(B) be responsible for the administration and coordination of the review of records by the Commission; and

(C) be responsible for coordinating all official activities of the Commission.

(4) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director, deputy executive director, general counsel, and other personnel employed by the Commission, without regard to the provisions of chapter 51 and subchapter

III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that—

(A) the rate of pay for the executive director of the Commission may not exceed the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code; and

(B) the rate of pay for the deputy executive director, the general counsel of the Commission, and other Commission personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) EMPLOYEE BENEFITS.—

(A) IN GENERAL.—An employee of the Commission shall be an employee for purposes of chapters 84, 85, 87, and 89 of title 5, United States Code, and service as an employee of the Commission shall be service for purposes of such chapters.

(B) NONAPPLICATION TO MEMBERS.—This paragraph shall not apply to a member of the Commission.

(6) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management—

(A) may promulgate regulations to apply the provisions referred to under subsection (a) to employees of the Commission; and

(B) shall provide support services relating to—

(i) the initial employment of employees of the Commission; and

(ii) other personnel needs of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement to the agency of that employee, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) STAFF QUALIFICATIONS.—Any person appointed to the staff of or employed by the Commission shall be an individual of integrity and impartiality.

(g) CONDITIONAL EMPLOYMENT.—

(1) IN GENERAL.—The Commission may offer employment on a conditional basis to a prospective employee pending the completion of any necessary security clearance background investigation. During the pendency of any such investigation, the Commission shall ensure than such conditional employee is not given and does not have access to or responsibility involving classified or otherwise restricted material.

(2) TERMINATION.—If a person hired on a conditional basis as described in paragraph (1) is denied or otherwise does not qualify for all security clearances necessary for the fulfillment of the responsibilities of that person as an employee of the Commission, the Commission shall immediately terminate the employment of that person with the Commission.

(h) EXPEDITED SECURITY CLEARANCE PROCEDURES.—A candidate for executive director or deputy executive director of the Commission and any potential employee of the Commission shall, to the maximum extent possible, be investigated or otherwise evaluated for and granted, if applicable, any necessary security clearances on an expedited basis.

SEC. 6. SUPPORT SERVICES.

During the 180-day period following the date of enactment of this Act, the General Services Administration shall provide administrative support services (including offices and equipment) for the Commission.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its final report under section 3.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(b) PUBLIC ATTENDANCE.—To the maximum extent practicable, each meeting of the Commission shall be open to members of the public.

SEC. 9. FUNDING OF COMMISSION.

Notwithstanding section 1346 of title 31, United States Code, or section 611 of the Treasury and General Government Appropriations Act, 1998, of funds made available for fiscal years 1998 and 1999 to the Departments of Justice, State, and any other appropriate agency that are otherwise unobligated, not more than $3,500,000 shall be available for the interagency funding of activities of the Commission under this Act. Funds made available to the Commission pursuant to this section shall remain available for obligation until December 31, 1999.

Ms. MOSELEY-BRAUN. Mr. President, I am very proud to introduce this legislation along with my colleague, Chairman D'AMATO. The establishment of this commission is the next logical step in the work we have been doing on this issue, and it is something that should have been done in 1948 rather than 1998.

This bill will establish an independent Presidential Commission to comprehensively examine issues pertaining to the disposition of Holocaust assets in the United States before, during, and after World War II. It will investigate the disposition of Holocaust victims' assets in the United States, including but not limited to: dormant bank accounts, securities, bonds, insurance policies, artwork, and German-looted gold shipped to the U.S. through the Tripartite Gold Commission, as revealed in the Eizenstat report. The Commission will issue reports, and make recommendations to the President on further action.

The amount of assets the Commission finds is likely to be significantly smaller than that discovered in other countries, but there are certainly assets here. This matter even touches my hometown of Chicago. Currently, there is a dispute about the origins of a Degas pastel, "Landscape with Smokestacks," owned by a trustee of the Art Institute of Chicago. Heirs of Freidrich and Louise Guttman, who were killed by the Nazis, are litigating this issue and expect to have a verdict later this spring.

It is vitally important that the U.S. lead by example. As citizens of the world, we must ensure that all of the relevant financial transactions of this era are brought to light. Then, as now, those who enslave their own populations often try to use the international banking system to further their own illegitimate ends. We cannot fully avoid repeating the tragedies of history until we have entirely uncovered and have a full understanding of the past.

We all have a responsibility to deal with the consequences of that horrific act, no matter how much time has passed, and no matter how much effort it takes. We have an obligation to ensure that the Swiss, and other neutral countries that played a role in hiding the stolen possessions of innocent Jewish families continue to work with the U.S. so that restitution is made. The vast majority of our work in the Committee focused on the actions of other countries, especially the Swiss banks. Now it is time to look in the mirror. In the Eizenstat report, released last year, we learned that the actions of the United States before, during and after the war were not all that could have been desired. I am saddened to learn that America did not work as hard as it could to ensure compensation for Holocaust survivors and other refugees, but I realize that the goal of that report was to unearth the truth, and that is what it has done, and what we will continue to do with the establishment of this Commission.

Already, a dozen countries have formed similar commissions. This is due in no small part to the leadership role the United States has taken in searching for the truth. We would not have come this far without the commitment of the Clinton Administration, the efforts of the Senate Banking Committee and, especially, the tenaciousness of our Committee Chairman, ALFONSE D'AMATO.

Over the past several years, the Banking Committee has held many hearings on the disposition of the assets of Holocaust victims. Each hearing has brought to light valuable but distressing information about events surrounding the tragedy that was the Holocaust. It has been over 50 years since the nightmare of the Holocaust, during which, over 7 million Jewish men women and children were stripped of their homes, businesses, their possessions, the very clothes off their backs and, ultimately, their lives—by a government that industrialized death and literally attempted to exterminate the Jewish people.

We have made a tremendous step through our commitment to finding the truth. We must now commit to work together to do everything possible to put whatever assets belonging to victims or survivors into the proper hands before it is too late. Time is of the essence. With the passing of each day, the few remaining Holocaust survivors continue to age and their numbers decrease. This is why it is imperative that we enact this legislation quickly and allow this commission to begin work as soon as possible.

It will not be possible to track down every asset, but complete success is not required. What is required is that everyone who had a role in this tragedy does their best to right the wrongs that have been committed, and that they understand that much more than money is at stake.

By Mr. LEAHY (for himself, Mr. ASHCROFT, Mr. REID, and Mr. WYDEN):

S. 1901. A bill to amend the Freedom of Information Act to provide electronic access to certain Internal Revenue Service information on the Internet, and for other purposes; to the Committee on the Judiciary.

THE TAXPAYERS INTERNET ASSISTANCE ACT OF 1998

Mr. LEAHY. Mr. President, it is time for the Internal Revenue Service (IRS) to use the latest technology to deliver better service to the American people. Our nation's taxpayers deserve no less.

Today, Senator ASHCROFT and I are introducing the Taxpayers Internet Assistance Act of 1998. I am pleased that Senator REID and Senator WYDEN are original cosponsors of our bill.

Our bipartisan legislation requires the IRS to provide taxpayers with speedy access to tax forms, publications, regulations, and rulings via the Internet. It also authorizes the Treasury Department, with input from the public, to develop more online services to help taxpayers.

Mr. President, I want to praise the Senate Finance Committee, Chairman ROTH, Senator MOYNIHAN, Senator KERREY and Senator GRASSLEY for their leadership in moving the IRS reform legislation to the full Senate. I strongly support the bill approved by the Finance Committee last night.

As the Senate prepares to debate IRS reforms, we must use technology to make the IRS more effective for all taxpayers. What better way to do that then to require the IRS to maintain online access to the latest tax information. Every citizen in the United States, no matter if he or she lives in a small town or big city, should be able to receive electronically the latest tax ruling or download the most up-to-date tax form.

The IRS web page at > http://irs.ustreas.gov < provides timely service to taxpayers by increasing electronic access to some tax forms and publications. I commend the IRS for its use of Internet technology to improve its services. More information and services should be offered online and not just as a passing fad. Our legislation is needed to build on this electronic start and lock into the law for today and tomorrow comprehensive online taxpayer services.

Our bipartisan bill protects the privacy of taxpayers by amending the Freedom of Information Act (FOIA), which already calls for the deletion of identifying details to prevent an unwarranted invasion of personal privacy. For more than 30 years, the FOIA has served the nation well in maintaining the right of Americans to know what their government is doing—or not doing—while protecting personal privacy. Our legislation does not give new access to private tax information, but merely provides a new, easier method of receiving public tax information.

Under the FOIA, the IRS must maintain public access to Treasury Regulations, Internal Revenue Manuals, Internal Revenue Bulletins, Revenue Rulings, Revenue Procedures, IRS Notices, IRS Announcements, General Counsel Memorandum and other taxpayer guidance. Under our legislation, the IRS must post this public tax information on the Internet in a searchable database, giving all taxpayers quick access to it. In addition, our bipartisan bill requires the IRS to post on its web site all Tax Forms, Instructions and Publications, the most essential information for the average taxpayer.

To keep any administrative burden and taxpayer cost to a minimum, our legislation limits the Internet posting of past tax information. For information available under the FOIA, our legislation requires online posting of documents created on or after November 1, 1996, the same date electronic access is required under the Electronic Freedom of Information Act Amendments of 1996. I am proud to have been the chief Senate sponsor of that new law enacted in the last Congress.

For Tax Forms, Instructions and Publications, our legislation provides for online posting of documents created during the most recent five years, the same period of time that the IRS now keeps these documents on CD-ROM for Congressional offices.

With these common sense requirements, the IRS will be able to enhance its web page with comprehensive tax guidance in a matter of days at little cost to taxpayers under our bipartisan bill. In fact, the Congressional Budget Office has scored our legislation as adding no new direct spending.

We strongly believe that the IRS must prepare itself for the next millennium now. That is why our legislation authorizes the Treasury Department to study and report back to the American people on online access to taxpayer information, the protection of online taxpayer privacy rights, the security of online taxpayer services and public comments on online taxpayer services.

Thomas Jefferson observed that, "Information is the currency of democracy." Let's harness the power of the information age to make the IRS a truly democratic institution, open to all our citizens all the time.

I thank Senator ASHCROFT for his support and I look forward to working with him on other high technology issues to help the Internet reach its full potential such as encryption legislation.

I urge my colleagues to support the Taxpayers Internet Assistance Act of 1998.

Mr. ASHCROFT. Mr. President, one of my fundamental beliefs is that we should labor to make sure that the collective voice of our constituents is heard and followed in everything we do here. That is to say, the values of Washington, D.C. should not be imposed on the country, but instead the values of the country should be imposed on Washington. One of the best ways to make sure we follow this principle is to provide the country with best information possible about what we do and how we do it.

We must do what we can to open the doors to government so that all may access the available information. In 1995, I introduced an on-line term limits petition. Thousands of people singed petition. In 1996, I began an effort to educate Missouri's students on how to access the federal government's available information on the Internet. This program, Gateways to Government, was presented by myself or my staff in every county of Missouri, and in more than 135 individual schools. My homepage continues to act as a "gateway" to a great wealth of electronic information about congress and the federal government.

In this same spirit I rise today to join with Senator LEAHY to introduce the Taxpayers Internet Assistance Act of 1998. He has been a real leader on technology issues and shares a great interest in guaranteeing that U.S. citizens enjoy an environment that allows them to know the operations of their federal government. In addition, he has for years championed the rights of individuals to keep their private affairs private, particularly with his principal sponsorship of the Electronic Freedom of Information Act.

I am also pleased that several other senators are joining our effort as original co-sponsors. Our intent is to provide to the American public an easy and inexpensive way to receive the latest information related to the IRS, including forms, instructions, and recent rulings.

Under the Taxpayers Internet Assistant Act individuals will be able to access a great deal of material from the IRS beginning in November of 1996. Revenue rulings, treasury regulations, internal revenue bulletins, and IRS general counsel memorandum are just a few of the documents that will routinely be made available in an easy to use format. This information should provide for an easier and more understandable approach to tax planning and preparation. Individuals will be able to see rulings that may be similar to a situation they are in currently and plan accordingly.

"The difference between death and taxes," quipped Will Rogers, "is that

death doesn't get worse every time Congress meets." Unfortunately, Mr. Rogers' observation has held true for more than six decades. The Tax Code has become increasingly complex and onerous. My wife is a tax attorney, she even teaches tax law at Howard University, and we do not even prepare our own tax forms. My hope is that this modest effort will provide the public with timely, reliable information that may assist in their efforts to prepare their taxes.

In fact, taxpayers are working longer than ever to pay their taxes. According to the non-partisan Tax Foundation, the average American now works until May 9—a full week longer than when Bill Clinton assumed the presidency—to pay federal, state, and local taxes. I can't help but think of President Reagan's definition of a taxpayer as "someone who works for the federal government but doesn't have to take a civil service examination." At the very least we can assist taxpayers with easy to access, timely and inexpensive information that can help them in preparing their individuals taxes.

In addition, our legislation amends the Freedom of Information Act, which maintains the personal privacy of individuals by guaranteeing that any reference to identifying details be deleted to prevent an invasion of personal privacy. Importantly, this legislation does not give any new access to tax information, but instead provides an additional means of receiving the same information already made available in hard copy form or, in some cases, on CD.

Finally, the legislation requires that the Department of Treasury evaluate the process to ensure that all technical advances are being used that would provide more timely and efficient service to taxpayers. In addition, a further consideration of individual privacy will occur and a process developed to receive comments from the public regarding the on-line taxpayer services.

This bipartisan approach to continuing the opening of the federal government to all citizens should be viewed as a first step in changing our fundamental interaction with the IRS. We can pass this legislation and provide greater information to anyone who can gain access to a PC. I urge all senators to support and pass this year the Taxpayers Internet Assistance Act of 1998.

By Mrs. BOXER:

S. 1902. A bill to amend the Internal Revenue Code of 1986 to allow the first $2,000 of health insurance premiums to be fully deductible; to the Committee on Finance.

THE HEALTH INSURANCE TAX RELIEF ACT

Mrs. BOXER. Mr. President, today I am introducing legislation to allow individuals to deduct up to $2,000 a year for the costs of health insurance (for themselves and their dependents). If health insurance costs are shared by an individual and an employer, the individual could deduct the amount of his or her share. If an individual pays the full cost of health insurance, the entire amount could be deducted, subject to the $2,000 annual limit.

The Joint Tax Committee has estimated that my bill would reduce revenues to the federal government by approximately $11 billion per year.

WHY THIS BILL IS NEEDED

Every year, as employers continue to roll back health benefits, and as the costs of those benefits keep rising, the number of uninsured Americans increases. There are now 41 million Americans lack health insurance. That number increases by one million each year. An estimated eighty percent of the uninsured are workers or the dependents of workers.

Under the current tax code, corporations can deduct the cost of providing health insurance for their employees. The Taxpayer Relief Act of 1997 also expanded the deductibility of health insurance for the self-employed. Health insurance-related tax deductions for corporations and the self-employed are now taken to the tune of about $50 billion annually.

But for the 16 million Americans who purchase health insurance for themselves and their dependents, the current tax code is much less generous. They may deduct only the cost of health insurance if their total health care expenditures exceed 7.5 percent of adjusted gross income—a threshold few Americans meet.

HOW THE BOXER BILL WOULD HELP

My bill would create an "above the line" deduction, which would be listed on all tax returns. Taxpayers need not itemize in order to receive "above the line" deductions.

The benefit to an individual taxpayer will depend on the amount of health insurance expense claimed and on the individual's tax bracket. Those claiming the full $2000 deduction could save $300 or more.

For example, if Jane Doe makes $30,000 a year, has no investment income, and pays for her own health insurance, she currently pays, $3,476 in federal income taxes. Under my bill, assuming Ms. Doe takes the full $2,000 deduction, she would pay only $3,176, a savings of $300, or nearly 10 percent of her tax bill.

Another example is Joe and Sally SMITH, a married couple who file jointly, have two children, and have a total income of $75,000 a year. They purchase an insurance policy that covers the entire family. Currently, they pay $10,751 in federal income taxes. Under my bill, assuming they take the entire $2,000 deduction, they would pay only $10,191, a savings of $560 off their tax bill.

I hope that senators will join with me to help expand opportunities for all Americans to acquire health insurance by cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1902

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Insurance Tax Relief Act".

SEC. 2. FIRST $2,000 OF HEALTH INSURANCE PREMIUMS FULLY DEDUCTIBLE.

(a) IN GENERAL.—Subsection (a) of section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the following amounts not compensated for by insurance or otherwise—

"(1) the amount by which the amount of expenses paid during the taxable year (reduced by the amount deductible under paragraph (2)) for medical care of the taxpayer, the taxpayer's spouse, and the taxpayer's dependents (as defined in section 152) exceeds 7.5 percent of adjusted gross income, plus

"(2) so much of the expenses paid during the taxable year for insurance which constitutes medical care under subsection (d)(1)(D) (other than for a qualified long-term care insurance contract) for such taxpayer, spouse, and dependents as does not exceed $2,000."

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES DEDUCTION.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

"(18) HEALTH INSURANCE PREMIUMS.—The deduction allowed by section 213(a)(2)."

(c) CONFORMING AMENDMENT.—Section 162(l)(1)(A) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(A) IN GENERAL.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the sum of—

"(i) so much of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents as does not exceed $2,000, plus

"(ii) the applicable percentage of the amount so paid in excess of $2,000."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. THURMOND, Mr. HELMS, Mr. HAGEL, and Mr. SMITH of Oregon):

S. 1903. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans Affairs.

THE VETERANS MEMORIAL PHYSICAL INTEGRITY ACT OF 1998

Mr. THOMAS. Mr. President, I come to the floor today to introduce S. 1903,

a bill to prohibit the return to a foreign country of any portion of a memorial to American veterans without the express authorization of Congress.

I would not have thought that a bill like this was necessary, Mr. President. It would never have occurred to me that an American President would even briefly consider dismantling part of a memorial to American soldiers who died in the line of duty in order to send a piece of that memorial to a foreign country. But a real possibility of just that happening exists in my state of Wyoming involving what are known as the "Bells of Balangiga."

In 1898, the Treaty of Paris brought to a close the Spanish-American War. As part of the treaty, Spain ceded possession of the Philippines to the United States. At about the same time, the Filipino people began an insurrection in their country. In August 1901, as part of the American effort to stem the insurrection, a company of 74 officers and men from the 9th Infantry, Company G, occupied the town of Balangiga on the island of Samar. These men came from Ft. Russell in Cheyenne, Wyoming—today's F.E. Warren Air Force Base.

On September 28 of that year, taking advantage of the preoccupation of the American troops with a church service for the just-assassinated President McKinley, a group of Filipino insurgents infiltrated the town. Only three American sentries were on duty that day. As described in an article in the November 19, 1997 edition of the Wall Street Journal:

Officers slept in, and enlisted men didn't bother to carry their riffles as they ambled out of their quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier, according to military accounts and soldiers' statements. The quiet ended abruptly when a 23 year old U.S. sentry named Adolph Gamlin walked past the local police chief. In one swift move, the Filipino grabbed the slightly built Iowan's rifle and smashed the butt across [Gamlin's] head. As PFC Gamlin crumpled, the bells of Balangiga began to peal.

With the signal, hundreds of Filipino fighters swarmed out of the surrounding forest, armed with clubs, picks and machete-like bolo knives. Others poured out of the church; they had arrived the night before, disguised as women mourners and carrying coffins filled with bolos. A sergeant was beheaded in the mess tent and dumped into a vat of steaming wash water. A young bugler was cut down in a nearby stream. The company commander was hacked to death after jumping out a window. Besieged infantrymen defended themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans.

Though he was also slashed across the back, PFC.

. . Gamlin came to and found a rifle. By the time he and the other survivors fought their way to the beach, 38 US soldiers were dead and all but six of the remaining men had been wounded.

The remaining soldiers escaped in five dug-out canoes. Only three boats made it to safety on Leyte. Seven men died of exposure at sea, and another eight died of their wounds; only twenty of the company's seventy-four members survived.

A detachment of fifty-four volunteers from 9th Infantry units stationed at Leyte returned to Balangiga and recaptured the village. They were reinforced a few days later from Companies K and L of the 11th Infantry Regiment. When the 11th Infantry was relieved on October 18 by Marines, the 9th Infantry took two of the church bells used to signal the attack with them back to Wyoming as a memorial to the fallen soldiers.

The bells have been displayed in front of the base flagpole on the central parade grounds since that time. The bells were placed in two openings in a large, specially-constructed masonry wall with a bronze plaque dedicating the memorial to the memory of the fallen soldiers.

Since at least 1981, there have been on-and-off discussions in various circles in Cheyenne, Washington, and Manila about the future of the bells, including the possibility of returning them to the Philippines. Most recently, the Philippine government—having run into broad opposition to their request to have both bells returned to them—has proposed making a copy of both bells, and having both sides keep one copy and one original.

Opposition to this proposal from local and national civic and veterans groups has been very strong. Mr. President, I ask unanimous consent that the text of a letter from the national office of the Veterans of Foreign Wars dated January 6, 1998; from the VFW's Department of Wyoming dated December 5, 1997; and from the United Veterans Council of Wyoming dated March 27, 1998; be printed in the RECORD.

The PRESIDING OFFICER. Without objection.

Mr. THOMAS. Mr. President, in the last few months, developments have indicated to me that the White House is seriously contemplating returning one or both of the bells to the Philippines. This year marks the 100th anniversary of the Treaty of Paris, and a state visit by President Fidel Valdes Ramos—his last as President—to the United States has been planned for this month. The disposition of the bells has been high on President Ramos' agenda; he has spoken personally to President Clinton and several members of Congress about it over the last three years, and has indicated he will do so on this visit. Since January, the Filipino press has included almost weekly articles on the bells' supposed return, including one in the Manila Times last week which reported that a new tower to house the bells is being constructed in Borongon, Samar, to receive them in May.

In addition, inquiries to me from various agencies of the Administration soliciting the opinion of the Wyoming congressional delegation on the issue have increased in frequency. I have also learned that the Defense Department, perhaps in conjunction with the Justice Department, has recently prepared a legal memorandum outlining its opinion of who actually controls the disposition of the bells.

In response to this apparent groundswell, the Wyoming congressional delegation wrote a letter to President Clinton on January 9 of this year to make clear our opposition to removing the bells. Mr. President, I ask unanimous consent that the text of that letter be inserted in the RECORD.

The PRESIDING OFFICER. Without objection.

Mr. THOMAS. Mr. President, in response to that letter, on March 26 I received a letter from Sandy Berger of the National Security Council which I think is perhaps the best indicator of the direction the White House is headed on this issue. Mr. President, I ask unanimous consent that the text of that letter be inserted in the RECORD.

THE PRESIDING OFFICER. Without objection.

Mr. THOMAS. Mr. President, I cannot fathom that this issue has gotten to this point. First, it is very evident to me that the Constitution precludes the President from returning the bells without Congressional assent. Article IV, section 3, clause 2 provides: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting . . . Property belonging to the United States." The bells are certainly property of the United States as contemplated by this clause, and thus clearly can only constitutionally be disposed of by Congress—not by the President.

Second, I was amazed to find, even in these days of political correctness and revisionist history, that a U.S. President—our Commander-in-Chief—would appear to be ready to ignore the wishes of our veterans and tear down a memorial to U.S. soldiers who died in the line of duty in order to send part of it back to the country in which they were killed. Amazed, that is, until I recalled this President's fondness for sweeping apologies and what some might view as flashy P.R. gestures, as most recently evidenced by his Africa trip.

Third, I was amazed to learn that during a state visit when our two countries should be discussing the on-going Asian financial crisis and its ramifications, East Asian security issues, and other issues of long-range significance, President Ramos has proposed discussing only three topics, all parochial: the bells, pension payments to Filipino veterans, and a Subic Bay-related waste issue. Amazed, that is Mr. President, until I was reminded that the candidate President Ramos is supporting in the upcoming presidential elections is running in third place in

the polls and might just get a much-needed boost if his mentor could return from Washington with a bell or a check from the U.S. Treasury in hand.

Mr. President, to the veterans of Wyoming, and the United States as a whole, the bells represent a lasting memorial to those fifty-four American soldiers killed as a result of an unprovoked insurgent attack in Balangiga on September 28, 1901. In their view, which I share, any attempt to remove either or both of the bells—and in doing so actually physically dismantling a war memorial—is a desecration of that memory. History brought the bells to Wyoming, and it is there they should remain.

Consequently, I am introducing S. 1903 today to protect the bells and similar veterans memorials from such an ignoble fate. The bill is not complicated, and in my view simply restates what already appears in black and white in the Constitution; it prohibits the transfer of a veterans memorial, or any portion thereof, to a foreign country or government unless specifically authorized by law.

The bill is supported by all of Wyoming's veterans groups, and I am pleased to be joined in this effort by my good friend and colleague from Wyoming Senator ENZI, as well as by the distinguished Chairman of the Armed Services Committee, Senator THURMOND; the distinguished Chairman of the Foreign Relations Committee, Senator HELMS; and my fellow subcommittee Chairmen on the Foreign Relations Committee Senator HAGEL and Senator SMITH of Oregon, as original cosponsors. Representative *Barbara Cubin* is introducing similar legislation today in the House. I trust that my colleagues will support its swift passage.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 1903

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

SECTION 1. PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
January 6, 1998.

Hon. DOUGLAS K. BEREUTER,
Chairman, East Asia Subcommittee, Committee on International Relations, U.S. House of Representatives, Washington, DC.

RE: Bells of Balangiga

DEAR MR. CHAIRMAN: Recently, we learned that Mr. Robert Underwood, U.S. Representative from Guam, has introduced House Resolution 312 urging the President to authorize the transfer of ownership of one of the Bells of Balangiga to the Philippines. In brief, the Bells of Balangiga, which serve as a war memorial to U.S. Army soldiers killed by insurgents in the Philippines in 1901, are located at E.E. Warren Air Force Base in Cheyenne, Wyoming. The proposal of the Philippine Ambassador to return one of the bells to the Philippines is opposed by veterans and the supporting community in Wyoming.

Although the 98th National Convention of the Veterans of Foreign Wars of the United States did not adopt a Resolution on this issue, the VFW does have a position on the Bells of Balangiga. After carefully reviewing the history and background of the issue involving the Bells of Balangiga, the VFW opposes and rejects any compromise or agreement with the government of the Philippines which would result in the return of any of the Bells of Balangiga to the Philippines. The church bells were paid for with American blood in 1901 when they were used to signal an unprovoked attack by insurrectionists against an American Army garrison which resulted in the massacre of 45 American soldiers. The Bells serve is a permanent memorial to the sacrifice of the American soldiers from Fort D.A. Russell (Wyoming) who gave their lives for their country while doing their duty. We do not think any of the bells should be given back to the Philippines. To return the bells sends the wrong message to the world. In addition, local Wyoming veterans and other citizens are opposed to dismantling the sacred monument and returning any part of it to the Philippines.

In the past several years, the Philippine Government has made several attempts to get the Bells of Balangiga returned to their country. To date, they have not been successful in any their attempts to get the bells returned. For the past 95 years, two of the bells have been enshrined at Fort Russell/Warren AFB in Wyoming. The third is with the U.S. Army's 9th Infantry in the Republic of Korea.

Recently, Philippine President Fidel Ramos ordered his United States Ambassador, Paul Rabe, to step up his effort on the bells hoping to have them returned in time for next summer's celebration of 100 years of Philippine independence. In October 1997, Ambassador Paul Rabe suggested a compromise solution. He suggested returning one of the bells to the Philippines thereby giving both nations an original and the opportunity to make a replica. In fact, the justification for the latest proposal of the Philippine government is fatally flawed. The Bells of Balangiga played no part at all in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898. Subsequently, that naval defeat forced the Spanish to relinquish control of the Philippine Islands to the U.S. The soldiers killed were from Fort D.A. Russell and were ordered to the Philippine Islands because a savage guerrilla war had broken out after the conclusion of the Spanish-American War of 1898. Therefore, we believe the bells have no significance or connection to the celebration of Philippine independence.

Kenneth Weber, Commander of the VFW Department of Wyoming, expressed the feelings of local Wyoming veterans and supporters when he said, "The members of the Veterans of Foreign Wars of the United States . . . will not stand idle and allow a sacred memorial to those soldiers killed while doing their duty to be dismantled."

We believe the Wyoming veterans are correct on this issue. The bells should stay right where they are—in Wyoming and with the 9th Regiment.

Respectfully,

KENNETH A. STEADMAN, *Executive Director.*

VFW, DEPARTMENT OF WYOMING
December 5, 1997.

KENNETH WEBER,
Torrington, WY.

The VFW Department of Wyoming is making the following statement on behalf of its veterans for immediate media release:

As the Commander of the Department of Wyoming Veterans of Foreign Wars, I have followed the current debate concerning the Bells of Balangiga with a great deal of interest. It is becoming apparent that this issue is not going away soon. Two of three bells are located at the Cheyenne's F.E. Warren Air Force Base as a permanent memorial to Fort D.A. Russell soldiers who lost their lives in 1901 as a result of hostile action during the Philippine rebellion. American soldiers stationed at then Fort D.A. Russell, now Warren Air Force Base, were ordered to the Philippine Islands because of a savage guerrilla war which had broken out following the Spanish-American War of 1898.

Now the Republic of the Philippines, as they have several times in the past, has requested the return of one or both bells to their country. This time, their justification is apparently to celebrate their 100 year anniversary of independence from Spain. The interesting part of their argument, is the simple fact that the Bells of Balangiga played no role in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898 and Spain's subsequent relinquishing control of the Philippine Islands to the United States government.

Evidently, the current posturing by the Republic of the Philippines is only another attempt to have the Bells of Balangiga returned. The United States government has repeatedly, and for all the right reasons, refused to return the bells to them.

The members of the Veterans of Foreign Wars, a veterans organization whose roots go back to the Spanish-American War of 1898, will not stand idle and allow a sacred memorial to those soldiers killed while doing their duty be dismantled. We can only continue to hope that the people who have taken the time to speak out in favor of returning the bells would get their facts straight before engaging the media in any further debate. When all the facts are known regarding the circumstances surrounding the Bells of Balangiga, any compromise offer with the

Philippine government remains unacceptable.

Sincerely yours,

KENNETH WEBER,
Commander.

UNITED VETERANS COUNCIL OF WYOMING
Cheyenne, WY, March 27, 1998.

The President of the United States,
WILLIAM JEFFERSON CLINTON
Washington, DC.

DEAR PRESIDENT CLINTON: Member organizations of the United Veterans Council of Wyoming, Inc. are in receipt of White House letter dated March 26, 1998 asking the Wyoming Congressional Delegation to reevaluate the compromise approach to resolving the bells of Balangiga question, and we would like to respond.

Wyoming veterans are aware of the longstanding ties with the Philippines during World War II, and after. We have taken into account the fact that U.S. veterans and our allies lived among the Filipinos during the war, fought shoulder to shoulder with them, and together defeated the Japanese invaders to preserve Philippine freedom and way of life. Many died retaking the Philippine islands from Japanese forces. Veterans who believe the bells should remain in Wyoming do so without malice towards the people of the Philippines. No one denies the contributions and sacrifices made by the Filipinos during the war effort and to continued prosperity afterwards. We clearly understand honor, comradeship, and the sacrifices veterans of both countries have made.

We believe that we have made our reasons for not compromising on the return of the bells very clear. As the VFW and others have continually pointed out, the bells of Balangiga played no part in Admiral Dewey's defeat of the Spanish navy at Manila Bay in 1898, three years before the bells were used to signal the 1901 massacre of US soldiers garrisoned within the village of Balangiga. The premeditated massacre was particularly brutal on the surprised and outnumbered soldiers. We believe that the bells have no significance or connection to this centennial year of celebration of the Philippine's independence from Spain.

As stated in a recent article from the Manila Times, it is known that the Philippine government is designing a war memorial to the Balangiga Bells, rather than for their use as a symbol of independence from Spain. It appears that representatives of the Philippine government are not being straightforward regarding their true intentions, if a bell is returned.

The Philippine government has yet to present a compelling argument justifying a reversal of the U.S. government's long-standing decision to not return the bells. Mr. Berger says, "he understands the concerns of those who are worried that any altercation of the existing monument might cause present day Americans to forget the sacrifices of past generations." Though Mr. Berger shares our worries, it appears that our government, by continuing on its present course, will allow such sacrifices to be forgotten sooner than later. It is an affront to the soldiers who died, and their survivors, to suggest that a permanent memorial be dismantled for no better reasons than are being provided by the Philippine government.

Sincerely yours,

JIM LLOYD,
President.

WYOMING DELEGATION,
January 9, 1998.

President Bill Clinton,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: The Wyoming delegation wishes to express our opposition to any plan to remove the Bells of Balangiga from F.E. Warren Air Force Base in Cheyenne, Wyoming, to the Philippines. Many times and for many years, the government of the Philippines has tried to have the bells returned. The United States government has rightfully rejected every attempt. Most recently, there have been proposals by the Philippine government and in Congress to transfer one of the original bells to the Philippines and keep one at F.E. Warren. We find this "compromise" proposal wholly unacceptable and an affront to the soldiers massacred in Balangiga.

The Philippines became an American possession after the Spanish-American War, but peace in the islands was delayed by a bloody civil war. American soldiers at Fort D.A. Russell, now F.E. Warren Air Force Base, were sent to the Philippines as part of the American military force dispatched to the area. On September 29, 1901, guerilla forces on the island of Samar used the bells to sound a surprise attack on American troops stationed in the village of Balangiga. Of the 76 Americans stationed in Balangiga, only 20 returned home. The survivors brought the bells back to Wyoming as a memorial to their fallen comrades.

Wyoming's many veterans, represented by the Veterans of Foreign Wars and the American Legion, strongly oppose removing the bells. For our veterans the bells serve as a constant reminder of the men who died in that surprise attack. The Wyoming delegation has always opposed desecrating this memorial for the same reason.

Preserving this memorial will serve as a symbol that American troops who serve around the world will not be forsaken. It also reaffirms to the world that the United States will protect its forces serving around the world if they are attacked.

On behalf of America's soldiers who have made the ultimate sacrifice, please join with us in refusing all present and future efforts to dismantle this memorial.

Sincerely,

CRAIG THOMAS,
U.S. Senator.
MICHAEL B. ENZI,
U.S. Senator.
BARBARA CUBIN,
Member of Congress.

The White House, Washington,
March 26, 1998.

DEAR SENATOR THOMAS: Thank you for your letter concerning the bells of Balangiga and the proposed compromise solution for addressing this issue. I am writing on behalf of the President to request that you not oppose the compromise solution. We believe it effectively takes into account the interests and sensitivities of both American veterans and the people of the Philippines.

I understand American forces brought the two bells of Balangiga to Wyoming following the Philippine insurrection of 1901, and that they currently are on display at F.E. Warren Air Force Base in Cheyenne. As you may know, Philippine President Fidel Ramos is eager to explore the possibility of returning at least one of the bells during this centennial year of the Philippines' declaration of independence from Spain. President Ramos will be the President's guest at the White House on April 10, 1998. The bells of Balangiga will be one of the principal issues on the discussion agenda.

I appreciate the importance of the bells to Wyoming veterans who consider them to be symbols of the supreme sacrifice American soldiers, sailors and airmen often have had to make far from home. At the same time, Filipinos see the bells as representative of a struggle for national independence lasting more than five centuries.

Our longstanding ties with the Philippines were forged in the intense combat of World War II by tens of thousands of Americans and Filipinos. Growing out of this experience is a relationship, which is closer on a person-to-person level than with any other country in East Asia. The Philippines is a key ally in the Asia Pacific and shares our commitment to democratic and free market principles. Presidential elections in May of this year will re-enforce the democratic traditions and institutions Filipinos have so eagerly embraced.

I believe a compromise solution, by which the United States and the Philippines would each retain custody of one of the original bells, offers a unique opportunity to honor both the American soldiers who gave their lives in the town of Balangiga and the centennial celebration of the Philippines' first step toward democracy. I understand the concerns of those who are worried that any alteration of the existing monument might cause present day Americans to forget the sacrifices of past generations. But the historical significance of Balangiga rests on the fact that today the United States and the Philippines are united in a common cause of promoting stability and prosperity throughout the Asia Pacific region. I urge you and your colleagues from the Wyoming Congressional Delegation to reevaluate the compromise approach to resolving the bells of Balangiga question.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President for National Security Affairs.

Mr. ENZI. Mr. President, I rise to join my colleague, the senior Senator from my state of Wyoming, in the effort to safeguard the integrity of the nation's military memorials from the politically expedient demands of foreign governments—in this case the so-called "Bells of Balangiga" war memorial located in Wyoming's capital city of Cheyenne. I too, am amazed that such legislation is necessary. Amazed, but not surprised. After all, this is a President who seems to have no qualms about throwing overboard those states and communities who have not proven politically valuable to him. I recall his unilateral Utah land grab of the Grand Escalante. I also recall that he, with the Vice President at his side, signed the Presidential directive for that action in Arizona, so unpopular was it in the State of Utah. His unilateral forest roads construction moratorium is another such example of his proclivity for government by executive fiat.

Many people contend that church bells are not a fitting subject for a war memorial. The circumstances surrounding these particular bells, however, are not normal. As the Senior Senator from Wyoming related, those bells were not used by Philippino insurgents to call the faithful to prayer that

harrowing morning. They were used instead to signal the massacre of Wyoming troops as they sat down, unarmed, to breakfast. Of the 74 officers and men in the garrison, only twenty survived. Eye witness accounts had some of the attackers disguised as women, their weapons hidden beneath their dresses. Many others smuggled their weapons into the village hidden in the coffins of children. Under those circumstances, one must conclude that the bells in question were used to kill. Consequently I feel their use as the subject for a war memorial is wholly appropriate.

This is especially true in light of their intended purpose if returned to the Philippines. As everyone concedes, the Philippine government desires the return of these bells in time for their 100th anniversary of independence. Apparently, these bells do not represent a religious symbol for the Philippine government either.

Most significant of all, however, is the purpose they currently serve. Contrary to the assumptions of many, they do not memorialize American foreign policies of the time. Nor do they serve as a tribute to our political system, America's turn of the century notions of race relations, or the performance of the American troops who served there during that conflict. Rather, these bells memorialize one thing and one thing only: The tragic and premature deaths of 54 young men who volunteered to do the bidding of the American people. For this purpose I believe these bells serve as a most fitting memorial indeed and I am opposed to its dismantlement.

It is time to honor our veterans, our war dead, and the principle that in this country, we do not submit to government by Presidential fiat. I ask the support of my colleagues for this legislation.

By Mr. GORTON:

S. 1904. A bill to amend the Elwha River Ecosystem and Fisheries Restoration Act to provide further for the acquisition and removal of the Elwha dam and acquisition to Glines Canyon dam and the restoration of the Elwha River ecosystem and native anadromous fisheries, and for other purposes; to the Committee on Environment and Public Works.

THE ELWHA RIVER ECOSYSTEM AND FISHERIES RESTORATION ACT OF 1998

Mr. GORTON. Mr. President, six months ago, I came to the floor of the United States Senate to announce my reluctant support for removing one of two dams on the Elwha River on the Olympic Peninsula. Today, after spending countless hours working with interested Washington State residents, I am introducing legislation to accomplish this difficult and costly endeavor provided certain conditions are met.

As I mentioned in my statement last fall, I have never been enthusiastic about the idea of dam removal on the Elwha River as a means to enhance declining salmon runs on the river. For many years, national environmental groups, the Clinton Administration, much of the Northwest media, and many Northwest elected officials have pushed for removal of both dams from the Elwha River. In 1992, I supported legislation to begin the process of having the government acquire both of these dams with an eye toward removing them someday. While I have always been enthusiastic about the federal government buying these two dams from a local paper company, I continue to be skeptical toward claims that salmon runs will see a significant benefit through dam removal on the Elwha River. Anyone who believes otherwise needs to ask him why salmon runs on nearby rivers on the Olympic Peninsula with no dams are doing just as poorly.

I am quite certain, however, that there are clear costs to dam removal. The taxpayers must pay at least $65 million to remove just one dam on the Elwha River. Power generation will be lost, and in the case of the Elwha River dams, serious questions remain about the potential damage to the City of Port Angeles' water supply. As I weigh these costs against the potential benefits to salmon, I have generally inclined against dam removal.

Unfortunately, the issue isn't as simple as a cost-benefit analysis. There is a wild card over which I have no control that could have a devastating effect on the Port Angeles community. The lower Elwha River dam produces a tiny amount of power—only a quarter of the amount of power produced by the upper Elwha River dam and a minuscule amount in comparison to our productive Snake and Columbia River dams. In addition, the lower Elwha River dam is in poor physical condition.

These two factors, combined with the desire of the Interior Secretary to tear down a dam, have me concerned that there is a very real and growing threat that a federal judge or the Federal Energy Regulatory Commission (FERC) could order removal of the Elwha River dams without Congressional approval.

A court or agency ordered removal will impose all of the costs of removing the dams on the local community, jobs will be destroyed, and Port Angeles' supply of clean drinking water will be threatened. The risk of court or agency action is too great and will leave the local community in a terrible position if a judge, or a Washington, DC bureaucrat, suddenly decides he needs to be in charge of this issue.

Instead, if Congress acts, we can remove the wild card and assure an important level of community protection. Thus, I have conditioned my support for this dam's removal on certain legislated protection for Port Angeles' water supply and protection for the jobs created by the local mill. No legislation to remove the dam will pass the U.S. Senate without these protections while I am a member.

As a result of these recent developments and circumstances beyond my control, this comprehensive package will complete the federal government's acquisition of both Elwha River dams, authorizes removal of one dam, while at the same time protecting local economic interests.

Over the last three years, the Interior Appropriations Subcommittee that I chair has appropriated $11 million of the $29.5 million necessary to complete the acquisition of the projects. Acquisitions of the projects is extremely important to the future economic health of the Port Angeles community. While the James River Corporation currently holds title to the projects, Daishowa America, as local owner of the directory paper mill and second largest employer in Clallam County, uses energy from the dams. Clearly, continued uncertainty over the fate of these dams reduces the competitive position of the mill and inhibits future investment in the plant and its equipment.

My bill amends the 1992 Act and calls for completion of acquisition of the projects. As Chairman of the Subcommittee that controls the purse strings for this project, I have every intention of allocating the remaining $18.5 million needed to complete acquisition as part of the $699 million worth of additional Land and Water Conservation Fund dollars that we appropriated last year and have yet to be spent.

In addition to committing to fund the removal of the Elwha project should it become law, my bill prohibits the Secretary from removing the larger dam, better known as the Clines Canyon Project, for 12 years. Many have asked why we can't remove both dams simultaneously. My answer is that I prefer the phased approach to restoration of the river spelled out by the Elwha Citizens Advisory Committee in its 1996 report.

The Committee, which is comprised of a diverse array of local interests, cautions against simultaneous removal of both dams. As an appropriations subcommittee chairman, I can tell them that they are absolutely correct because it is simply unrealistic to expect sufficient funds immediately to remove both projects. More importantly, immediate removal of both projects would have unpredictable consequences for the community's water supply—something my bill is careful to protect—and would needlessly forgo a valuable economic and recreational resource that can be put to use to accomplish restoration activities.

When the 12 year moratorium has expired, my bill allows the Secretary to

remove the upper dam provided he determines that the benefits of dam removal to salmon restoration and the natural state of the river outweighs the importance of the project's power generation capabilities and the recreational value of the lake that was created by its construction. The 12 year waiting period also spells out several important steps that the Secretary must take to evaluate the impact removing one dam has on fish runs. I firmly believe that should we decide one day to remove the second dam, we will do a far better job if we take the time to learn from the challenges of removing the first dam before deciding on the fate of the second one. Should the Secretary determine that it is necessary to remove the Glines Canyon project before 12 years have gone by, nothing in the bill I am offering today prevents him from seeking Congressional approval to do so.

Finally with regard to the Elwha River, my bill takes several important steps to project the local community from the potentially adverse impacts of dam removal. They include: (1) protecting the quality and quantity of the community's existing water supply to meet current and future demands; (2) continued protection of James River and Daishowa from potential liability; and (3) compensation for Clallam County for further loss of tax revenue due to federal acquisition of the projects.

As a Senator who takes pride in trying to represent all interests in my state, I have also taken great interest in the concerns of my constituents in eastern Washington, who while not directly impacted by the removal of the Elwha dam, have legitimate fears that something similar could happen to a dam on the Columbia or Snake Rivers. Clearly some groups and agency officials within the Clinton-Gore Administration want to use the removal of Elwha River dams as a first step toward removing or severely limiting the effectiveness of Columbia River system hydroelectric dams. Already, the Army Corps of Engineers is evaluating dam removal on the Snake River as a legitimate option. The Corps has even taken the unprecedented step of paying Pacific Northwest residents $12 to fill out a totally biased survey in favor of dam removal to build support for this cause.

I will never support such efforts to cripple the world's most productive hydro system. As the source of the nation's lowest power rates, water for irrigating productive farmland in three states, and a cost effective transportation system that moves our agricultural products to market, these dams are truly the lifeblood of our economy in the Pacific Northwest.

While Columbia River dams have hurt salmon runs, that damage was felt primarily in the 1930's and 1940's. Since the last Columbia River dam was constructed we still had large and healthy salmon runs. The last decade's decline in Columbia River salmon runs cannot be honestly attributed solely to our hydroelectric facilities.

Nevertheless, we can and should do more for salmon especially by acting in a more coordinated way to restore this vital resource. But the costs associated with removing dams on the Snake and Columbia Rivers will vastly exceed any potential benefit that might occur in terms of salmon restoration.

Rather than working cooperatively with local communities directly impacted by the Columbia-Snake Resource on a rational policy that balances the rivers' important uses, the Clinton-Gore Administration has chosen a combative policy. Its approach punishes people who make their livelihoods from this resource and who have made good faith efforts to reach out and work together.

Another example of the draconian actions federal agencies are using against ordinary people who depend on the Columbia Snake River System for their livelihoods is the National Marine Fisheries Service's recently announced Columbia Basin water policy. The NMFS approach seeks to discourage or even eliminate any new additional water withdrawals for municipal, industrial, or irrigation development within the Basin. The NMFS policy goes even further in challenging the legislative authority of states to regulate, manage, and allocate water rights. If adopted, the NMFS policy would effectively abrogate state authority to grant future water rights for such uses. By calling for a review of existing water withdrawals, the policy postures toward challenging existing state-granted water rights. The agency has completely ignored the efforts of local irrigators to work together on a plan that balances the rivers' competing uses. Moreover, the agency has taken this direction without Congressional approval.

Given the out-of-control nature of agencies like the Corps and NMFS to go beyond their statutory authority to severely compromise the Columbia-Snake system as well as their eagerness to tear down a Columbia-Snake River dam, I would not be surprised to see this administration try to fulfill its dream without Congressional approval.

The people of my state are simply fed up with this top down approach and my bill attempts to do something about it. In addition to prohibiting the removal or breach of any dam on the Columbia or Snake Rivers, my bill prohibits any federal or state agency from taking the following actions without an act of Congress:

(1) Impairing flood control activities on the Columbia-Snake system;

(2) Reducing the power and energy generating capacity of federally owned and federally licensed projects to unaffordable levels;

(3) Further restricting access to the Columbia or Snake River for irrigation and recreational use;

(4) Impairing the river navigation system; and

(5) Restricting state water rights.

I look forward to working with the Administration and my colleagues from the Pacific Northwest on building support for my proposal. If the Administration can not bring itself to support something very close to what's in the Columbia-Snake River section of this bill, we will know just how serious it is about dam removal in eastern Washington. I have made major concessions to bring myself to support removal of a dam even though I find the policy a dubious one, and if the administration is serious about preserving the effectiveness of the Columbia-Snake system it will support my proposal.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. CRAIG, his name was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 707

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 707, a bill to prohibit the public carrying of a handgun, with appropriate exceptions for law enforcement officials and others.

S. 1029

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 1029, a bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1427

At the request of Mr. FORD, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1427, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1473

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1473, a bill to encourage the development of a commercial space industry in the United States, and for other purposes.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1604

At the request of Mr. D'AMATO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1604, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 1606

At the request of Mr. WELLSTONE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1606, a bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture.

S. 1673

At the request of Mr. HUTCHINSON, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

S. 1680

At the request of Mr. DORGAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the medicare program.

S. 1682

At the request of Mr. D'AMATO, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

S. 1722

At the request of Mr. FRIST, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1722, a bill to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 1723

At the request of Mr. ABRAHAM, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1724

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1754

At the request of Mr. FRIST, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1754, a bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

S. 1808

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1808, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 1864

At the request of Ms. MIKULSKI, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1864, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1890

At the request of Mr. DASCHLE, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1890, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 1891

At the request of Mr. DASCHLE, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1891, a bill to amend the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in

order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 82

At the request of Mr. WELLSTONE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from California (Mrs. BOXER) were added as cosponsors of Senate Concurrent Resolution 82, a concurrent resolution expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights.

SENATE RESOLUTION 139

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Resolution 139, a resolution to designate April 24, 1998, as "National Child Care Professional's Day," and for other purposes.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

SENATE RESOLUTION 201

At the request of Mr. KEMPTHORNE, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of Senate Resolution 201, a resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

AMENDMENT NO. 2103

At the request of Mr. HOLLINGS his name was added as a cosponsor of amendment No. 2103 proposed to S. 1768, an original bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 2175

At the request of Ms. MOSELEY-BRAUN the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mrs. MURRAY), the Senator from California (Mrs. BOXER), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2175 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2178

At the request of Mr. BURNS the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAIG), the Senator from South Dakota (Mr. JOHNSON), the Senator from Oregon (Mr. WYDEN), and the Senator from Washington (Mr. GORTON) were added as cosponsors of amendment No. 2178 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2193

At the request of Mrs. BOXER her name was added as a cosponsor of amendment No. 2193 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2195

At the request of Mr. LAUTENBERG the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Montana (Mr. BAUCUS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. GRAHAM), the Senator from New York (Mr. MOYNIHAN), the Senator from Vermont (Mr. LEAHY), the Senator from Nevada (Mr. REID), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 2195 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2202

At the request of Mr. COVERDELL the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of amendment No. 2202 intended to be proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2205

At the request of Mr. DURBIN the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2205 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2209

At the request of Mr. THURMOND his name was added as a cosponsor of amendment No. 2209 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. ROTH the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 2209 proposed to S.Con.Res. 86, supra.

AMENDMENT NO. 2210

At the request of Mr. JOHNSON the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of amendment No. 2210 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2211

At the request of Mr. ENZI his name was added as a cosponsor of amendment No. 2211 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

TORRICELLI (AND JEFFORDS) AMENDMENT NO. 2212

Mr. LAUTENBERG. (for Mr. TORRICELLI, for himself and Mr. JEFFORDS) proposed an amendment to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998; as follows:

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of

1812 Historic Preservation Study as authorized by section 603 of Public Law 104-333 (16 U.S.C. 1a-5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

BOND (AND OTHERS) AMENDMENT NO. 2213

Mr. BOND (for himself, Ms. MIKULSKI, Mr. KERRY, Mr. SARBANES, Mr. D'AMATO, and Mr. GRASSLEY) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

"SEC. 317. SENSE OF THE SENATE TO MAINTAIN FULL FUNDING FOR THE SECTION 202 ELDERLY HOUSING PROGRAM.

"(a) FINDINGS.—The Senate finds the following—

"(1) The Section 202 Elderly Housing program is the most important housing program for elderly, low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly.

"(2) Since 1959, the Section 202 Elderly Housing program has funded some 5,400 elderly housing projects with over 330,000 housing units, with the current average tenant in Section 202 housing being a frail, older woman in her seventies, living alone with an income of less than $10,000 per year.

"(3) The combination of affordable housing and supportive services under the Section 202 Elderly Housing program is critical to promoting independent living, self-sufficiency, and dignity for the elderly while delaying more costly institutional care.

"(4) There are over 1.4 million elderly Americans currently identified as having "worst case housing needs" and in need of affordable housing.

"(5) There are 33 million Americans aged 65 and over, some 13 percent of all Americans. The number of elderly Americans is anticipated to grow to over 69 million by the year 2030, which would be some 20 percent of all Americans, and continue to increase to almost 80 million by 2050.

"(6) The President's Budget Request for fiscal year 1999 proposes reducing funding for the Section 202 Elderly Housing program from the fiscal year 1998 level of $645,000,000 to $109,000,000 in fiscal year 1999. This represents a reduction of over 83 percent in funding, which will result in reducing the construction of Section 202 housing units from some 6,000 units in fiscal year 1998 to only 1,500 units in fiscal year 1999.

"(7) The full funding of the Section 202 Elderly Housing program as an independent federal housing program is an investment in our elderly citizens as well as our Nation.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Section 202 Elderly Housing program, as provided under section 202 of the Housing Act of 1959, as amended, shall be funded in fiscal years 1999, 2000, 2001, 2002, and 2003 at not less than the fiscal year 1998 funding level of $645,000,000.".

KERREY AMENDMENTS NOS. 2214–2215

Mr. KERREY proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2214

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE SUPPORTING LONG-TERM ENTITLEMENT REFORMS.

(a) The Senate finds that the resolution assumes the following—

(1) entitlement spending has risen dramatically over the last thirty-five years.

(2) in 1963, mandatory spending (i.e. entitlement spending and interest on the debt) made up 30 percent of the budget, this figure rose to 45 percent by 1973, to 56 percent by 1983 and to 61 percent by 1993.

(3) mandatory spending is expected to make up 68 percent of the federal budget in 1998.

(4) absent changes, that spending is expected to take up over 70 percent of the federal budget shortly after the year 2000 and 74 percent of the budget by the year 2008.

(5) if no action is taken, mandatory spending will consume 100 percent of the budget by the year 2030.

(6) this mandatory spending will continue to crowd out spending for the traditional "discretionary" functions of government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending.

(7) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the levels in this budget resolution assume that—

(1) Congress and the President should work to enact structural reforms in entitlement spending in 1998 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic government functions and that every effort should be made to hold mandatory spending to no more than seventy percent of the budget.

AMENDMENT NO. 2215

At the end of Title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PASSAGE OF THE IRS RESTRUCTURING AND REFORM ACT.

(a) FINDINGS.—The Senate finds that—

(1) The House of Representatives overwhelmingly passed IRS Reform Legislation (H.R. 2676), on November 5, 1997.

(2) The IRS Restructuring and Reform Act has the potential to benefit 120 million Americans by simplifying the tax process and making the IRS more responsive to taxpayer concerns:

(3) The President has announced that he would sign H.R. 2676;

(4) The Senate plans to recess without considering legislation to reform the IRS.

(5) The American people are busy preparing their taxes to meet the April 15th deadline. They do not get to recess before filing their returns; and

(5) Senators should keep their commitment to take up and pass IRS reform legislation before they recess.

(b) SENSE OF THE SENATE.—

It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the Senate shall not recess until it has considered and voted on H.R. 2676, the IRS Restructuring and Reform Act of 1997.

MURRAY AMENDMENTS NOS. 2216–2217

Mrs. MURRAY proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2216

On page 16, line 9, increase the amount by $2,088,000,000.

On page 16, line 10, increase the amount by $81,000,000.

On page 16, line 13, increase the amount by $1,776,000,000.

On page 16, line 14, increase the amount by $1,487,000,000.

On page 16, line 17, increase the amount by $1,437,000,000.

On page 16, line 18, increase the amount by $1,686,000,000.

On page 16, line 21, increase the amount by $593,000,000.

On page 16, line 22, increase the amount by $1,301,000,000.

On page 25, line 8, strike "−$300,000,000" and insert "−$2,388,000,000."

On page 25, line 9, strike "−$1,900,000,000" and insert "−$1,981,000,000."

On page 25, line 12, strike "−$1,200,000,000" and insert "−$2,976,000,000."

On page 25, line 13, strike "−$4,600,000,000" and insert "−$6,087,000,000."

On page 25, line 16, strike "−$2,700,000,000" and insert "−$4,137,000,000."

On page 25, line 17, strike "−$3,000,000,000" and insert "−$4,686,000,000."

On page 25, line 20, strike "−$3,800,000,000" and insert "−$4,393,000,000."

On page 25, line 21, strike "−$7,000,000,000" and insert "−$8,301,000,000."

AMENDMENT NO. 2217

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON EXPANDING MEDICARE BENEFITS.

(a) FINDINGS.—The Senate finds the following:

(1) In the 1997 Balanced Budget Agreement, changes were made to Medicare that extended the solvency of the Trust Fund for 10 years.

(2) The Medicare Commission, also established in the Balanced Budget Agreement, has just started the task of examining the Medicare program in an effort to make sound policy recommendations to Congress and the Administration about what needs to be done to ensure that Medicare is financially prepared to handle the added burden when the baby boomers begin retiring.

(3) The problems facing Medicare are not about more revenues. The program needs to do more to improve the health care status of retirees and give them more choices and better information to make wise consumer decisions when purchasing health care services.

(4) Improving the health care status of senior citizens would ensure additional savings for Medicare. Helping seniors stay healthier should be a priority of any legislation aimed at protecting Medicare.

(5) In order to keep seniors healthier, Medicare has to become more prevention based. Currently, Medicare offers very few prevention benefits. As a result, seniors are often sicker when they seek care or are hospitalized.

(6) If the objective is to use tobacco revenues to save Medicare, a portion of these new revenues must be allocated to expanding prevention benefits.

(7) Preventing illnesses or long hospital stays or repeated hospital stays will save Medicare dollars.

(8) Medicare cannot be saved without structural changes and reforms. Simply using a new Federal tax to prop up Medicare will not extend solvency much beyond a few months and will do little to improve the health status of senior citizens and the disabled.

(9) Congress should use these new revenues to expand prevention benefits to ensure that seniors are healthier and stronger. This is how we can truly save Medicare.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume the allocation of a portion of the Federal share of tobacco revenues to expand prevention benefits for Medicare beneficiaries with an emphasis on improving the health status of Medicare beneficiaries and providing long term savings to the program.

DORGAN AMENDMENTS NOS. 2218–2219

Mr. DORGAN proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2218

Strike page 33, line 3, through page 34, line 3, and insert the following:

SEC. 301. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving;

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) recklessly sunsetting the entire income tax code threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions.

AMENDMENT NO. 2219

At the appropriate place in the resolution, insert the following:

SEC. . HEALTH RESEARCH RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves 21 percent of the Federal share of receipts from tobacco legislation for the health research purposes provided in subsection (b), provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) ELIGIBLE HEALTH RESEARCH.—Of the receipts from tobacco legislation reserved pursuant to subsection (a), the following amounts may be used for the following purposes:

(1) 7.5 percent of such receipts to fund research into the prevention and cure of cancer;

(2) 7.5 percent of such receipts to fund research into the prevention and cure of heart disease, stroke, and other cardiovascular diseases;

(3) 2 percent of such receipts, to be allocated at the discretion of the Director of the National Institutes of Health, to fund the responsibilities of his office and to fund construction and acquisition of equipment or facilities for the National Institutes of Health;

(4) 2 percent of such receipts for transfer to the National Center for Research Resources to carry out section 1502 of the National Institutes of Health Revitalization Act of 1993;

(5) 1 percent of such receipts to fund prevention research programs at the Centers for Disease Control and Prevention;

(6) 1 percent of such receipts to fund quality and health outcomes research at the Agency for Health Care Policy and Research; and

(7) the remainder of such receipts to fund other member institutes and centers, including the Office of AIDS Research, of the National Institutes of Health in the same proportion to such remainder, as the amount of annual appropriations under appropriations acts for each member institute and center for a fiscal year bears to the total amount of appropriations under appropriations acts for all member institutes and centers for that fiscal year.

(c) REVISED LEVELS, AGGREGATES AND ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purposes described in subsection (b), upon the offering of an amendment that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(3) RULE OF CONSTRUCTION.—Revised allocations, functional levels and aggregates submitted or filed pursuant to this subsection shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to Section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

(d) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—Section 202 of H. Con. Res. 67 (104th Congress) shall not apply for purposes of this section.

BIDEN AMENDMENT NO. 2220

Mr. BIDEN proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, line 5, before the period insert "and Veterans Administration health care".

KYL (AND OTHERS) AMENDMENT NO. 2221

Mr. KYL (for himself, Mr. GRAMS, Mr. HELMS, Mr. BROWNBACK, and Mr. HAGEL) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING A SUPERMAJORITY REQUIREMENT FOR RAISING TAXES.

(a) FINDINGS.—The Senate finds that—

(1) the Nation's current tax system is indefensible, being overly complex, burdensome, and severely limiting to economic opportunity for all Americans:

(2) fundamental tax reform should be undertaken as soon as practicable to produce a tax system that—

(A) applies a low tax rate, through easily understood laws, to all Americans;

(B) provides tax relief for working Americans;

(C) protects the rights of taxpayers and reduces tax collection abuses;

(D) eliminates the bias against savings and investment;

(E) promotes economic growth and job creation;

(F) does not penalize marriage or families; and

(G) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service; and

(3) the stability and longevity of any new tax system designed to achieve these goals should be guaranteed with a supermajority vote requirement so that Congress cannot easily raise tax rates, impose new taxes, or otherwise increase the amount of a taxpayer's income that is subject to tax.

(b) SENSE OF SENATE.—It is the sense of Senate that the assumptions underlying the functional totals of this resolution assume fundamental tax reform that is accompanied by a proposal to amend the Constitution of the United States to require a supermajority vote in each House of Congress to approve tax increases.

GRAMS AMENDMENT NO. 2222

Mr. DOMENICI (for Mr. GRAMS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place in the resolution, insert the following new section:

SEC. . USE OF BUDGET SURPLUS TO REFORM SOCIAL SECURITY.

It is the sense of the Senate that the assumptions underlying the functional totals included in the resolution assume—

(a) the Congress and the President should use any budget surplus to reduce the Social

Security payroll tax and to establish personal retirement accounts with the tax reduction for hard-working Americans.

(b) the Congress and the President should not use the Social Security surplus to finance general government programs and other spending, should begin to build real assets for the trust funds, and work to reform the Social Security system.

BINGAMAN (AND LIEBERMAN) AMENDMENT NO. 2223

Mr. BINGAMAN (for himself and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

"SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CIVILIAN RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to fund civilian scientific and technological research and development, to increase research and development for the health sciences, or to increase research and development to improve the global environment, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

"(1) fiscal year 1999;

"(2) the period of fiscal years 1999 through 2003; or

"(3) the period of fiscal years 2004 through 2009.

"(b) REVISED ALLOCATIONS.—

"(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriate-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.".

FEINGOLD (AND OTHERS) AMENDMENT NO. 2224

Mr. FEINGOLD (for himself, Mr. KENNEDY, and Mr. HARKIN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title II, add the following:

SEC. . DISABILITY RESERVE FUND FOR FISCAL YEARS 1999–2003.

(a) IN GENERAL.—If legislation generates revenue increases or direct spending reductions to finance disability programs designed to allow persons with a disability to become employed and remain independent and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels, allocations, and limits may be adjusted (but by amounts not to exceed $2,000,000,000 for the period of fiscal years 1999 through 2003) if such adjustments do not cause an increase in the deficit in the resolution.

(b) ADJUSTMENT FOR BUDGET AUTHORITY.—After the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces nondisability direct spending or increases revenue for a fiscal year or years, the Chairman of the Committee on the Budget shall submit appropriately revised allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues for a fiscal year or years.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget shall submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct nondisability-related spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—After the submission of revisions under paragraph (1), the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or nondisability related direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) EFFECT OF REVISED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates submitted under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) REPORTING REVISED SUBDIVISIONS.—The appropriate committee may report appropriately revised subdivisions of allocations pursuant to section 302 of the Congressional Budget Act of 1974 to carry out this section.

DEWINE AMENDMENT NO. 2225

Mr. DOMENICI (for Mr. DEWINE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) while it is important to study the effects of class size on learning and study the need to hire more teachers, each type of study must be carried out in conjunction with an effort to ensure that there will be quality teachers in every classroom;

(2) all children deserve well-educated teachers;

(3) there is a teacher quality crisis in the United States;

(4) individuals entering a classroom as teachers should have a sound grasp on the subject the individuals intend to teach, and the individuals should know how to teach;

(5) less than 40 percent of the individuals teaching core subjects (consisting of English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects;

(6) the quality of teachers impacts student achievement;

(7) the measure of a good teacher is how much and how well the teacher's students learn;

(8) teachers should have the opportunity to learn new technology and teaching methods through the establishment of teacher training facilities so that teachers can share their new knowledge and experiences with children in the classroom;

(9) school officials should have the flexibility the officials need to have teachers in their schools adequately trained to meet strenuous teacher standards;

(10) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter kindergarten through grade 12 classrooms as teachers; and

(11) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume—

(1) the enactment of legislation to provide assistance for programs that—

(A) focus on teacher training delivered through local partnerships, with private and public partners, to ensure that current and future teachers possess necessary teaching skills and knowledge of subject areas; and

(B) focus on alternative certification to recruit knowledgeable and eager individuals of sound character to enter kindergarten through grade 12 classrooms as teachers;

(2) that the quality of teachers can be strengthened by improving the academic knowledge of teachers in the subject areas in which the teachers teach;

(3) that institutions of higher education should be held accountable to prepare teachers who are highly competent in the subject areas in which the teachers teach, including preparing teachers by providing training in the effective uses of technologies in classrooms; and

(4) that there should be recruitment into teaching of high quality individuals, including individuals from other occupations.

ROCKEFELLER AMENDMENT NO. 2226

Mr. LAUTENBERG (for Mr. ROCKEFELLER) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

"$51,000,000,000.

(B) Outlays, $42,300,000,000.

Fiscal year 2000:

(A) New budget authority, $50,800,000,000.

(B) Outlays, $43,700,000,000.

Fiscal year 2001:

(A) New budget authority, $50,100,000,000.

(B) Outlays, $43,700,000,000.

Fiscal year 2002:

(A) New budget authority, $48,400,000,000.

(B) Outlays, $42,800,000,000.

Fiscal year 2003:

(A) New budget authority, $48,000,000,000.

(B) Outlays, $42,900,000,000."

On page 25, line 8, strike "−$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

"$200,000,000.

(B) Outlays, −$1,400,000,000.

Fiscal year 2000:

(A) New budget authority, −$200,000,000.

(B) Outlays, −$3,600,000,000.

Fiscal year 2001:

(A) New budget authority, −$700,000,000.

(B) Outlays, −$1,000,000,000.

Fiscal year 2002:

(A) New budget authority, −$800,000,000.

(B) Outlays, −$4,000,000,000.

Fiscal year 2003:

(A) New budget authority, −$1,400,000,000.

(B) Outlays, −$1,000,000,000.

On page 31, line 24, strike subsection (6) in its entirety.

CONRAD AMENDMENT NO. 2227

Mr. LAUTENBERG (for Mr. CONRAD) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be revised for legislation that reserves the Federal share of receipts from tobacco legislation for the Medicare Hospital Insurance Trust Fund or the Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF N. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation shall not be taken into account.

BUMPERS (AND OTHERS) AMENDMENT NO. 2228

Mr. LAUTENBERG (for Mr. BUMPERS, for himself, Mr. GREGG, and Mr. FEINGOLD) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 3, line 10, increase the amount by $39,000,000.

On page 3, line 11, increase the amount by $66,000,000.

On page 3, line 12, increase the amount by $67,000,000.

On page 3, line 13, increase the amount by $69,000,000.

On page 3, line 14, increase the amount by $71,000,000.

On page 3, line 19, increase the amount by $39,000,000.

On page 4, line 1, increase the amount by $66,000,000.

On page 4, line 2, increase the amount by $67,000,000.

On page 4, line 3, increase the amount by $69,000,000.

On page 4, line 4, increase the amount by $71,000,000.

On page 4, line 19, increase the amount by $39,000,000.

On page 4, line 20, increase the amount by $66,000,000.

On page 4, line 21, increase the amount by $67,000,000.

On page 4, line 22, increase the amount by $69,000,000.

On page 4, line 23, increase the amount by $71,000,000.

On page 5, line 5, increase the amount by $39,000,000.

On page 5, line 6, increase the amount by $66,000,000.

On page 5, line 7, increase the amount by $67,000,000.

On page 5, line 8, increase the amount by $69,000,000.

On page 5, line 9, increase the amount by $71,000,000.

On page 16, line 9, increase the amount by $39,000,000.

On page 16, line 10, increase the amount by $39,000,000.

On page 16, line 13, increase the amount by $66,000,000.

On page 16, line 14, increase the amount by $66,000,000.

On page 16, line 17, increase the amount by $67,000,000.

On page 16, line 18, increase the amount by $67,000,000.

On page 16, line 21, increase the amount by $69,000,000.

On page 16, line 22, increase the amount by $69,000,000.

On page 16, line 25, increase the amount by $71,000,000.

On page 17, line 1, increase the amount by $71,000,000.

FEINSTEIN AMENDMENT NO. 2229

Mr. LAUTENBERG (for Mrs. FEINSTEIN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON EDUCATION GOALS.

It is the sense of the Senate that the functional totals underlying this resolution assume that the Federal Government should work hand-in-hand with States, school districts, and local leaders—

(1) to accomplish the following goals by the year 2005:

(A) establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of social promotion of students (promoting students routinely from one grade to the next without regard to their academic achievement);

(B) provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

(C) create smaller schools to enable students to have closer interaction with teachers;

(D) require at least 180 days per year of instruction in core curriculum subjects;

(E) recruit new teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards; and

(F) require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma; and

(2) to reaffirm the importance of public schooling and commit to guaranteeing excellence and accountability in the public schools of this nation.

KERRY AMENDMENT NO. 2230

Mr. LAUTENBERG (for Mr. KERRY) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) (A) public health efforts to reduce the use of tobacco products by children, including youth tobacco control education and prevention programs, counter-advertising, research, and smoking cessation;

(B) transition assistance programs for tobacco farmers;

(C) increased funding for the Food and Drug Administration to protect children from the hazards of tobacco products;

(D) improving the availability, affordability and quality of child care;

(E) increased funding for education;

(F) increased funding for health research;

(G) reimbursements to States for tobacco-related health costs; or,

(H) expanding children's health insurance coverage; and,

"(2) savings for the Medicare Hospital Insurance Trust Fund or the Social Security Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation and used to fund subsection (a)(2) shall not be taken into account.

WELLSTONE AMENDMENT NO. 2231

Mr. LAUTENBERG (for Mr. WELLSTONE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 53, after line 22, add the following:

SEC. 317. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the functional totals underlying this resolution assume that $159,116,000 in additional amounts above the President's budget levels will be made available for veterans health care for fiscal year 1999.

ROBB AMENDMENT NO. 2232

Mr. LAUTENBERG (for Mr. ROBB) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation which reserves the Federal share of receipts from tobacco legislation only for the Medical Hospital Insurance Trust Fund or for providing transition assistance to tobacco farmers.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to providing transition assistance to the tobacco farmers.

BIDEN AMENDMENT NO. 2233

Mr. LAUTENBERG (for Mr. BIDEN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

SEC. . A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of Federal assistance, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a murder rate in 1996 which is projected to be the lowest since 1971 and a violent crime total in 1990 which is the lowest since 1990;

(2) through a comprehensive effort to attack violence against women mounted by state and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995;

(3) recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

(4) the Violent Crime Reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996 without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, shall be maintained and funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2003.

BOXER (AND OTHERS) AMENDMENT NO. 2234

Mr. LAUTENBERG (for Mrs. BOXER, for herself, Mr. SARBANES, and Mr. JOHNSON) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, beginning on line 5, after "Medicare Hospital Insurance Trust Fund," strike all through the end of line 17, and insert the following:

", or for health research, including funding for the National Institutes of Health (NIH).

"(b) REVISED BUDGETARY LEVELS AND LIMITS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may adjust all appropriate budgetary levels and limits, including aggregates and allocations, to carry out this section. These budgetary levels and limits shall be considered for the purposes of the Congressional Budget Act of 1974 as the budgetary levels and limits contained in this resolution.

"(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to health research, including the National Institutes of Health."

BINGAMAN (AND LIEBERMAN) AMENDMENT NO. 2235

Mr. LAUTENBERG (for Mr. BINGAMAN for himself and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra: as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON ANALYSIS OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"(a) FINDINGS.—The Senate finds the following:

"(1) The National Academy of Sciences, National Academy of Engineering, and Institute of Medicine have recommended, in their 1995 report, entitled 'Allocating Federal Funds for Science and Technology,' that the Federal science and technology budget 'be presented as a comprehensive whole in the President's budget and similarly considered as a whole at the beginning of the congressional budget process before the total federal budget is disaggregate and sent to the appropriations committees and subcommittees."

"(2) Civilian federal agencies are supporting more than $35 billion of research and development in fiscal year 1998, but it is difficult for the Congress and the public to track or understand this support because it is dispersed among 12 different budget functions.

"(3) A meaningful examination of the overall Federal budget for science and technology, consistent with the recommendation of the National Academies, as well as an examination of science and technology budgets in individual civilian agencies, would be facilitated if the President's budget request clearly displayed the amounts requested for science and technology programs across all civilian agencies and classified these amounts in Budget Function 250.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget for the United States for fiscal year 2000, 2001, 2002, 2003, and 2004 should consolidate the spending for all federal civilian science and technology programs in Budget Function 250, and that the President should accordingly transmit to the Congress a budget request for fiscal year 2000 that classifies these programs, across all federal civilian departments and agencies, in Budget Function 250.".

BINGAMAN (AND OTHERS) AMENDMENT NO. 2236

Mr. LAUTENBERG (for Mr. BINGAMAN for himself, Mr. GRAMM and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE ON CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"It is the sense of the Senate that the assumptions underlying the function totals in this budget resolution assume that expenditures for civilian science and technology programs in the Federal budget will double over the period from fiscal year 1998 to fiscal year 2008."

KERREY (AND OTHERS) AMENDMENT NO. 2237

Mr. LAUTENBERG (for Mr. KERREY, for himself, Mr. CHAFEE, Mr. BREAUX, Ms. COLLINS, Mr. KOHL, Mr. THOMPSON, Mr. BRYAN, Mr. ROBB, Mrs. FEINSTEIN, and Mr. BENNETT) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON LONG-TERM BUDGETING AND REPAYMENT OF THE PUBLIC DEBT.

(a) FINDINGS.—The Senate finds that—

(1) today, there are 34,000,000 Americans over the age of 65, and by the year 2030, that number will grow to nearly 70,000,000;

(2) in 1963, mandatory spending represented 30 percent of the Federal budget, while discretionary spending made up 70 percent, and by 1998, those proportions have almost completely reversed, in that mandatory spending now accounts for 68 percent of the Federal budget, while discretionary spending represents 32 percent;

(3) according to the 1997 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance (OASDI) Trust Fund—

(A) the difference between the income and benefits for the OASDI program is a deficit of 2.23 percent of taxable payroll;

(B) the assets in the Trust Fund are expected to be depleted under present law in the year 2029;

(C) by the time the assets in the Trust Fund are depleted, annual tax revenues will be sufficient to cover only three-fourths of the annual expenditures;

(D) intermediate estimates are that OASDI will absorb nearly 17.5 percent of national payroll by the year 2030; and

(E) the cost of the OASDI program is estimated to rise from its current level of 4.7 percent of Gross Domestic Product to 6.7 percent by the end of the 75-year projection period;

(4) according to reports by the Congressional Budget Office, the Economic and Budget Outlook: Fiscal Years 1999-2008 (January 1998) and Reducing the Deficit: Spending and Revenue Options (March 1997)—

(A) the Medicare Part A Trust Fund will be exhausted early in fiscal year 2010;

(B) enrollment in Medicare will increase dramatically as the baby boomers reach age 65;

(C) between the years 2010 and 2030, enrollment in Medicare is projected to grow by 2.4 percent per year, up from the 1.4 percent average annual growth projected through 2007;

(D) by the year 2030, Medicare enrollment will have doubled, to 75,000,000 people; and

(E) the increase in Medicare enrollment caused by the aging of the population will be accompanied by a tapering of the growth rate of the working age population, and the number of workers will drop from 3.8 for every Medicare beneficiary in 1997 to 2.02 per beneficiary by 2030;

(5) the demographic shift that is currently taking place, and will continue for the next 30 years, will put a tremendous burden on workers as the cost of programs such as Social Security and Medicare are borne by proportionately fewer workers;

(6) the current Budget Resolution, which projects revenues and spending only for the next 10 years, does not give Congress a clear picture of the budget problems that confront the United States shortly after the turn of the century;

(7) currently, 14 percent of the Federal budget is spent on interest payments on the national debt; and

(8) if projected surpluses are used entirely for debt reduction and current tax and spending policies remain unchanged, the share of Federal income needed to pay interest would drop below 5 percent within 12 years, and in 1997, that 10 percentage-point reduction would have amounted to $158,000,000,000 available for other priorities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution assume that future budget resolutions and future budgets submitted by the President should include—

(1) an analysis for the period of 30 fiscal years beginning with such fiscal year, of the estimated levels of total budget outlays and total new budget authority, the estimated revenues to be received, the estimated surplus or deficit, if any, for each major Federal entitlement program for each fiscal year in such period; and

(2) a specific accounting of payments, if any, made to reduce the public debt, or unfunded liabilities associated with each major Federal entitlement program.

MOSELEY-BRAUN AMENDMENTS NOS. 2238-2240

Mr. LAUTENBERG (for Ms. MOSELEY-BRAUN) proposed three amendments to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

AMENDMENT NO. 2238

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING LEGISLATION THAT INCREASES COMPLEXITY OF TAX RETURNS.

(a) FINDINGS.—The Senate finds the following:

(1) As part of the consideration by the Senate of tax cuts for the families of America, the Senate should also examine the condition of the Internal Revenue Code of 1986.

(2) According to the Congressional Research Service, the Revenue Reconciliation Act of 1997 added 1,000,000 words and 315 pages to the Internal Revenue Code.

(3) The Internal Revenue Code continues to grow more complex and difficult for the average taxpayer to understand, and the average tax return has become more time-consuming to prepare.

(4) The average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year.

(5) The average taxpayer spends between 21 and 28 hours each year on tax matters.

(6) In 1995, 58,965,000 of the 118,218,327 tax returns that were filed, almost 50 percent, were filed by taxpayers who utilized the help of paid tax preparers.

(7) The average taxpayer spends $72 each year for tax preparation.

(8) The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours per year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the Senate should give priority to tax proposals that simplify the tax code and reject proposals that add greater complexity in the tax code and increase compliance costs for the taxpayer.

AMENDMENT NO. 2239

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PRESIDENT'S BUDGET.

It is the sense of the Senate that the budgetary levels in this resolution assume that the President should submit, as part of the budget request of the President that is submitted to Congress, a study of the impact of the provisions of the budget on each generation of Americans and its long-term effects on each generation.

AMENDMENT NO. 2240

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) 78 percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of a working career.

(7) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

DURBIN (AND CHAFEE) AMENDMENT NO. 2241

Mr. LAUTENBERG (for Mr. DURBIN, for himself and Mr. CHAFEE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they have the right to choose their physicians, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

DORGAN AMENDMENT NO. 2242

Mr. LAUTENBERG (for Mr. DORGAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY SOLVENCY.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security system provides benefits to 44,000,000 Americans, including 27,300,000 retirees, over 4,500,000 people with disabilities, 3,800,000 surviving children, and 8,400,000 surviving adults, and is essential to the dignity and security of the Nation's elderly and disabled.

(2) the Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds have reported to Congress that the "total income" of the Social Security system "is estimated to fall short of expenditures beginning in 2019 and in each year thereafter . . . until [trust fund] assets are exhausted in 2029";

(3) intergenerational fairness, honest accounting principles, prudent budgeting, and sound economic policy all require saving Social Security first, in order that the Nation may better afford the retirement of the baby boom generation beginning in 2010;

(4) in reforming Social Security in 1983, Congress intended that near-term Social Security trust fund surpluses be used to prefund the retirement of the baby boom generation;

(5) in his State of the Union message to the joint session of Congress on January 27, 1998, President Clinton called on Congress to "save Social Security first" and to "reserve one hundred percent of the surplus, that is any penny of any surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century";

(6) the nation will engage in a national dialogue during 1998 on the future of Social Security, which will include 4 regional conferences organized by the Concord Coalition and the American Association of Retired Persons, a White House summit on private retirement savings in July, and a White House Conference on Social Security in December; and

(7) saving Social Security first would work to expand national savings, reduce interest rates, enhance private investment, increase labor productivity, and boost economic growth.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that:

(1) Congress should save Social Security first by reserving any unified budget surplus until legislation is enacted to make Social Security actuarially sound and capable of paying future retirees the benefits to which they are entitled;

(2) enactment of such legislation will require a broad base of public support that should be developed during 1998 through a national bipartisan discussion of alternative approaches to ensuring Social Security solvency; and

(3) since that discussion has just begun, Congress should not act now to foreclose policy options that could help ensure Social Security solvency.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 2243

Mr. LAUTENBERG (for himself, Mr. LOTT, Mr. BIDEN, Mr. ROTH, and Mr. TORRICELLI) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AMTRAK FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) on November 13, 1997 the Senate unanimously passed the Amtrak Reform and Accountability Act of 1997, P.L. 105–134, authorizing appropriations of $1,058,000,000 for FY99; $1,023,000,000 for FY00, $989,000,000 for FY01; and $955,000,000 for FY02, totaling $4.025 billion FY99–02;

(2) in P.L. 105–134 the Congress declared that "intercity rail passenger service is an essential component of a national intermodal passenger transportation system";

(3) section 201 of the Amtrak Reform and Accountability Act of 1997 has now statutorily formalized prior Congressional directives to Amtrak to reach operating self-sufficiency by fiscal year 2002;

(4) the Congress and the President, through enactment of this legislation, have effectively agreed that Congress will provide adequate funding to permit Amtrak to achieve the goal of operating self-sufficiency;

(5) capital investment is critical to reducing operating costs and increasing the quality of Amtrak service;

(6) capital investment is essential to improving Amtrak's long-term financial health;

(7) the $2.2 billion provided to Amtrak through the Taxpayer Relief Act is for the sole purpose of capital expenditures and other qualified expenses and is intended to supplement, not supplant, annual appropriations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that Congress and the Administration will fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five fiscal years for Amtrak to implement its FY 1998–FY 2003 Strategic Business Plan, while preserving the integrity of the $2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment.

DASCHLE AMENDMENT NO. 2244

Mr. LAUTENBERG (for Mr. DASCHLE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1999.

(a) DECLARATION.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1999 including the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003 as required by section 301 of the Congressional Budget Act of 1974 and revising the budgetary levels for fiscal year 1998 set forth in the concurrent resolution on the budget for fiscal year 1998 as authorized by section 304 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1999.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social security.

Sec. 103. Major functional categories.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Deficit-neutral reserve fund in the Senate for President's initiatives.

Sec. 202. Exercise of rulemaking powers.

TITLE III—SENSE OF CONGRESS AND THE SENATE

Sec. 301. Sense of the Senate on saving Social Security first.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1999, 2000, 2001, 2002 and 2003.

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1999: $1,312,500,000,000.
Fiscal year 2000: $1,341,000,000,000.
Fiscal year 2001: $1,386,300,000,000.
Fiscal year 2002: $1,449,900,000,000.
Fiscal year 2003: $1,505,000,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1999: $12,252,000,000.
Fiscal year 2000: $15,257,000,000.
Fiscal year 2001: $16,838,000,000.
Fiscal year 2002: $18,005,000,000.
Fiscal year 2003: $18,166,000,000.

(C) The amounts of Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1999: $123,900,000,000.
Fiscal year 2000: $129,700,000,000.
Fiscal year 2001: $135,300,000,000.
Fiscal year 2002: $141,400,000,000.
Fiscal year 2003: $148,100,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1999: $1,441,900,000,000.
Fiscal year 2000: $1,484,400,000,000.
Fiscal year 2001: $1,525,900,000,000.
Fiscal year 2002: $1,557.200,000,000.
Fiscal year 2003: $1,636,600,000,000.

(3) BUDGET OUTLAY.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1999: $1,420,500,000,000.
Fiscal year 2000: $1,465,300,000,000.
Fiscal year 2001: $1,506,400,000,000.
Fiscal year 2002: $1,524,800,000,000.
Fiscal year 2003: $1,601,700,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1999: $108,000,000,000.
Fiscal year 2000: $124,300,000,000.
Fiscal year 2001: $120,100,000,000.
Fiscal year 2002: $74,900,000,000.
Fiscal year 2003: $96,700,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1999: $5,667,800,000,000.
Fiscal year 2000: $5,870,200,000,000.
Fiscal year 2001: $6,067,500,000,000.
Fiscal year 2002: $6,224,300,000,000.
Fiscal year 2003: $6,400,900,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $438,200,000,000.
Fiscal year 2000: $457,800,000,000.
Fiscal year 2001: $477,100,000,000.
Fiscal year 2002: $497,900,000,000.
Fiscal year 2003: $520,700,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $212,600,000,000.
Fiscal year 2000: $331,600,000,000.
Fiscal year 2001: $344,100,000,000.
Fiscal year 2002: $355,700,000,000.
Fiscal year 2003: $369,400,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1999 through 2003 for each major functional category are:

(1) National Defense (050):
Fiscal year 1999:
(A) New budget authority, $270,500,000,000.
(B) Outlays, $265,500,000,000.
Fiscal year 2000:
(A) New budget authority, $274,300,000,000.
(B) Outlays, $268,000,000,000.
Fiscal year 2001:
(A) New budget authority, $280,800,000,000.
(B) Outlays, $269,700,000,000.
Fiscal year 2002:
(A) New budget authority, $288,600,000,000.
(B) Outlays, $272,100,000,000.
Fiscal year 2003:
(A) New budget authority, $296,800,000,000.
(B) Outlays, $279,800,000,000.

(2) International Affairs (150):
Fiscal year 1999:
(A) New budget authority, $15,400,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2000:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $15,000,000,000.
Fiscal year 2001:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $14,900,000,000.
Fiscal year 2002:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $14,700,000,000.
Fiscal year 2003:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $14,700,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1999:
(A) New budget authority, $18,600,000,000.
(B) Outlays, $17,900,000,000.
Fiscal year 2000:
(A) New budget authority, $18,500,000,000.
(B) Outlays, $18,200,000,000.
Fiscal year 2001:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2002:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $15,600,000,000.
Fiscal year 2003:
(A) New budget authority, $15,400,000,000.
(B) Outlays, $14,800,000,000.

(4) Energy (270):
Fiscal year 1999:
(A) New budget authority, $1,400,000,000.
(B) Outlays, $600,000,000.
Fiscal year 2000:
(A) New budget authority, $1,100,000,000.
(B) Outlays, $500,000,000.
Fiscal year 2001:
(A) New budget authority, $700,000,000.
(B) Outlays, $0.
Fiscal year 2002:
(A) New budget authority, $600,000,000.
(B) Outlays, −$200,000,000.
Fiscal year 2003:
(A) New budget authority, $600,000,000.
(B) Outlays, −$300,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 1999:
(A) New budget authority, $23,600,000,000.
(B) Outlays, $23,600,000,000.
Fiscal year 2000:
(A) New budget authority, $23,000,000,000.
(B) Outlays, $23,900,000,000.
Fiscal year 2001:
(A) New budget authority, $22,400,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2002:
(A) New budget authority, $22,200,000,000.
(B) Outlays, $22,600,000,000.
Fiscal year 2003:
(A) New budget authority, $22,500,000,000.
(B) Outlays, $22,400,000,000.

(6) Agriculture (350):
Fiscal year 1999:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $10,600,000,000.
Fiscal year 2000:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $10,000,000,000.
Fiscal year 2001:
(A) New budget authority, $10,400,000,000.
(B) Outlays, $8,700,000,000.
Fiscal year 2002:
(A) New budget authority, $10,200,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2003:
(A) New budget authority, $10,300,000,000.
(B) Outlays, $8,800,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 1999:
(A) New budget authority, $4,300,000,000.
(B) Outlays, $3,100,000,000.
Fiscal year 2000:
(A) New budget authority, $15,300,000,000.
(B) Outlays, $9,900,000,000.
Fiscal year 2001:
(A) New budget authority, $15,300,000,000.
(B) Outlays, $10,800,000,000.
Fiscal year 2002:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $11,600,000,000.
Fiscal year 2003:
(A) New budget authority, $15,000,000,000.
(B) Outlays, $11,500,000,000.

(8) Transportation (400):
Fiscal year 1999:
(A) New budget authority, $52,100,000,000.
(B) Outlays, $44,600,000,000.
Fiscal year 2000:
(A) New budget authority, $52,700,000,000.
(B) Outlays, $47,400,000,000.
Fiscal year 2001:
(A) New budget authority, $53,300,000,000.
(B) Outlays, $48,500,000,000.
Fiscal year 2002:
(A) New budget authority, $53,300,000,000.
(B) Outlays, $48,300,000,000.
Fiscal year 2003:
(A) New budget authority, $54,600,000,000.
(B) Outlays, $49,100,000,000.

(9) Community and Regional Development (450):
Fiscal year 1999:
(A) New budget authority, $9,800,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2000:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $9,900,000,000.
Fiscal year 2001:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $9,400,000,000.
Fiscal year 2002:
(A) New budget authority, $8,100,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2003:
(A) New budget authority, $8,200,000,000.
(B) Outlays, $8,300,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1999:
(A) New budget authority, $66,400,000,000.
(B) Outlays, $61,700,000,000.
Fiscal year 2000:
(A) New budget authority, $66,100,000,000.
(B) Outlays, $64,900,000,000.
Fiscal year 2001:
(A) New budget authority, $67,300,000,000.
(B) Outlays, $66,600,000,000.
Fiscal year 2002:
(A) New budget authority, $67,200,000,000.
(B) Outlays, $66,400,000,000.
Fiscal year 2003:
(A) New budget authority, $69,400,000,000.
(B) Outlays, $68,700,000,000.

(11) Health (550):
Fiscal year 1999:
(A) New budget authority, $146,300,000,000.
(B) Outlays, $143,700,000,000.
Fiscal year 2000:
(A) New budget authority, $153,400,000,000.
(B) Outlays, $151,600,000,000.
Fiscal year 2001:
(A) New budget authority, $162,200,000,000.
(B) Outlays, $160,500,000,000.
Fiscal year 2002:
(A) New budget authority, $170,400,000,000.
(B) Outlays, $169,500,000,000.
Fiscal year 2003:
(A) New budget authority, $183,100,000,000.
(B) Outlays, $181,200,000,000.

(12) Medicare (570):
Fiscal year 1999:
(A) New budget authority, $210,300,000,000.
(B) Outlays, $210,900,000,000.
Fiscal year 2000:
(A) New budget authority, $221,900,000,000.
(B) Outlays, $221,100,000,000.
Fiscal year 2001:
(A) New budget authority, $239,500,000,000.
(B) Outlays, $242,300,000,000.
Fiscal year 2002:
(A) New budget authority, $251,300,000,000.
(B) Outlays, $248,900,000,000.
Fiscal year 2003:
(A) New budget authority, $273,500,000,000.
(B) Outlays, $273,700,000,000.

(13) Income Security (600):
Fiscal year 1999:
(A) New budget authority, $245,400,000,000.
(B) Outlays, $248,500,000,000.
Fiscal year 2000:
(A) New budget authority, $259,900,000,000.
(B) Outlays, $261,000,000,000.
Fiscal year 2001:
(A) New budget authority, $271,200,000,000.
(B) Outlays, $272,200,000,000.
Fiscal year 2002:
(A) New budget authority, $281,600,000,000.
(B) Outlays, $281,900,000,000.
Fiscal year 2003:
(A) New budget authority, $292,800,000,000.
(B) Outlays, $291,400,000,000.

(14) Social Security (650):
Fiscal year 1999:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,800,000,000.
Fiscal year 2000:
(A) New budget authority, $13,100,000,000.
(B) Outlays, $13,200,000,000.
Fiscal year 2001:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,500,000,000.
Fiscal year 2002:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $14,400,000,000.
Fiscal year 2003:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $15,200,000,000.

(15) Veterans Benefits and Services (700):
Fiscal year 1999:
(A) New budget authority, $43,100,000,000.
(B) Outlays, $43,400,000,000.
Fiscal year 2000:
(A) New budget authority, $44,100,000,000.
(B) Outlays, $44,200,000,000.
Fiscal year 2001:
(A) New budget authority, $45,500,000,000.
(B) Outlays, $45,600,000,000.
Fiscal year 2002:
(A) New budget authority, $46,800,000,000.
(B) Outlays, $46,900,000,000.
Fiscal year 2003:
(A) New budget authority, $49,500,000,000.
(B) Outlays, $49,500,000,000
(16) Administration of Justice (750):
Fiscal year 1999:
(A) New budget authority, $26,400,000,000.
(B) Outlays, $24,900,000,000.
Fiscal year 2000:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $25,900,000,000.
Fiscal year 2001:
(A) New budget authority, $24,700,000,000.
(B) Outlays, $25,700,000,000.
Fiscal year 2002:
(A) New budget authority, $24,600,000,000.
(B) Outlays, $25,100,000,000.
Fiscal year 2003:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $24,800,000,000.
(17) General Government (800):
Fiscal year 1999:
(A) New budget authority, $20,700,000,000.
(B) Outlays, $20,100,000,000.
Fiscal year 2000:
(A) New budget authority, $16,100,000,000.
(B) Outlays, $16,200,000,000.
Fiscal year 2001:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $14,700,000,000.
Fiscal year 2002:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $13,200,000,000.
Fiscal year 2003:
(A) New budget authority, $21,700,000,000.
(B) Outlays, $20,700,000,000.
(18) Net Interest (900):
Fiscal year 1999:
(A) New budget authority, $300,000,000,000.
(B) Outlays, $300,000,000,000.
Fiscal year 2000:
(A) New budget authority, $301,500,000,000.
(B) Outlays, $301,500,000,000.
Fiscal year 2001:
(A) New budget authority, $301,800,000,000.
(B) Outlays, $301,800,000,000.
Fiscal year 2002:.
(A) New budget authority, $302,100,000,000.
(B) Outlays, $302,100,000,000.
Fiscal year 2003:
(A) New budget authority, $304,300,000,000.
(B) Outlays, $304,300,000,000.
(19) Allowances (902):
Fiscal year 1999:
(A) New budget authority, −$700,000,000.
(B) Outlays, −$600,000,000.
Fiscal year 2000:
(A) New budget authority, −$700,000,000.
(B) Outlays, −$700,000,000.
Fiscal year 2001:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$800,000,000.
Fiscal year 2002:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$800,000,000.
Fiscal year 2003:
(A) New budget authority, −$1,300,000,000.
(B) Outlays, −$1,200,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 1999:
(A) New budget authority, −$36,300,000,000.
(B) Outlays, −$36,300,000,000.
Fiscal year 2000:
(A) New budget authority, −$36,400,000,000.
(B) Outlays, −$36,400,000,000.
Fiscal year 2001:
(A) New budget authority, −$37,900,000,000.
(B) Outlays, −$37,900,000,000.
Fiscal year 2002:
(A) New budget authority, −$44,500,000,000.
(B) Outlays, −$44,500,000,000.
Fiscal year 2003:
(A) New budget authority, −$35,700,000,000.
(B) Outlays, −$35,700,000,000.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE FOR PRESIDENT'S INITIATIVES.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that generates revenues, in which the purpose of the increase in revenues is to reduce smoking by teenagers and children, and for legislation to fund the President's "Funds for America" initiatives, provided that the legislation which changes revenues or spending does not cause an increase in the deficit for—

(1) fiscal year 1999;

(2) the period of fiscal year 1999 through 2003; or

(3) the period of fiscal years 2004–2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a) upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 202. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS AND THE SENATE

SEC. 301. SENSE OF THE SENATE ON SAVING SOCIAL SECURITY FIRST.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security program, created in 1935 to provide old-age, survivors, and disability insurance benefits, is one of the most successful and important social insurance programs in the United States, and has played an essential role in reducing poverty among seniors;

(2) the Social Security system will face significant pressures when the baby boom generation retires, which could threaten the long-term viability of the program;

(3) Congress needs to act promptly to ensure that Social Security benefits will be available when today's younger Americans retire;

(4) under current budget law, the Federal budget is still in deficit;

(5) to the extent that a budget surplus may someday materialize in the future, current budget law and rules that were established to ensure fiscal discipline, including caps on discretionary spending and the pay-as-you-go system (which requires that all new tax breaks and mandatory spending be fully offset) would prevent Congress from using any projected budget surplus; and

(6) President Clinton has called on Congress to save Social Security first by taking action to reform and strengthen the Social Security system, and by holding in reserve any projected budget surpluses that may materialize in the future rather than using them for new spending or tax breaks, while Congress and the Administration work toward a long-term solution for the challenges facing Social Security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this resolution assume that, to the extent that any budget surplus is realized in the future, that surplus should not be decreased for any purpose other than reducing the national debt, while Congress and the Administration work together to ensure that Social Security is financially sound over the long term and that it will be available for future generations.

TORRICELLI AMENDMENTS NOS. 2245–2246

Mr. LAUTENBERG (for Mr. TORRICELLI) proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2245

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104–333 (16 U.S.C. 1a–5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the

Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

AMENDMENT NO. 2246

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON THE LAND AND WATER CONSERVATION FUND.

It is the sense of the Senate that the budget levels in this resolution assume that programs funded from the Land and Water Conservation Fund should be funded in the full amount authorized by law.

MOYNIHAN AMENDMENT NO. 2247

Mr. LAUTENBERG (for Mr. MOYNIHAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

SEC. . SENSE OF THE SENATE OF THE FUTURE OF SOCIAL SOCIAL SECURITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Public confidence in the long-term viability of the Social Security System is low, with opinion polls repeatedly indicating that a majority of non-retired young adults do not believe they will receive Social Security when they retire;

(2) In the year 2012, outlays for Old Age Survivors and Disability Insurance will exceed its tax revenues;

(3) Early action by the Congress is needed in order to strengthen public confidence in Social Security and address the long-run actuarial deficit of the program;

(b) Sense of the Senate—It is the Sense of the Senate that:

(1) the Committee on Finance should at the earliest possible date hold hearings on and begin consideration of legislation to preserve the Social Security program and ensure its long-run solvency; and that no policy options, affecting either revenues, outlays, or the manner of investment of funds, should be excluded from consideration.

BOND AMENDMENT NO. 2248

Mr. DOMENICI (for Mr. BOND) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place insert:

It is the Sense of the Senate that the provisions of this resolution assume that included in the funding for the Immigration and Naturalization Service (INS) is $2 million dollars for the establishment of INS circuit rides in the former Soviet Union for the purpose of processing refugees and conducting medical examinations of refugees who will enter the United States under the Refugee Act of 1980.

ABRAHAM AMENDMENT NO. 2249

Mr. DOMENICI (for Mr. ABRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

SEC. . SENSE OF CONGRESS REGARDING BUDGET ACT REFORMS.

It is the sense of the Congress that the provisions of this resolution assume that The Budget Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 should be amended to facilitate the use of future unified budget surpluses to strengthen and reform Social Security, reform the tax code, and reduce the tax burden on middle-class families, including:

(1) Eliminating Paygo rules with regard to revenue reductions while the unified budget is in surplus; and

(2) Striking points of order against reducing the Social Security payroll tax.

THURMOND (AND OTHERS) AMENDMENT NO. 2250

Mr. DOMENICI (for Mr. THURMOND, for himself, Ms. SNOWE, and Ms. COLLINS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 43, strike line 4 through line 17 and insert the following:

(a) FINDINGS.—The Senate finds that—

(1) Our Nation is not financially prepared to meet the long-term care needs of its rapidly aging population and that long-term care needs threaten the financial security of American families; and

(2) Many people are unaware that most long-term care costs are not covered by Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this concurrent resolution on the budget assumes that the National Bipartisan Commission on the Future of Medicare should, as part of its deliberations, describe long-term care needs and make all appropriate recommendations including private sector options that reflect the need for a continuum of care that spans from acute to long-term care. This is not a specific recommendation that any new program be added to Medicare;

(2) the Federal Government should take all appropriate steps to inform the public about the financial risks posed by long-term care costs and about the need for families to plan for their long-term care needs;

(3) the Federal Government should take all appropriate steps to inform the public that Medicare does not cover most long-term care costs and that Medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(4) the appropriate committees of the Senate, together with the Department of Health and Human Services and other appropriate Executive Branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the upcoming National Summit on Retirement Income Savings should ensure that planning for long-term care is an integral part of any discussion of retirement security.

FAIRCLOTH (AND OTHERS) AMENDMENT NO. 2251

Mr. DOMENICI (for Mr. FAIRCLOTH, for himself, Mr. DOMENICI, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. INHOFE, Mr. GRAMM, Mr. THURMOND, and Mr. KEMPTHORNE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ELIMINATION OF THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and the key institution preserving our values;

(2) The tax code should not penalize those who choose to marry;

(3) However, the Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system;

(4) The Congressional Budget Office found that the average penalty amounts to $1380 a year;

(5) This penalty is one of the factors behind the decline of marriage.

(6) In 1970, just 0.5 percent of the couples in the United States were unmarried. By 1996, this percentage had risen to 7.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this budget resolution assume that the Congress shall begin to phase out the marriage penalty this year.

SESSIONS (AND OTHERS) AMENDMENT NO. 2252

Mr. DOMENICI (for Mr. SESSIONS, for himself, Mr. SHELBY, Mr. COVERDELL, Mr. HELMS, Mr. INHOFE, Mr. ASHCROFT, Mr. ENZI, and Mr. THURMOND) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING DISPLAY OF TEN COMMANDMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

(2) the Ten Commandments set forth a code of moral conduct, observance of which is acknowledged to promote respect for our system of laws and the good of society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume that—

(1) the Ten Commandants are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in the Supreme Court, the Capitol building, the White House, and other government offices and courthouses across the nation, of the Ten Commandments should be permitted.

STEVENS (AND OTHERS) AMENDMENT NO. 2253

Mr. DOMENICI (for Mr. STEVENS, for himself, Mr. LOTT, Mr. DOMENICI, Mr. THURMOND, and Mr. INOUYE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

In the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Balanced Budget Act of 1997 created a new era for federal spending and forced the Department of Defense to plan on limited spending over the five year period from fiscal year 1998 through 2002.

(2) The agreements forged under the Balanced Budget Act of 1997 specifically defined the available amounts of budget authority and outlays, requiring the Department of Defense to properly plan its future activities in the new, constrained budget environment.

(3) The Department of Defense worked with the Office of Management and Budget to develop a fiscal year 1999 budget which complies with the Balanced Budget Act of 1997.

(4) Based on Department of Defense program plans and policy changes, the Office of Management and Budget and the Department of Defense made detailed estimates of fiscal year 1999 Department of Defense outlay rates to ensure that the budget submitted would comply with the Balanced Budget Act of 1997.

(5) The Congressional Budget Office outlay estimate of the fiscal year 1999 Department of Defense budget request exceeds both the outlay limit imposed by the Balanced Budget Act of 1997 and the Office of Management and Budget's outlay estimate, a disagreement which would force a total restructuring of the Department of Defense's fiscal year 1999 budget.

(6) The restructuring imposed on the Department of Defense would have a devastating impact on readiness, troop morale, military quality of life, and ongoing procurement and development programs.

(7) The restructuring of the budget would be driven solely by differing statistical estimate made by capable parties.

(8) In a letter dated March 31, 1998, the Director of the Office of Management and Budget identified multiple differences between the Office of Management and Budget's estimated outlay rates and the Congressional Budget Office's estimated outlay rates.

(9) New information on Department of Defense policy changes and program execution plans now permit the Office of Management and Budget and the Congressional Budget Office to reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that not later than April 22, 1998, the Director of the Office of Management and Budget, and Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for Department of Defense accounts.

SPECTER AMENDMENTS NOS. 2254–2256

Mr. DOMENICI (for Mr. SPECTER) proposed three amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2254

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) tobacco-related programs and activities, including extending the solvency of the Medicare Hospital Insurance Trust Fund; and

(2) not less than $2,000,000,000 for biomedical research in fiscal year 1999 and other public health research.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

AMENDMENT NO. 2255

On page 28, line 17, after the material that appears on line 17, insert the following:

"(d) VETERANS.—

"(1) Notwithstanding any other provision of this section, upon the consideration of legislation pursuant to section (a), the Chairman of the Budget Committee may increase the appropriate budget authority and outlay aggregates and allocations by the amount such legislation increases spending for post-service smoking related Veterans compensation benefits.

"(2) The adjustments made pursuant to this subsection shall not exceed $500,000,000 for fiscal year 1999 and $10,500,000 for fiscal years 1999 through 2003.

AMENDMENT NO. 2256

On page 28, line 17, after the material that appears on line 17, insert the following:

(d) Notwithstanding any other provision of this section, $500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal year 1999 and additional outlays for fiscal year 1999; and $10,500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal years 1999–2003, and additional outlays for fiscal years 1999–2003.

On page 31, line 24, strike subsection (6) in its entirety.

NICKLES AMENDMENT NO. 2257

Mr. DOMENICI (for Mr. NICKLES) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PRECATORY AMENDMENTS.

In setting forth the budget authority and outlay amounts in this resolution, the Senate assumes that the Senate of the United States instructs the Senate Parliamentarian to interpret Section 305(b)(2) of the Congressional Budget Act of 1974 as amended by inserting after the second sentence the following: "For purposes of the preceding sentence an amendment is not germane if it states precatory language."; and that precatory includes, in the context of Senate consideration of any budget resolution, amendments which reference the budget resolution's assumptions regarding budgetary levels; federal revenues; Federal Insurance Contributions Act revenues for hospital insurance; budget authority; budget outlays; deficits; public debt; social security revenues, and outlays; loan obligations; loan guarantees; allowances; undistributed, and distributed, offsetting receipts; reconciliation; reserve funds; allocations; revenue, spending, and revised aggregates; offsets; appropriations; mandatory spending; entitlements; and any other term or definition employed, under the Budget Act, in a budget resolution.

FRIST AMENDMENT NO. 2258

Mr. DOMENICI (for Mr. FRIST) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR THE AIRPORT IMPROVEMENT PROGRAM.

It is the sense of the Senate that the congressional budget for the United States Government as provided for in this resolution should assure that—

(1) the contract authority level for the Airport Improvement Program (provided for in part B of subtitle VII of title 49, United States Code) not be reduced below the current level of $2,347,000,000; and

(2) the critical infrastructure development, maintenance, and repair of airports not be jeopardized.

MCCONNELL AMENDMENT NO. 2259

Mr. DOMENICI (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON PAYMENT OF COSTS OF LITIGATION.

(a) FINDINGS.—The Congress finds that—

(1) the President's Task Force on National Health Care Reform, convened by President Clinton in 1993, was charged with calling together officials of the Federal Government and others to debate critical health issues of concern to the American public;

(2) the Task Force convened behind closed doors and inappropriately included individuals who were not employees of the Federal Government;

(3) United States District Judge Royce C. Lamberth ruled in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., that representatives of the administration engaged in "dishonest" and "reprehensible" conduct in characterizing the membership of the Task Force;

(4) Judge Royce C. Lamberth on the basis of such conduct ruled against the defendants and ordered them to pay $285,864.78 in attorneys' fees, costs, and sanctions for the plaintiffs; and

(5) American taxpayers should not be held responsible for the inappropriate and dishonest conduct of Federal Government officials and lawyers involved with the Task Force.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the functional totals in this concurrent resolution on the budget assume that the award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., should not be paid with taxpayer funds.

SESSIONS (AND OTHERS) AMENDMENT NO. 2260

Mr. DOMENICI (for Mr. SESSIONS, for himself, Mr. ASHCROFT, and Mr. ENZI) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize those funds to pay attorneys' fees, on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action, in excess of the reasonable and customary fee for similarly skilled legal services for the specific locale. In no event should the rate exceed $500 per hour.

(2) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(3) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided State officials with a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

CRAIG (AND DOMENICI) AMENDMENT NO. 2261

Mr. DOMENICI (for Mr. CRAIG, for himself and Mr. DOMENICI) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON VA COMPENSATION AND POST-SERVICE SMOKING-RELATED ILLNESSES.

(a) FINDINGS.—The Senate finds that—

(1) the President has twice included in his budgets not permitting the program expansion that the Veterans Administration (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(2) Congress has never acted on this program expansion;

(3) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least $10,000,000,000 in additional costs to the VA;

(4) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review; and

(5) the programs expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(1) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA compensation until the study annd report required by paragraph (2) are completed.

(2) The Veterans Administration and the Office of Management and Budget are jointly required to—

(A) jointly study (referred to in this section as the "study") the VA General Counsel's determination (O.G.C. 2-93) and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(B) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(3) The study should include—

(A) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(B) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(C) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(4) The study shall be completed no later than July 1, 1999.

(5) The Veterans Administration shall report its finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

COVERDELL (AND SHELBY) AMENDMENT NO. 2262

Mr. DOMENICI (for Mr. COVERDELL, for himself and Mr. SHELBY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON COLOMBIAN DRUG WAR HELICOPTERS.

(a) FINDINGS.—The Senate finds that—

(1) Colombia is the leading illicit drug producing country in the Western Hemisphere;

(2) 80 percent of the world's cocaine originates in Colombia;

(3) based on the most recent data of the Drug Enforcement Administration (DEA), more than 60 percent of the heroin seized in the United States originates in Colombia;

(4) in the last 10 years more than 4,000 officers of the Colombian National Police have died fighting the scourge of drugs;

(5) in one recent year alone, according to data of the United States Government, the United States had 141,000 new heroin users and the United States faces historic levels of heroin use among teenagers between the ages of 12 and 17;

(6) once Colombian heroin is in the stream of commerce it is nearly impossible to interdict because it is concealed and trafficked in very small quantities;

(7) the best and most cost efficient method of preventing Colombian heroin from entering the United States is to destroy the opium poppies in the high Andes mountains where Colombian heroin is produced;

(8) the elite anti-narcotics unit of the Colombian National Police has the responsibility to eradicate both coca and opium in Colombia, including the reduction and elimination of cocaine and heroin production, and they have done a remarkably effective job with the limited and outdated equipment at their disposal;

(9) more than 40 percent of the anti-narcotics operations of the Colombian National Police involve hostile ground fire from narco-terrorists and 90 percent of such operations involve the use of helicopters;

(10) the need for better high performance helicopters by the Colombian National Police, especially for use in the high Andes mountains, is essential for more effective eradication of opium in Colombia;

(11) on December 23, 1997, one of the antiquated Vietnam-era UH-1H Huey helicopters used by the Colombian National Police in an opium eradication mission crashed in the high Andes mountains due to high winds and because it was flying above the safety level recommended by the original manufacturer;

(12) in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105-118), amounts were appropriated for the procurement by the United States for the Colombian National Police of three UH-60L Blackhawk utility helicopters that can operate safely and more effectively at the high altitudes of the Andes mountains where Colombian opium grows at altitudes as high as 12,000 feet;

(13) the Blackhawk helicopter is a high performance utility helicopter, with greater lift capacity, that can perform at the high altitudes of the Andes mountains, as well as survive crashes and sustain ground fire, much better than any other utility helicopter now available to the Colombian National Police in the war on drugs;

(14) because the Vietnam-era Huey helicopters that the United States has provided the Colombian National Police are outdated and have been developing numerous stress cracks, a sufficient number should be upgraded to Huey II's and the remainder should be phased-out as soon as possible;

(15) these Huey helicopters are much older than most of the pilots who fly them, do not have the range due to limited fuel capacity to reach many of the expanding locations of the coca fields or cocaine labs in southern Colombia, nor do they have the lift capacity to carry enough armed officers to reach and secure the opium fields in the high Andes mountains prior to eradication;

(16) the elite anti-narcotics unit of the Colombian National Police has a stellar record in respecting for human rights and has received the commendation of a leading international human rights group in their operations to reduce and eradicate illicit drugs in Colombia;

(17) the narco-terrorists of Colombia have announced that they will now target United States citizens, particularly those United States citizens working with their Colombian counterparts in the fight against illicit drugs in Colombia;

(18) a leading commander of the Revolutionary Armed Forces of Colombia ("FARC") announced recently that the objective of these narco-terrorists, in light of recent successes, will be "to defeat the Americans";

(19) United States Government personnel in Colombia who fly in these helicopters accompanying the Colombian National Police on missions are now at even greater risk from these narco-terrorists and their drug trafficking allies;

(20) in the last six months four anti-narcotics helicopters of the Colombian National Police have been downed in operations;

(21) Congress intends to provide the necessary support and assistance to wage an effective war on illicit drugs in Colombia and

provide the equipment and assistance needed to protect all of the men and women of the Colombian National Police as well as those Americans who work side by side with the Colombian National Police in this common struggle against illicit drugs;

(22) the new Government of Bolivia has made a commitment to eradicate coca and cocaine production in that country within 5 years;

(23) the United States should support any country that is interested in removing the scourge of drugs from its citizens; and

(24) Bolivia has succeeded, in large measure due to United States assistance, in reducing acreage used to produce coca, which is the basis for cocaine production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the President should, with funds made available under Public Law 105–118, expeditiously procure and provide to the Colombian National Police three UH–60L Blackhawk utility helicopters solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States;

(2) if the President determines that the procurement and transfer to the Colombian National Police of three UH–60L Blackhawk utility helicopters is not an adequate number of such helicopters to maintain operational feasibility and effectiveness of the Colombian National Police, then the President should promptly inform Congress as to the appropriate number of additional UH–60L Blackhawk utility helicopters for the Colombian National Police so that amounts can be authorized for the procurement and transfer of such additional helicopters; and

(3) assistance for Bolivia should be maintained at least at the level assumed in the fiscal year 1998 budget submission of the President and the Administration should act accordingly.

SANTORUM AMENDMENTS NOS. 2263–2264

Mr. DOMENICI (for Mr. SANTORUM) proposed two amendments to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

AMENDMENT NO. 2263

On page ___, insert the following new section:

SEC. . SENSE OF THE SENATE THAT THE 105TH CONGRESS, 2ND SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) Eighteen states and dozens of localities have spent nearly $1 billion to protect over 600,000 acres of important farmland;

(2) The Farmland Protection Program has provided cost-sharing for eighteen states and dozens of localities to protect over 82,000 acres on 230 farms since 1996;

(3) The Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) The Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) Current funds authorized for the Farmland Protection Program will be exhausted in the next six months;

(6) The United States is losing two acres of our best farmland to development every minute of every day;

(7) These lands produce three quarters of the fruits and vegetables and over one-half of the dairy in the United States;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the 105th Congress, 2nd Session will reauthorize funds for the Farmland Protection Program.

AMENDMENT NO. 2264

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, only 186 were fully accredited;

(2) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, 7 were denied accreditation.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation requiring all health plans participating in the Federal Employees Health Benefits Program to be accredited by a nationally recognized accreditation organization representative of a spectrum of health care interests including purchasers, consumers, providers and health plans.

KEMPTHORNE AMENDMENT NO. 2265

Mr. DOMENICI (for Mr. KEMPTHORNE) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING MARKET ACCESS PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The Market Access Program (MAP) continues to be a vital and important part of U.S. trade policy aimed at maintaining and expanding U.S. agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs. Further, the Senate finds that:

(A) The Market Access Program is specifically targeted towards small business, farmer cooperatives and trade associations.

(B) The Market Access Program is administered on a cost-share basis. Participants, including farmers and ranchers, are required to contribute up to 50 percent or more toward the cost of the program.

(2) The Market Access Program has been a tremendous success by any measure. Since the program was established, U.S. agricultural exports have doubled. In FY 1997, U.S. agricultural exports amounted to $57.3 billion, resulting in a positive agricultural trade surplus of approximately $22 billion, and contributing billions of dollars more in increased economic activity and additional tax revenues.

(3) The Market Access Program has also helped maintain and create needed jobs throughout the nation's economy. More than one million Americans now have jobs that depend on U.S. agricultural exports. Further, every billion dollars in additional U.S. agricultural exports helps create as many as 17,000 or more new jobs.

(4) U.S. agriculture, including farm income and related jobs, is more dependent than ever on maintaining and expanding U.S. agricultural exports as federal farm programs are gradually reduced under the FAIR Act of 1996.

(5) In addition to the Asian economic situation and exchange rate fluctuations, U.S. agricultural exports continue to be adversely impacted by continued subsidized foreign competition, artifical trade barriers and other unfair trade practices.

(6) The European Union (EU) and other foreign competitors continue to heavily outspend the U.S. by more than 10 to 1 with regard to export subsidies.

(A) In 1997, the EU budgeted $7.2 billion for export subsidies aimed at capturing a larger share of the world market at the expense of U.S. agriculture.

(B) EU and other foreign competitors also spent nearly $500 million on market promotion activities. The EU, spends more on wine promotion than the U.S. currently spends on all commodities and related agricultural products.

(C) The EU has announced a major new initiative aimed at increasing their exports to Japan—historically, the largest single market for U.S. agriculture exports.

(7) U.S. agriculture is the most competitive industry in the world, but it can not and should not be expected to compete alone against the treasuries of foreign governments.

(8) Reducing or eliminating funding for the Market Access Program would adversely affect U.S. agriculture's ability to remain competitive in today's global marketplace. A reduction in U.S. agricultural exports would translate into lower farm income, a worsening trade deficit, slower economic growth, fewer export-related jobs, and a declining tax base.

(9) U.S. success in upcoming trade negotiations on agriculture scheduled to begin in 1999 depends on maintaining an aggressive trade strategy and related policies and programs. Reducing or eliminating the Market Access Program would represent a form of unilateral disarmament and weaken the U.S. negotiating position.

(10) The Market Access Program is one of the few programs specifically allowed under the current Uruguay Round Agreement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition, and protect American jobs.

GRAMM (AND BIDEN) AMENDMENT NO. 2266

Mr. DOMENICI (for Mr. GRAMM, for himself and Mr. BIDEN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

"SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

"(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974, the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 1999—

"(A) for the defense category: $271,570,000,000 in new budget authority and $266,635,000,000 in outlays;

"(B) for the nondefense category: $255,450,000,000 in new budget authority and $289,547,000,000 in outlays; and

"(C) for the violent crime reduction category: $5,800,000,000 in new budget authority and $4,953,000,000 in outlays;

"(2) with respect to fiscal year 2000—

"(A) for the discretionary category: $532,693,000,000 in new budget authority and $558,711,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $5,554,000,000 in outlays;

"(3) with respect to fiscal year 2001—

"(A) for the discretionary category: $537,632,000,000 in new budget authority and $558,415,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,400,000,000 in new budget authority and $5,981,000,000 in outlays; and

"(4) with respect to fiscal year 2002—

"(A) for the discretionary category: $546,574,000,000 in new budget authority and $556,269,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $4,530,000,000 in outlays;

"as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 314 of the Congressional Budget Act.

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.".

COVERDELL AMENDMENTS NOS. 2267–2268

Mr. DOMENICI (for Mr. COVERDELL) proposed two amendments to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

AMENDMENT NO. 2267

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING EFFORTS TO COMBAT MEDICARE FRAUD AND ABUSE.

It is the sense of the Senate that the provisions of this resolution assume that while fighting Medicare fraud and abuse is critical, so is the avoidance of criminalizing those parties whose errors were made inadvertently. The Senate applauds heightened attention to fraud and abuse issues in the effort to promote Medicare solvency. In evaluating the enforcement activities of the Department of Justice regarding fraud and abuse, the Senate should ensure that standards of proof as prescribed by law are present in these activities. It is incumbent upon the Senate to ensure that parties are not subject to criminal penalties absent a finding of specific intent to defraud.

AMENDMENT NO. 2268

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING NATIONAL RESPONSE TO THE THREAT OF ILLEGAL DRUGS.

SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the provisions of this resolution assume that Congress will significantly increase funding for drug interdiction operations by the Immigration and Naturalization Service, Customs Service, Coast Guard, Department of Defense and other responsible agencies;

(2) the provisions of this resolution assume that Congress will continue to support and increase funding for anti-drug education and prevention efforts aimed at informing every American child in the middle school and high school age brackets about the dangers of drugs and at empowering them to reject illegal drug use;

(3) increasing grassroots parental involvement should be a key component of our national drug education and prevention efforts;

(4) Congress should promote efforts to establish annual measures of performance for evaluating the effectiveness of the National Drug Control Strategy.

COVERDELL (AND GRASSLEY) AMENDMENT NO. 2269

Mr. DOMENICI (for Mr. COVERDELL, for himself and Mr. GRASSLEY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING WASTEFUL SPENDING DEFENSE DEPARTMENT ACQUISITION PRACTICES.

(a) FINDINGS.—The Senate finds that—

(1) According to the Defense Department's Inspector General, despite efforts to streamline government purchases, the military, in some cases, paid more than "fair value" for many items;

(2) efficient purchasing policies, in the context of decreasing defense budgets, are more important than ever to ensure Defense Department spending contributes to military readiness.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Defense Department should continue efforts to eliminate wasteful spending such that defense spending allocated in the FY 99 budget, and all subsequent budgets, is spent in the manner most efficient to maintain and promote military readiness for U.S. armed forces around the globe.

COVERDELL (AND KYL) AMENDMENT NO. 2270

Mr. DOMENICI (for Mr. COVERDELL for himself and Mr. KYL) proposed an amendment to the concurrent resolution. Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE UNITED STATES' RESPONSE TO THE CHANGING NATURE OF TERRORISM

(a) FINDINGS.—The Senate finds that—

(1) The threat of terrorism to American citizens and interests remains high, with Americans suffering one-third of the total terrorist attacks in the world in 1997.

(2) The terrorist threat is changing—while past acts were generally limited to the use of conventional explosives and weapons, terrorists today are exploring technological advances and increasingly lethal tools and strategies to pursue their agenda;

(3) On a worldwide basis, terrorists are focusing on afflicting mass casualties on civilian targets through the acquisition of chemical, biological and nuclear weapons of mass destruction;

(4) Chemical and biological weapons in the hands of terrorists or rogue nations constitute a threat to the United States;

(5) The multi-faceted nature of the terrorist threat encompasses not only foreign terrorists targeting American citizens and interests abroad, but foreign terrorists operating within the United States itself, as well as domestic terrorists;

(6) Terrorist groups are becoming increasingly multinational, more associated with criminal activity, and less responsive to external influences;

(7) Terrorists exploit America's free and open society to illegally enter the country, raise funds, recruit new members, spread propaganda, and plan future activities;

(8) Terrorists are also making of use of computer technology to communicate, solicit money and support, and store information essential to their operations;

(9) State sponsors of terrorism and other foreign countries are known to be developing computer intrusion and manipulation capabilities which could pose a threat to essential public and private information systems in the United States;

(10) The infrastructure deemed critical to the United States are the telecommunication networks, the electric power grid, oil and gas distribution, water distribution facilities, transportation systems, financial networks, emergency services, and the continuity of government services, the disruption of which could result in significant losses to the United States' economic well-being, public welfare, or national security.

(11) A national strategy of infrastructure protection, as required by the Defense Appropriations Act of 1996, and subsequent amendments, has yet to be issued; and

(12) We as a nation remain fundamentally unprepared to respond in a coordinated and effective manner to these growing terrorist threats.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assuming that—

(1) The federal government must take the lead in establishing effective coordination between intelligence-gathering and law enforcement agencies, among federal, state, and local levels of government, and with the private sector, for the purpose of assessing, warning, and protecting against terrorist attacks;

(2) Technical preparedness for the detection and analysis of chemical and biological weapons, and for swift and adequate emergency response to their use by terrorists, must be a near-term continuing priority;

(3) The United States must seek full international cooperation in securing the capture and conviction of terrorists who attack or pose a threat to American citizens and interests;

(4) The United States should fully enforce its laws intended to deny foreign terrorist organizations the ability to rise money in the United States, prevent the evasion of our immigration laws and furthering of criminal activities, and curtail the use of our country as a base of operations; and

(5) A national strategy, adequate to addressing the complexity of protecting our critical infrastructures, and as required by the Defense Appropriations Act of 1996 and subsequent amendments, must be completed and implemented immediately.

COVERDELL (AND DODD) AMENDMENT NO. 2271

Mr. DOMENICI (for Mr. COVERDELL for himself and Mr. DODD) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the propriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING A MULTINATIONAL ALLIANCE AGAINST DRUG TRAFFICKING.

FINDINGS.—the Senate finds that—

(1) the traffic in illegal drugs greatly threatens democracy, security and stability in the Western Hemisphere due to the violence and corruption associated with drug trafficking organizations;

(2) drug trafficking organizations operate without respect for borders or national sovereignty;

(3) the production, transport, sale, and use of illicit drugs endangers the people and legitimate institutions of all countries in the hemisphere;

(4) no single country can successfully confront and defeat this common enemy;

(5) full bilateral cooperation with the United States to reduce the flow of drugs is in the national interests of our neighbors in the hemisphere;

(6) in addition, victory in the hemispheric battle against drug traffickers requires expanded multilateral cooperation among the nation of the region.

SENSE OF THE SENATE.—it is the sense of the Senate that the provisions of this resolution assume that in addition to existing bilateral cooperative efforts, the Administration should promote at the Summit of the Americas and in other fora the concept of a multinational hemispheric "war alliance" bringing together the United States and key illicit drug producing and transiting countries in the Western Hemisphere for the purpose of implementing a coordinated plan of action against illegal drug trafficking and promoting full cooperation against this common menace.

MACK AMENDMENT NO. 2272

Mr. DOMENICI (for Mr. MACK) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—Congress finds that—

(1) heart disease was the leading cause of death or for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals in this budget resolution assume that—

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years;

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in year 1999 over the amount appropriated in fiscal year 1998;

(3) the budget resolution takes a major step toward meeting this goal; and

(4) at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget resolution.

HATCH (AND JEFFORDS) AMENDMENT NO. 2273

Mr. DOMENICI (for Mr. HATCH, for himself and Mr. JEFFORDS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts for tobacco-related programs and activities authorized by comprehensive Senate-passed tobacco legislation.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

SESSIONS AMENDMENT NO. 2274

Mr. DOMENICI (for Mr. SESSIONS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize more than $5,000,000 to pay attorneys' fees on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action.

(2) The limitation described in paragraph (1) shall apply to attorneys' fees provided for or in connection with an action of the type described in such paragraph under any—

(A) court order;

(B) settlement agreement;

(C) Contingency fee arrangement;

(D) arbitration procedure;

(E) alternative dispute resolution procedure (including mediation); or

(F) other arrangement providing for the payment of attorneys' fees.

(3) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(4) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee

agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

BURNS (AND BAUCUS) AMENDMENT NO. 2275

Mr. DOMENICI (for Mr. BURNS, for himself and Mr. BAUCUS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF CONGRESS REGARDING PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

It is the sense of Congress that the provisions of this resolution assume that if the revenue levels are reduced pursuant to section 201 of this resolution for tax legislation, such amount as is necessary shall be used to permanently extend income averaging for farmers for purposes of the Internal Revenue Code of 1986.

THE TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

SNOWE AMENDMENT NO. 2276

Mr. DOMENICI (for Ms. SNOWE) proposed an amendment to the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Texas Low-Level Radioactive Waste Disposal Compact Consent Act".

SEC. 2. CONGRESSIONAL FINDING.

Congress finds that the compact set forth in section 5 is in furtherance of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.).

SEC. 3. CONDITIONS OF CONSENT TO COMPACT.

The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted only for so long as the regional commission established in the compact complies with each provision of the Act.

SEC. 4. CONGRESSIONAL REVIEW.

Congress may alter, amend, or repeal this Act with respect to the compact set forth in section 5 after the expiration of the 10-year period following the date of enactment of this Act, and at such intervals thereafter as may be provided in the compact.

SEC. 5. TEXAS LOW-LEVEL RADIOACTIVE WASTE COMPACT.

(a) CONSENT OF CONGRESS.—In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of Congress is given to the States of Texas, Maine, and Vermont to enter into the compact set forth in subsection (b).

(b) TEXT OF COMPACT.—The compact reads substantially as follows:

"TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

"ARTICLE I. POLICY AND PURPOSE

"SEC. 1.01. The party states recognize a responsibility for each state to seek to manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j). They also recognize that the United States Congress, by enacting the Act, has authorized and encouraged states to enter into compacts for the efficient management and disposal of low-level radioactive waste. It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of this compact.

"ARTICLE II. DEFINITIONS

"SEC. 2.01. As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

"(1) 'Act' means the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j).

"(2) 'Commission' means the Texas Low-Level Radioactive Waste Disposal Compact Commission established in Article III of this compact.

"(3) 'Compact facility' or 'facility' means any site, location, structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible.

"(4) 'Disposal' means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state.

"(5) 'Generate,' when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

"(6) 'Generator' means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the commission.

"(7) 'Host county' means a county in the host state in which a disposal facility is located or is being developed.

"(8) 'Host state' means a party state in which a compact facility is located or is being developed. The State of Texas is the host state under this compact.

"(9) 'Institutional control period' means that period of time following closure of the facility and transfer of the facility license from the operator to the custodial agency in compliance with the appropriate regulations for long-term observation and maintenance.

"(10) 'Low-level radioactive waste' has the same meaning as that term is defined in Section 2(9) of the Act (42 U.S.C. 2021b(9)), or in the host state statute so long as the waste is not incompatible with management and disposal at the compact facility.

"(11) 'Management' means collection, consolidation, storage, packaging, or treatment.

"(12) 'Operator' means a person who operates a disposal facility.

"(13) 'Party state' means any state that has become a party in accordance with Article VII of this compact. Texas, Maine, and Vermont are initial party states under this compact.

"(14) 'Person' means an individual, corporation, partnership or other legal entity, whether public or private.

"(15) 'Transporter' means a person who transports low-level radioactive waste.

"ARTICLE III. THE COMMISSION

"SEC. 3.01. There is hereby established the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall consist of one voting member from each party state except that the host state shall be entitled to six voting members. Commission members shall be appointed by the party state governors, as provided by the laws of each party state. Each party state may provide alternates for each appointed member.

"SEC. 3.02. A quorum of the commission consists of a majority of the members. Except as otherwise provided in this compact, an official act of the commission must receive the affirmative vote of a majority of its members.

"SEC. 3.03. The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

"SEC. 3.04. The commission shall:

"(1) Compensate its members according to the host state's law.

"(2) Conduct its business, hold meetings, and maintain public records pursuant to laws of the host state, except that notice of public meetings shall be given in the non-host party states in accordance with their respective statutes.

"(3) Be located in the capital city of the host state.

"(4) Meet at least once a year and upon the call of the chair, or any member. The governor of the host state shall appoint a chair and vice-chair.

"(5) Keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

"(6) Approve a budget each year and establish a fiscal year that conforms to the fiscal year of the host state.

"(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a non-host party state to store low-level radioactive waste generated outside of the state.

"(8) Submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 31 of each year.

"(9) Assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

"(10) Keep a current inventory of all generators within the party states, based upon information provided by the party states.

"(11) By no later than 180 days after all members of the commission are appointed under Section 3.01 of this article, establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995–2045, including decommissioning waste. The shipments of low-level radioactive waste from all non-host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period. When averaged over such 50-year period, the total of all shipments from non-host party states shall not exceed 20,000 cubic feet a year. The commission shall coordinate the volumes, timing, and frequency of shipments from generators in the non-host party states in order to assure that over the life of this agreement shipments from the non-host party states do not exceed 20 percent of the volume projected by the commission under this paragraph.

"SEC. 3.05. The commission may:

"(1) Employ staff necessary to carry out its duties and functions. The commission is authorized to use to the extent practicable the services of existing employees of the party states. Compensation shall be as determined by the commission.

"(2) Accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

"(3) Enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

"(4) Adopt, by a majority vote, bylaws and rules necessary to carry out the terms of this compact. Any rules promulgated by the commission shall be adopted in accordance with the Administrative Procedure and Texas Register Act (Article 6252–13a, Vernon's Texas Civil Statutes).

"(5) Sue and be sued and, when authorized by a majority vote of the members, seek to intervene in administrative or judicial proceedings related to this compact.

"(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.

"(7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.

"(8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

"SEC. 3.06. Jurisdiction and venue of any action contesting any action of the commission shall be in the United States District Court in the district where the commission maintains its office.

"ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

"SEC. 4.01. The host state shall develop and have full administrative control over the development, management and operation of a facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life. Use of the facility by the non-host party states for disposal of low-level radioactive waste, including such waste resulting from decommissioning of any nuclear electric generation facilities located in the party states, is limited to the volume requirements of Section 3.04(11) of Article III.

"SEC. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.

"SEC. 4.03. The initial states of this compact cannot be members of another low-level radioactive waste compact entered into pursuant to the Act.

"SEC. 4.04. The host state shall do the following:

"(1) Cause a facility to be developed in a timely manner and operated and maintained through the institutional control period.

"(2) Ensure, consistent with any applicable federal and host state laws, the protection and preservation of the environment and the public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the disposal facilities within the host state.

"(3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, and implement any adopted contingency plan.

"(4) Establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272 and 402.273, Texas Health and Safety Code. The same fees shall be charged for the disposal of low-level radioactive waste that was generated in the host state and in the non-host party states. Fees shall also be sufficient to reasonably support the activities of the Commission.

"(5) Submit an annual report to the commission on the status of the facility, including projections of the facility's anticipated future capacity, and on the related funds.

"(6) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and Commission vote, at noncompact facilities.

"(7) Promptly notify the other party states of any legal action involving the facility.

"(8) Identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

"SEC. 4.05. Each party state shall do the following:

"(1) Develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for the facility to conform to packaging, processing, and waste form specifications of the host state.

"(2) Maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

"(3) Develop and enforce procedures requiring generators within its borders to minimize the volume of low-level radioactive waste requiring disposal. Nothing in this compact shall prohibit the storage, treatment, or management of waste by a generator.

"(4) Provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

"(5) Pay for community assistance projects designated by the host county in an amount for each non-host party state equal to 10 percent of the payment provided for in Article V for each such state. One-half of the payment shall be due and payable to the host county on the first day of the month following ratification of this compact agreement by Congress and one-half of the payment shall be due and payable on the first day of the month following the approval of a facility operating license by the host state's regulatory body.

"(6) Provide financial support for the commission's activities prior to the date of facility operation and subsequent to the date of congressional ratification of this compact under Section 7.07 of Article VII. Each party state will be responsible for annual payments equalling its pro-rata share of the commission's expenses, incurred for administrative, legal, and other purposes of the commission.

"(7) If agreed by all parties to a dispute, submit the dispute to arbitration or other alternate dispute resolution process. If arbitration is agreed upon, the governor of each party state shall appoint an arbitrator. If the number of party states is an even number, the arbitrators so chosen shall appoint an additional arbitrator. The determination of a majority of the arbitrators shall be binding on the party states. Arbitration proceedings shall be conducted in accordance with the provisions of 9 U.S.C. Sections 1 to 16. If all parties to a dispute do not agree to arbitration or alternate dispute resolution process, the United States District Court in the district where the commission maintains its office shall have original jurisdiction over any action between or among parties to this compact.

"(8) Provide on a regular basis to the commission and host state—

"(A) an accounting of waste shipped and proposed to be shipped to the compact facility, by volume and curies;

"(B) proposed transportation methods and routes; and

"(C) proposed shipment schedules.

"(9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

"SEC. 4.06. Each party state shall act in good faith and may rely on the good faith performance of the other party states regarding requirements of this compact.

"ARTICLE V. PARTY STATE CONTRIBUTIONS

"SEC. 5.01. Each party state, except the host state, shall contribute a total of $25 million to the host state. Payments shall be deposited in the host state treasury to the credit of the low-level waste fund in the following manner except as otherwise provided. Not later than the 60th day after the date of congressional ratification of this compact, each non-host party state shall pay to the host state $12.5 million. Not later than the 60th day after the date of the opening of the compact facility, each non-host party state shall pay to the host state an additional $12.5 million.

"SEC. 5.02. As an alternative, the host state and the non-host states may provide for payments in the same total amount as stated above to be made to meet the principal and interest expense associated with the bond indebtedness or other form of indebtedness issued by the appropriate agency of the host state for purposes associated with the development, operation, and post-closure monitoring of the compact facility. In the event the member states proceed in this manner, the payment schedule shall be determined in accordance with the schedule of debt repayment. This schedule shall replace the payment schedule described in Section 5.01 of this article.

"ARTICLE VI. PROHIBITED ACTS AND PENALTIES

"SEC. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.

"SEC. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.

"SEC. 6.03. Violations of this article may result in prohibiting the violator from disposing of low-level radioactive waste in the compact facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the commission.

"ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT; CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

"SEC. 7.01. The states of Texas, Maine, and Vermont are party states to this compact. Any other state may be made eligible for party status by a majority vote of the commission and ratification by the legislature of the host state, subject to fulfillment of the rights of the initial non-host party states under Section 3.04(11) of Article III and Section 4.01 of Article IV, and upon compliance with those terms and conditions for eligibility that the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this section, as a member of this compact; provided, however, the specific provisions of this compact, except for those pertaining to the composition of the commission and those pertaining to Section 7.09 of this article, may not be changed except upon ratification by the legislatures of the party states.

"SEC. 7.02. Upon compliance with the other provisions of this compact, a state made eligible under Section 7.01 of this article may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment, the legislature enacts this compact.

"SEC. 7.03. Any party state may withdraw from this compact by repealing enactment of this compact subject to the provisions herein. In the event the host state allows an additional state or additional states to join the compact, the host state's legislature, without the consent of the non-host party states, shall have the right to modify the composition of the commission so that the host state shall have a voting majority on the commission, provided, however, that any modification maintains the right of each initial party state to retain one voting member on the commission.

"SEC. 7.04. If the host state withdraws from the compact, the withdrawal shall not become effective until five years after enactment of the repealing legislation and the non-host party states may continue to use the facility during that time. The financial obligation of the non-host party states under Article V shall cease immediately upon enactment of the repealing legislation. If the host state withdraws from the compact or abandons plans to operate a facility prior to the date of any non-host party state payment under Sections 4.05(5) and (6) of Article IV or Article V, the non-host party states are relieved of any obligations to make the contributions. This section sets out the exclusive remedies for the non-host party states if the host state withdraws from the compact or is unable to develop and operate a compact facility.

"SEC. 7.05. A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date of the repealing legislation. During this two-year period the party state will continue to have access to the facility. The withdrawing party shall remain liable for any payments under Sections 4.05(5) and (6) of Article IV that were due during the two-year period, and shall not be entitled to any refund of payments previously made.

"SEC. 7.06. Any party state that substantially fails to comply with the terms of the compact or to fulfill its obligations hereunder may have its membership in the compact revoked by a seven-eighths vote of the commission following notice that a hearing will be scheduled not less than six months from the date of the notice. In all other respects, revocation proceedings undertaken by the commission will be subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), except that a party state may appeal the commission's revocation decision to the United States District Court in accordance with Section 3.06 of Article III. Revocation shall take effect one year from the date such party state receives written notice from the commission of a final action. Written notice of revocation shall be transmitted immediately following the vote of the commission, by the chair, to the governor of the affected party state, all other governors of party states, and to the United States Congress.

"SEC. 7.07. This compact shall take effect following its enactment under the laws of the host state and any other party state and thereafter upon the consent of the United States Congress and shall remain in effect until otherwise provided by federal law. If Texas and either Maine or Vermont ratify this compact, the compact shall be in full force and effect as to Texas and the other ratifying state, and this compact shall be interpreted as follows:

"(1) Texas and the other ratifying state are the initial party states.

"(2) The commission shall consist of two voting members from the other ratifying state and six from Texas.

"(3) Each party state is responsible for its pro-rata share of the commission's expenses.

"SEC. 7.08. This compact is subject to review by the United States Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to federal law.

"SEC. 7.09. The host state legislature, with the approval of the governor, shall have the right and authority, without the consent of the non-host party states, to modify the provisions contained in Section 3.04(11) of Article III to comply with Section 402.219(c)(1), Texas Health & Safety Code, as long as the modification does not impair the rights of the initial non-host party states.

"ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

"SEC. 8.01. The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party shall not be infringed upon unnecessarily.

"SEC. 8.02. This compact does not affect any judicial proceeding pending on the effective date of this compact.

"SEC. 8.03. No party state acquires any liability, by joining this compact, resulting from the siting, operation, maintenance, long-term care or any other activity relating to the compact facility. No non-host party state shall be liable for any harm or damage from the siting, operation, maintenance, or long-term care relating to the compact facility. Except as otherwise expressly provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act or failure to act. Generators, transporters, owners and operators of the facility shall be liable for their acts, omissions, conduct or relationships in accordance with applicable law. By entering into this compact and securing the ratification by Congress of its terms, no party state acquires a potential liability under section 5(d)(2)(C) of the Act (42 U.S.C. Sec. 2021e(d)(2)(C)) that did not exist prior to entering into this compact.

"SEC. 8.04. If a party state withdraws from the compact pursuant to Section 7.03 of Article VII or has its membership in this compact revoked pursuant to section 7.06 of Article VII, the withdrawal or revocation shall not affect any liability already incurred by or chargeable to the affected state under Section 8.03 of this article.

"SEC. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be

held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

"SEC. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

"(1) The United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

"(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

"SEC. 8.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

"(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

"(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

"(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission.".

WELLSTONE AMENDMENTS NOS. 2277–2278

Mr. DOMENICI (for Mr. WELLSTONE) proposed two amendments to the bill, H.R. 629, supra; as follows:

AMENDMENT NO. 2277

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) the compact not be implemented (including execution by any party state (as defined in the compact) of any right, responsibility, or obligation of the party state under Article IV of the compact) in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

(2) BY A MEMBER OF AN AFFECTED COMMUNITY.—If person that resides or has a principal place of business a community that is adversely affected by a failure to comply with the condition stated in subsection (a)(3)(B) obtains evidence of the failure of compliance, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

AMENDMENT NO. 2278

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) no low-level radioactive waste be brought into Texas for disposal at a compact facility from any State other than the State of Maine or Vermont.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

(2) BY A MEMBER OF THE COMMUNITY IN WHICH A COMPACT FACILITY IS LOCATED.—If any person that resides or has a principal place of business in the community in which a compact facility is located obtains evidence that the condition stated in subsection (a)(3)(B) has not been complied with at any time, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct three Field Hearings as follows: on Tuesday, April 7, 1998 at 11:00 a.m. to conduct a Hearing on Tribal Sovereign Immunity, in Seattle, Washington; on Wednesday, April 8, 1998 at 1:30 p.m. to conduct a hearing on Jurisdiction Issues in the State of Montana, in Billings, Montana; and on Thursday, April 9, 1998 at 1:00 p.m. to conduct a Hearing on Economic Development in St. Paul, Minnesota.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 1, 1998 at 9:30 a.m. on pending committee business (tobacco legislation).

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on environmental tobacco smoke Wednesday, April 1, 1:30 p.m., Hearing Room (SD–406).

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, April 1, 1998 beginning at 10:00 a.m. in room SH–215, to conduct a markup.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 10:00 a.m. for a hearing on "Crashing into the Millenium".

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the

Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 2:30 p.m. for a hearing on the nomination of Melvin R. Wright to be Associate Judge of the Superior Court of the District of Columbia.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 4:00 p.m. for a business meeting and markup on legislative items and pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 1998, at 10:30 a.m. in room 106 of the Dirksen Senate Office Building to conduct a markup on the following business: (1) the nomination of Katherine Archuleta of Denver, Colorado to serve on the Board of Directors of the Institute of American Indian and Alaska Native Culture and Arts Development; (2) S. 1279, Indian Employment, Training and Related Services Demonstration Act Amendments of 1997; and (3) S. 1797, the Reduction in Tobacco Use and Regulation of Tobacco Products in Indian Country Act of 1998. To be followed immediately by a hearing on Amendments to the Indian Gaming Regulatory Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, April 1, 1998, at 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, April 1, 1998 at 10:00 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Airline Hubs: Fair Competition or Predatory Pricing?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 1998, to conduct a hearing on identity theft.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 1, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on titles I, II, III, and V of S. 1693, the Vision 2020 National Parks Restoration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL BREAST CANCER SURVIVORS DAY

• Mr. MURKOWSKI. Mr. President, today is National Breast Cancer Survivors Day and I want to take this opportunity to focus my colleague's attention on the importance of continued research and early detection efforts for this tragic disease.

Mr. President, one out of nine American women will suffer the tragedy of breast cancer. It is today the leading cause of death for women between the ages of 35 to 54.

Alaskan women are particularly vulnerable to this disease. We have the second highest rate of breast cancer in the Nation. One in 7 Alaska women will get breast cancer and tragically it is the Number One cause of death among Native Alaskan women.

Mr. President, these tragic Alaska deaths are not inevitable. Health experts agree that the best hope for lowering the death rate is early detection and treatment. It is estimated that breast cancer deaths can be reduced by 30 percent if all women avail themselves of regular clinical breast examination and mammography.

But for many Alaska women, especially native women living in one of our 230 remote villages, regular screening and early detection are often hopeless dreams.

For more than 20 years, my wife Nancy has recognized this problem and tried to do something about it. In 1974, she and a group of Fairbanks' women created the Breast Cancer Detection Center, for the purpose of offering mammographies to women in remote areas of Alaska—regardless of a woman's ability to pay.

Now, the Center uses a small portable mammography unit which can be flown to remote areas of Alaska, offering women in the most rural of areas easy access to mammographies at no cost. Additionally, the Center uses a 43-foot long, 14 foot high and 26,000 pound mobile mammography van to travel through rural areas of Alaska. The van makes regular trips, usually by river barge, to remote areas in Interior Alaska such as Tanana.

Julie Roberts, a 42-year-old woman of Tanana, who receives regular mammographies from the mobile mammography van, knows the importance of early screening:

> There's a lot of cancer here (in Tanana)—a lot of cancer. That's why it's important to have the mobile van here . . . I know that if I get checked, I can catch it early and can probably save my life. I have three children and I want to see my grandchildren.

I am proud to say that the Fairbanks Center now serves about 2,200 women a year and has provided screenings to more than 25,000 Alaska women in 81 villages throughout the state. To help fund the efforts of the Fairbanks Center, each year Nancy and I sponsor a fishing tournament to raise money for the operation of the van and mobile mammography unit. After just three years, donations from the tournament have totalled $830,000.

Mr. President, Nancy and I are committed to raising more funds for this important program so that every woman in Alaska can benefit from the advances of modern technology and reduce their risk of facing this killer disease.

Mr. President on this day that we recognize survivors of breast cancer, I want take a moment to discuss legislation that I am cosponsoring with Senator D'AMATO to end the practices of so-called "drive-through" mastectomies.

In too many cases women who survive the trauma of a mastectomy are being forced to get out of the hospital only hours after their surgery. How can medical care professionals allow this? Simply because many insurance companies demand that the procedure of a mastectomy be considered an out-patient service."

Here's the horror that many insurance companies cause:

Nancy Couchot, a 60 year old woman had a radical mastectomy at 11:30 a.m. She was released from the hospital five hours—even though she was not able to walk or use the rest room without assistance.

Victoria Berck, had a mastectomy and lymph node removal at 7:30 a.m. 7 hours late. She was given instructions on how to empty two drains attached to her body and sent home. Ms. Berck concludes, "No civilized country in the world has a mastectomy as an out-patient service."

Mr. President that is why I am proud to co-sponsor the Women's Health and Cancer Rights Act of 1997, which would put an end to the drive-through mastectomies.

Specifically, the Act will require health insurance companies to allow

physicians to determine the length of a mastectomy patient's hospital stay according to medical necessity. In other words, the bill makes it illegal to punish a doctor for following good medical judgment and sound medical treatment.

Another important provision of this bill ensures that mastectomy patients will have access to reconstructive surgery. Scores of women have been denied reconstructive surgery following mastectomies because insurers have deemed the procedure to be cosmetic'' and, therefore, not medically necessary.

Mr. President, far too often breast cancer victims, who believe that they have adequate health care coverage, are horrified when they learn that reconstruction is not covered in their health plan.

In Alaska, of the 324 mastectomies and lumpectomies performed in 1996, reconstruction only occurred on 11 of the patients. That means that only 3.4% of women who have their breast removed have reconstructive surgery, compared to the national average of 23%.

Mr. President, the simple reason for this tragically low figure is simple: women can't afford the procedure.

Breast reconstruction costs average about $5,000 for just the procedure. If hospital, physician and other costs are included—the costs escalate to around $15,000.

Dr. Sarah Troxel, of Providence hospital, the only doctor in the Mat-Su Valley who does breast reconstruction, states the importance of reconstruction:

> Women who are unable to receive reconstructive surgery, suffer from depression, a sense of loss, and need more cancer survivor counseling . . . Additionally reconstructive surgery can be preventative medicine—women who don't have reconstructive surgery often develop other medical problems or complications with their spine.

Mr. President, these issues are not partisan issues. We may have our differences regarding managing and financing health reform, but I think we all endorse accessible and affordable health care that preserves patient choice and physician discretion. Cancer does not look to see the politics of its victims.

It is my hope that we will adopt this legislation this year.•

50TH ANNIVERSARY OF THE U.S. AIR FORCE RESERVE

• Mr. LEVIN. Mr. President, I rise today to honor the United States Air Force Reserve on its 50th Anniversary, which will be celebrated across the country on April 14, 1998. The United States Air Force Reserve can trace its heritage back to the National Defense Act of 1916 which authorized a reserve corps of 2,300 officer and enlisted aviators. In 1917, the War Department established the First Reserve Aero Squadron. However, the Air Reserve was not formally established until after World War II.

On July 26, 1947, the National Security Act was signed into law by President Truman. This act established the United States Air Force as a separate branch of our Nation's armed forces. On April 14, 1948, just seven months later, the U.S. Air Force Reserve was established. On April 27, 1948, the Air Reserve was transferred to the Air Force. In October 1948, President Truman directed the services to revamp their reserve components. As a result, the Air Force established the position of Special Assistant to the Chief of Staff for Reserve Forces to oversee the Air Reserve. The first person to fill this position was Lt. Gen. Elwood R. Quesada. On December 1, 1948, the Air Force established the Continental Air Command (CONAC) at Mitchell Air Force Base, New York. The CONAC's mission was to administer all Air Reserve programs. After the establishment of the CONAC, the Air Reserve's mission became more coherent and diversified.

Since its humble beginnings during World War I, the Air Force Reserve has seen many dramatic changes as it has built itself into the world-class force it is today. Over the past fifty years the men and women of the Air Force Reserve have served with honor and distinction during the 1961 Berlin Crisis and the 1962 Cuban Missile Crisis, and in the major conflicts of Korea, Vietnam and in the Persian Gulf. Major General Robert A. McIntosh, the Commander of the Air Force Reserve Command, recently summarized the remarkable accomplishments of the Air Force Reserve. He said, ''In five decades, we moved from a standby force, training on obsolete and war-weary airplanes, to a front-line force that is more capable than the air forces of many nations. We are a role model for keeping unique capabilities in a military framework without spending the money that a large full-time military requires.''

As the Air Force Reserve celebrates its Golden Anniversary this month, we recognize that the Air Force Reserve truly does have a golden legacy. It is a legacy that we should all take time to reflect upon and honor. Regardless of any future threat our Nation may face, the Air Force Reserve will meet the challenge just as they always have. Air Force Reservists deserve the respect and gratitude of all Americans for their service and their sacrifice for our country. These volunteers exemplify daily their dedication to the ideals that make our country great.

In Michigan, the 927th Air Refueling Wing at Selfridge Air National Guard Base will celebrate the Air Reserve's 50th Anniversary. The 927th ARW flies KC–135E Stratotankers to fulfill its mission of providing Global Reach for United States air power. The 927th has a rich history of service which includes missions in Vietnam, the Persian Gulf and Bosnia. We in Michigan are very proud of the job the 927th is doing for our nation.

I know my Senate colleagues join me in celebrating the 50th Anniversary of the United States Air Force Reserve.•

NATIONAL BREAST CANCER SURVIVORS' DAY

• Mrs. HUTCHISON. Mr. President, I rise today to highlight to the Senate and to the American people the importance of this day—National Breast Cancer Survivors' Day—a day commemorating breast cancer awareness and the celebration of life.

Breast cancer is the most common cancer among women of all ages. There is scarcely an American family that in some way has not been touched by this disease. In fact, it is estimated that over 180,000 women and men are diagnosed with breast cancer and over 43,000 die from the disease each year. Women have a 12 percent lifetime risk for developing breast cancer, and one in 25 women will develop the disease by age 60. While these statistics are grim, today we pause to focus our attention on the hundreds of thousands of success stories—individuals who have survived and even prospered despite breast cancer.

I salute every brave woman and man who has battled and beaten this disease. Only someone who has had cancer can really know what it is like—the fear, the doubt, and the often painful and debilitating treatments and medical procedures. But beat it they have. And to those who are still in the fight, I say: ''Hang in there. You can do it, and the chances are ever greater that you will do it.''

When detected early and when confined to the breast, the five-year survival rate for this disease is over 95 percent. Mr. President, this is a remarkable statistic, and represents a dramatically improved picture than that of even a few years ago. It is also important to note that, for the first time in years, the mortality rate for both Caucasian and African-American women is also declining. With continued advancements in early detection and treatment procedures, and with the growing hope that a cure might be found in a matter of years, not decades, women today certainly do have cause to celebrate.

But our work is far from done. I and many of my Senate and House colleagues are doing all we can to ensure that adequate federal resources are being allocated to research, education, and treatment of breast cancer. Through research grants and direct research conducted at the National Institutes of Health, promising leads and

even occasional breakthroughs are being pursued with vigor by the best and brightest of the medical and scientific worlds. We can of course do more, and I am joining many of my colleagues on the Appropriations Committee in supporting a significant increase in the fiscal year 1999 budget for the NIH so that this important work can move forward. Put simply, we will not rest until a cure is found.

But until a cure is found, let me say to every woman in America that you are your own best ally in the fight against breast cancer. Self-exams and regular breast cancer screenings for high risk women and women over 40 is absolutely crucial. I was pleased that last year the National Institutes of Health joined me and others in recognizing the importance of annual screening of women over 40, and the availability and affordability of mammography and other promising detection techniques continues to increase.

So today, I join my colleagues and all Americans in celebrating those who have won the battle against breast cancer. We salute and celebrate their courage, optimism, and often selfless commitment to help those newly diagnosed to overcome the challenges that lay ahead. Mr. President, these individuals are not just survivors, they are beacons of inspiration and hope for all of us. With the heart and spirit of these survivors leading our way, I know that we will eventually win and conquer this disease. That will be the best Survivors' Day of all.•

VIOLENT AND REPEAT JUVENILE OFFENDER ACT OF 1997

• Mr. LEAHY. Mr. President, the recent shootings outside a school in Jonesboro, Arkansas, that left four young students and a teacher dead and scores of others wounded in both body and mind are shocking. Just over the last few months, we have seen deadly shootings carried out by juveniles in rural communities in Kentucky, in Mississippi and now in Arkansas. Clearly, juvenile crime is not just an urban problem. These shootings leave scars on the loved ones of those killed and injured and on the communities involved that take a long time to heal.

We may never fully comprehend how such crimes against children could be executed by other children. But one thing should be clear: The issue of juvenile crime should not be used for cheap grandstanding or short-sighted political gain. We need to find constructive approaches to this problem that builds upon past successes and respects the proper roles of State, local and Federal authorities.

In the last session, and again at the beginning of this session, I have spoken about the need to address the nation's juvenile crime problem on a bipartisan basis. Politicizing the juvenile crime problem does a disservice to the citizens in this country who want constructive responses.

I have spoken about the need to address the flaws in the juvenile crime bill, S. 10, which the Judiciary Committee voted on last summer. In floor statements and in the extensive minority views included in the Committee report, I have outlined those areas in which this bill needs significant improvement.

In short, the bill reported by the Committee to the Senate would mandate massive changes in the juvenile justice systems in each of our States, and it would invite an influx of juvenile cases in Federal courts around the country. The repercussions of this legislation would be severe for any State seeking federal juvenile justice assistance. The bill also removes core protections that have been in pace for 25 years to keep juvenile offenders out of adult jails and away from the harmful influences of seasoned adult criminals.

The need for significant improvements to this bill is no secret. Virtually every editorial board to consider the bill has reached the same conclusion. Just in recent days, the Philadelphia Inquirer concluded that the bill "is fatally flawed and should be rejected." On Monday, March 23, the Los Angeles Times described the bill as "peppered with ridiculous poses and penalties" and taking a "rigid, counterproductive approach." The Chattanooga Times, on March 14, labeled the bill "misguided" with "flaws so far-reaching that the bill requires substantial surgery." The Houston Chronicle, on March 10, observed that this bill "at the very least, needs serious rethinking." The Legal Times, on March 2, called S. 10 "the crime bill no one likes." The St. Petersburg Times, on February 23, described the bill as "an amalgam of bad and dangerous ideas." A February 10 opinion piece in the Baltimore Sun described S. 10 as a "radical" and "aberrant bill."

The criticisms leveled at S. 10 are, unfortunately, well-deserved. Consequently, eight months after this bill was voted out of Committee, the Committee held a belated hearing on some of the new controversial mandates in the bill. At that hearing, on March 9, Senator SESSIONS announced a number of changes that he planned to make to the new juvenile record-keeping and fingerprinting mandates in the bill. I had recommended a number of these changes during Judiciary Committee mark-up of the bill, and I am pleased that, finally, my cautions are being heeded.

I will be glad to see removed the requirement of photographing every juvenile upon arrest for an act that would have been a felony if committed by an adult, and the new fingerprinting and record-keeping mandates limited to felony acts that occur in the future.

I continue to oppose the imposition of these new requirements as mandates. These mandates will cost States more to implement than they can hope to receive in federal assistance. Those who believe that $250 million over 5 years, or $50 million per year, will be sufficient to pay for the record-keeping mandates in S. 10 have not studied the comprehensive report recently released by the National Center for Juvenile Justice and that the bill, as currently drafted, would cost the states far more than that, especially through its new fingerprinting and record-keeping mandates.

Many of the States are way ahead of the federal government in finding innovative ways to address juvenile crime and need resource assistance, and not bullying, from Washington. They need help to do what they decide is the right balance.

While it is a better practice to hold hearings and examine issues before legislation is voted on and reported out of committee, I look forward to working with Senators HATCH and SESSIONS to improve this package, now that the bill has been reported but finds itself off the main track and stalled on a siding. I again urge the sponsors of this legislation not to politicize the important issue of juvenile crime but to work in an open, fair and bipartisan way to make S. 10 a better bill that will truly do what we all say we want it do to: Reduce youth crime.•

ASYLUM

• Mr. DEWINE. Mr. President, I rise today to express my concerns about the implementation of the immigration laws that Congress passed in 1996, since we are fast approaching an important deadline. Today is the deadline for those immigrants who have lived in the United States for one year who wish to apply for political asylum.

The concerns I raised and shared during the debate on the 1996 Immigration bill are even more relevant today. People who have the most credible asylum claims—those under threat of retaliation, those suffering physical or mental disability, possibly as a result of torture they endured in their home country—may find themselves barred from ever applying for asylum if they miss this deadline.

To protect those who flee persecution and abuse and seek refuge in the United States, the INS should, at the very least, promulgate a final rule that includes the broad "good cause" exceptions from the Senate-passed version of the 1996 immigration law. Senators KENNEDY, FEINGOLD, and I sent a letter on February 12, 1998 to INS urging that the final rule include the Senate's more expansive definition of "good cause" exceptions for missing that deadline.

The INS should not issue regulations that might exclude the very applicants

that the concept of asylum was meant to include. For this reason, our letter urges INS to promulgate a final rule that adopts the Senate's entire definition of "good cause" for missing the one-year filing deadline:

"Good cause" may include, but is not limited to, [1] circumstances that changed after the applicant entered the United States and that are relevant to the applicant's eligibility for asylum; [2] physical or mental disabilities; [3] threats of retribution against the applicant's relatives abroad; [4] attempts to file affirmatively that were unsuccessful because of technical defects; [5] efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; [6] the illness or death of the applicant's legal representative; or [7] other extenuating circumstances as determined by the Attorney General. [Section 193 of Senate bill; *numbers added for reference].

Mr. President, the very least our country should offer these victims of persecution, are clearly and fairly stated exceptions to this one-year filing deadline.

My second concern is that the implementation of the summary exclusion or expedited removal provisions of the new immigration law may prove to be even more harmful to those who flee from persecution and seek refuge in the United States. When this bill was being debated in 1996, Senator LEAHY and I sponsored an amendment that would have limited such expedited removal procedures to only emergency situations. While that amendment passed by one vote in the Senate, it unfortunately did not survive in conference.

I said in May of 1996, and I still believe today, that victims of politically motivated torture and rape are the very ones who are most likely to have to resort to the use of false documents to flee from repressive governments—yet the use of such fraudulent documents subjects them to summary exclusion under the 1996 law.

I also remain concerned that while the INS may instruct its inspectors not to assess the credibility of an asylum claim—but instead refer the claim to an asylum officer—who can say how this process is actually being implemented nationwide at all of our 260 ports of entry? Other outside agencies are not permitted to monitor this process. Some credible cases are being assessed at secondary inspection sites by INS officials who are not trained asylum officers. As a result, I urge the Attorney General to appoint someone from her office to oversee the functioning of secondary inspection sites to ensure that anyone stating a fear of persecution or abuse is not forced onto the next plane back to his or her persecutors.

DOJ oversight could also prevent future inhumane actions—cases of physical and mental abuse that some INS officials have allegedly inflicted on asylum seekers who are shackled to benches at JFK Airport—or at least provide accountability for a process sorely lacking such oversight. A man from Somalia, Mohamoud Farah, who was recently granted asylum, yesterday described his ordeal during a press conference sponsored by the Lawyers Committee for Human Rights. I will ask that his full statement be printed in the RECORD at the conclusion of my remarks, but I will highlight some of it now. While Mohamoud endured 14 and a half hours shackled to a chair at JFK Airport, without food or water or even restroom breaks, he experienced abuse from INS officials and saw them abuse others who had been detained in the secondary inspection waiting area.

Being kicked, cursed at, and shackled to a chair is not how any of us envision proper treatment of people who seek refuge in our great nation—in fact, I imagine that kind of treatment as only occurring at the hands of the persecutors in the very countries from which these refugees flee.

Finally, I am concerned about the consistency with which INS implements its own rules and regulations in compliance with the 1996 immigration law. For example, in the General Accounting Office's report that was sent to me yesterday, the GAO describes inconsistencies among the eight asylum offices in the process of conducting "credible fear" interviews. Some offices failed to document whether a required paragraph on torture was read to the asylum seeker, or whether questions about torture were asked. I am concerned about these inconsistencies—especially since information about torture would provide a solid basis on which to grant asylum.

INS should also be consistent in allowing for effective representation when an asylum applicant appears before an immigration judge. This means that immigration judges should allow the attorney or representative of the asylum seeker to participate at the hearing by speaking or asking questions.

The right to have a trained asylum officer hear an asylum claim or to have counsel speak during a review hearing before an immigration judge should be a consistent right of all asylum seekers—not just a right that depends on which airport a person lands in or which immigration judge that person ends up appealing to.

In conclusion, Mr. President, the Senate must remain vigilant in its oversight duties if we want to keep our asylum system working. We have to remember that there's a reason for having an asylum system in the first place—and that is to keep the torch of liberty lit for truly oppressed people. This is a basic American value, and America should not turn its back on this fundamental principle.

I ask that the statement of Mohamoud Farah be printed in the RECORD.

The statement follows:

STATEMENT OF MOHAMOUD FARAH

(represented by the Hebrew Immigrant Aid Society (HIAS))

I arrived at JFK airport in New York City on October 31, 1997, on an Egypt Air flight from Cairo. When the plane landed, I informed someone at the airport that I was a refugee without a visa to enter the United States. I overheard this person tell a uniformed INS officer that I was "illegal". This INS officer insulted me, cursed at me, and asked me why I came to the United States. He pushed me backwards, and I fell down. Before I knew what was happening, three or four INS officers were putting shackles on my arms and legs. They bound my wrists and ankles to the legs of a chair. As the shackle was short, I was forced to lean forward in an uncomfortable position. The officers yelled and cursed at me. One of them pulled my ear. I tried to explain that I was a refugee from Somalia, but they just continued to shout. I saw the officers kick some other people, who were then taken away.

I remained shackled to the chair, leaning forward, for fourteen and a half hours. During that time, despite my requests, I was not given any food or water, nor was I allowed to use the restroom. I saw two shift changes take place while I was still bound to the chair. At one point, employees from Egypt Air came with my luggage and ticket and said they were trying to send me back. I was afraid that if I were sent to Egypt, I might be put in jail. I told them I would rather be in jail in the United States.

They eventually sent me to another office where someone from INS began to take a statement from me about why I left Somalia. This statement would be used by the Immigration Judge in my proceedings. I was expected to discuss very painful experiences with the same people who were being abusive to me. This interview took a long time, as there was another shift change, and a new officer had to finish the statement. After they took the statement, I had to wait in that office for three more hours. I still was not allowed water or given permission to use the restroom. Finally, I was transported to the detention facility, near the airport in Queens, NY, at about 3:30 a.m. At that point, I was finally able to have some water and use the restroom, but received no food until lunch the next day. In the detention center, I began the process of applying for asylum in the United States. I was represented by Olga Narymsky, an attorney with the Hebrew Immigrant Aid Society (HIAS). After 101 days in detention, on February 9, 1998, I was granted political asylum.

I never expected that I would be treated this way in the United States. I know America is a great nation and that the way I was treated is not normal. I hope that by telling my story, I can help prevent anyone else from having to endure what happened when I arrived seeking refuge in this country.

AGRICULTURAL RESEARCH, EXTENSION AND EDUCATION REFORM

• Mr. WELLSTONE. Mr. President, I am here to support the Senator from Iowa in asking that we be allowed to vote on S. 1150, so that we may provide crop insurance to the farmers in this country and begin to restore food stamps to some legal immigrants who lost eligibility under welfare reform. It

is a bill financed primarily by funds from reducing the federal dollars for the administration of food stamps and provides the perfect opportunity to start correcting the mistakes made under welfare reform in denying legal immigrants access to the food stamp program. In addition it could allow full funding for crop insurance for next year and beyond. The only way Congress could avoid leaving farmers exposed in this way, would be to provide significant increases to crop insurance during the appropriation process. It will be incredibly difficult to increase crop insurance through the appropriations process because of the tight discretionary caps and the tremendous pressure on all programs.

As currently drafted, S. 1150 would provide just over $800 million for FY1999–FY2003 to restore benefits to approximately 250,000 people. That is less than a third of those who lost their eligibility under welfare reform. It is a step in the right direction and we as the Senate should have the right to vote on this legislation.

We are not a country built on denying food to children and their parents. Yet that is essentially what we did when we passed Welfare Reform. Estimates suggest that around 900,000 legal immigrants lost their eligibility. In addition, 600,000 citizen children with legal immigrant parents have seen their family's food stamps reduced. Denying access to nutrition will indeed affect children. It might be in terms of reducing children's food or it might be in terms of family dynamics, job performance or children's accomplishments. The reality is food is a basic need that if lost or reduced has rippling effects on a family.

The legislation that has been stopped would, if passed, begin to return food stamps to the neediest of those immigrants who lost eligibility under welfare reform: children, elderly and disabled. In addition it extends eligibility of asylees and refugees from 5 to 7 years to allow them the time required to apply for citizenship. The remaining $1.1 billion would ensure the much needed funding for crop insurance and increase the much needed funds for agriculture research. Agriculture research funds are critical to improving food safety and providing a better quality food supply for all consumers. I encourage the President to allow the Senate to vote on this legislation so that we may improve food stamp eligibility to legal immigrants and ensure crop insurance to our farmers.•

CONGRATULATING TUBBY SMITH

• Mr. SARBANES. Mr. President, I rise today to congratulate a native son of Southern Maryland, Tubby Smith, who, as a first year head coach, led the Kentucky Wildcats to victory in this year's NCAA Basketball Tournament. This event is a historic one as Tubby Smith becomes only the third African-American to coach an NCAA men's championship basketball team at an institution that, at one time, did not allow African-Americans students to participate in basketball. It is for these reasons that I am particularly proud to congratulate Tubby Smith, a fellow small-town Marylander, on behalf of athletes and citizens nationwide who appreciate the value of opportunity and victory. Mr. President, I ask that an article on Tubby Smith, his family and life in Scotland, St. Mary's County, Maryland from the April 1, 1998 edition of the Washington Post be printed in the RECORD.

The article follows:

[From the Washington Post, Apr. 1, 1998]

IN ST. MARY'S, A CHAMPION'S FAMILY CELEBRATES

(By Jessie Mangaliman)

In the modest one-story cinder-block home in Scotland near St. Mary's County's southernmost point, Tubby Smith's large family—he has 16 brothers and sisters, 10 of whom still live in Southern Maryland, and 38 nieces, nephews, grandnieces and grandnephews—gathered yesterday at the family home to celebrate a victory by one of their own.

It was family-style: in the kitchen over a cup of coffee or in the den in front of a television tuned to a sports channel.

But in some ways, this victory encompasses a larger family. That's because Tubby Smith, the winning coach of the NCAA champion University of Kentucky Wildcats, was the first African American coach of a school that once barred blacks from playing on its basketball team. On Monday, he brought honor to that school and the country when his team, which included his son, Saul, won the national basketball title, defeating Utah 78–69.

"I think he's proved them all wrong," said his jubilant sister Ramona Smith, who lives in Scotland, the tiny farming community of several hundred people six miles from the Chesapeake Bay. "He's made a believer out of everybody. His coaching record speaks for itself; he just happens to be black."

"Yes, my God, we are proud of Tubby Smith," declared Frank Dove, manager of the Mixx Lounge and Grill in Dameron, a nearby community, where more than 100 of Smith's friends gathered Monday night to watch the game and toast him in his victory. A sign outside the lounge on Route 235 proclaimed: "Congratulations, Tubby Smith."

"You can't help but smile to think that Tubby, who is liked by everyone here, came from being a farm boy to what he is now. We are proud," said Dove, who opened the lounge, usually closed on Mondays, to Smith's friends and family.

"You want to talk about the coach of the year? He's my coach of the year . . . for life," said William Smith, one of Tubby Smith's younger brothers who joined the crowd at the Mixx.

"He's the greatest!" said Guffrie Smith Sr., Smith's father, who worked three jobs while helping to raise his family: He drove a school bus, fired boilers at Patuxent River Naval Air Station and barbered.

Guffrie, 79, and Parthenia, 72, still live in the five-bedroom home where Tubby grew up. Guffrie, with the help of his uncle, a share-cropper, built that house in 1963 so that the family could move out of a farmhouse that lacked indoor plumbing.

The Kentucky coach might be known as Tubby—the young boy who liked sitting in his grandmother's wash bin so much that he didn't want to leave—but his given name is Orlando.

"He was an obedient child," Parthenia Smith said. "Weekdays he went to school, and on Sundays he went to church. He was not allowed to play ball on Sundays."

But he was also a hard-working child, said Dove, who has known Tubby since he was an infant. Even at a young age, he helped his father plant fruits and vegetables on the family's five acres of land.

"The whole family is like that—a churchgoing, hard-working good family. That's the bottom line," Dove said. Yesterday afternoon at the Smith home, there was only one subject of conversation: Tubby.

"Every time Tubby came on, somebody holled, 'Tubby's on!'" said Ramona Smith, a guidance counselor at Great Mills High School. "We're still flying high, and we haven't quite calmed down yet."

Neither Guffrie nor Parthenia finished high school, but from the beginning, education was one of the family's most important values, the parents said. It paid off, Guffrie Smith Sr. said yesterday, for most of his 17 children have college degrees, including Tubby.

"He called last night after the game, and he said, 'Hey, Mama, did you see me on TV? I told him, yeah and I thanked the Lord [for the win] because I was so nervous," said Parthenia Smith, who conceded that she could not stop smiling in disbelief.

At Great Mills High, Tubby Smith scored 1,000 points in three seasons before graduating, helping unite a racially divided school in 1967 with his athleticism, according to his brother Odell, who was in Texas to watch the game Monday night.

Tubby Smith played for four years at High Point University in North Carolina. Then he coached in high schools, including at Great Mills. One of his college coaches, J.D. Barnett, later hired him as an assistant at Virginia Commonwealth University. Barnett went on to the University of Tulsa, where he was fired as head coach and replaced by Smith in 1991.

Under Smith's coaching, Tulsa went to the middle rounds of the NCAA tournament. He went to the University of Georgia in 1995, leading his teams to two NCAA tournaments.

Last year when Smith became the first African American coach of the men's team at the University of Kentucky, a paper there published an open letter from a black staff member warning him that the school was not ready for a black coach. "I fear for your safety," she wrote.

"There are good and bad people everywhere you go," Parthenia Smith said. "I told him that I didn't like what she said. But that made me nervous more than anything else."

"He's a good man," Smith's father said. "The boys believe in him."

Guffrie Smith, who has had multiple bypass surgery, said he had no doubt his son would come through a champion, but the thrill of Monday night's game was too much for his heart.

At halftime, when the Wildcats were behind 10 points, Guffrie Smith stood up, paced around the living room and the shut himself in the bedroom. He came out only after the Wildcats had won.

After the game Monday night, Tubby Smith said: "It's obviously something that is

special. It's probably the most noteworthy thing that has happened in our family as far as family achievements.

Smith said he plans to visit his family in St. Mary's County in the next several days.

On national television, he thanked his relatives in St. Mary's because he knew they were watching. The family gathered at the Mixx lounge hooted and hollered, toasting with champagne.•

UNIVERSITY OF MICHIGAN WOLVERINES

• Mr. LEVIN. Mr. President, I rise today to congratulate the University of Michigan Wolverines on the completion of a perfect 1997 football season. In September, the Wolverines began one of the toughest schedules in the Big Ten. The team was prepared to play some of the strongest teams in NCAA football. From their first victory against Colorado (27–3) to their last game of the season against Ohio State (20–14), Michigan dominated the field, surrendering few touchdowns with their top-rated defense. By November, the Wolverines had finished their regular season undefeated, with a Big Ten Championship, a Rose Bowl berth and their first chance at a National Championship in fifty years.

In January, the Michigan Wolverines faced the Washington State Cougars in the 1998 Rose Bowl. Although the University of Michigan has more Rose Bowl appearances than any other Big Ten school, the Wolverines were appearing in Pasadena for the first time in five years. Senior quarterback Brien Griese led the team with 18 for 30 passing for 251 yards and three touchdowns. The Wolverines celebrated a 21–16 victory over Washington State, giving them their ninth straight win against opponents ranked in the Associated Press Top 10 and finishing with a perfect 12–0 season.

The Rose Bowl victory clinched the Wolverines the Associated Press National Championship trophy and secured the co-national championship. The season became even sweeter for the Wolverines when University of Michigan junior Charles Woodson won the 1997 Heisman Trophy, football's most prestigious individual honor, and head coach Lloyd Carr was recognized as Coach of the Year. 1997 was undoubtedly an outstanding year for Michigan football, and possibly the best in school history. On April 9, President Bill Clinton will honor the University of Michigan Wolverines at the White House for their extraordinary athletic accomplishments and remarkable teamwork. I extend my heartiest congratulations to the University of Michigan football team on a perfect 1997 season—Let's Go Blue!

UNITED NATIONS INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

• Mr. WELLSTONE. Mr. President, I would like to call the Senate's attention to a recent initiative that addresses a very important international issue: the use of torture. At its last session, the United Nations General Assembly decided to proclaim June 26th as "United Nations International Day in Support of Victims of Torture." The General Assembly proclaimed the day "with a view to the total eradication of torture and the effective functioning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force on 26 June 1987." Governments and non-governmental organizations are developing plans on how to observe this day in a manner that will recognize the needs of torture victims and the necessity of preventing torture.

Torture is a most effective weapon against democracy. Torture victims are often in the forefront of the struggle for human rights and democracy in their own country. The advocates for these ideals are tortured in order to disable them and instill fear in anyone who might aspire for human rights and democracy. As a refuge for the persecuted, the United States may have as many as 400,000 victims of torture. They come from all regions of the world. Many come from Iraq, Iran, China, Ethiopia, Liberia, El Salvador, Guatemala and many other countries too numerous to mention. Because of their experience with torture, they often have special difficulties applying for asylum and adjusting to a new country. They must overcome the physical and mental effects of torture—the latter often requiring months or years of therapy. Nightmares, flashbacks, anxiety attacks, and depression are just some of the mental consequences of torture. In some cases it may be years before the victim recognizes that treatment is necessary to overcome these psychological roadblocks.

Plans are being made around the world to recognize the contribution of torture victims. In Denmark, the International Rehabilitation Council for Torture Victims and the Rehabilitation and Research Centre for Torture Victims are planning a series of event and activities. In Greece, where torture was prevalent not so many years ago, the Medical Rehabilitation Center for Torture Victims (MRCT) will hold an event at what was, during the dictatorship, the Special Interrogating Unit of the Military Police (a notorious torture and detention center). The building is now used for historical memorial purposes, and symbolically the area has been renamed Park of Freedom. A variety of activities are planned, including speeches by torture victims and refugees.

I am very proud that the first and most comprehensive treatment center for victims of torture in the United States, the Center for Victims of Torture, is located in Minneapolis, Minnesota. It now treats an average of 150 clients a year who come from all regions of the world and are now settled in Minnesota. Many of the Center's clients and former clients are now making significant contributions to our communities and we are grateful to have them. The Center is planning a special event for June 26th.

Mr. President, on February 4th I introduced the Torture Victims Relief Act (S.1606). My bill is co-sponsored by Senators TOM HARKIN, EDWARD KENNEDY, DANIEL PATRICK MOYNIHAN, BARBARA BOXER, BYRON DORGAN, and RICHARD DURBIN. The legislation provides a focus and a framework of the debate about where torture survivors, and our response to the practice of torture by other countries, fit within our foreign policy priorities. Providing treatment for torture survivors is one of the best ways we can show our commitment to fighting human rights abuses around the world.

Mr. President, I strongly urge this administration and this Congress to undertake activities on June 26th to recognize the important contributions torture victims have made on behalf of human rights and democracy and the contributions they have made to our country as well. I suggest that President Clinton invite some torture victims to attend a ceremony at the White House where they would be recognized for their contributions. The invitees should be from countries representing a wide geographic and political distribution.

On that occasion the President could announce some initiatives the administration is taking to support torture victims and prevent torture. I would suggest that the President consider taking the following initiatives: (1) Increase the U.S. contribution to the United Nations Voluntary Fund from $1.5 million to $3.0 million, as recommended in the conference report of the State Department authorization bill; (2) Direct the Agency for International Development to set aside $5 million in fiscal year 1998 funds to assist treatment centers for torture victims abroad; (3) Direct the Department of Health and Human Services to set aside $5 million in fiscal year 1998 funds to assist treatment centers for victims of torture in the United States; and (4) Announce administration support for the Torture Victims Relief Act (S. 1606).

Finally, Mr. President, I would like to mention the valuable contribution being made by the United Nations Voluntary Fund for Victims of Torture. It provides financial assistance to treatment centers for victims of torture throughout the world. These centers

are providing both an essential humanitarian assistance program as well as an important strategic instrument for advancing human rights and democracy around the world. In 1997 the Fund assisted 104 projects in about 70 countries on a budget of little more than $3 million dollars. An article that appeared in Human Rights, a publication initiated by the new U.N. High Commissioner for Human Rights, Mary Robinson, tells why we need to increase our contribution to the Fund. I ask that the text of the article be printed in the RECORD.

The article follows:

U.N. SUPPORT TO VICTIMS OF TORTURE

(By Daniel Prémont)

Torture continues to occur on a worldwide basis, despite enhanced efforts by Governments and organizations in keeping with provisions contained in domestic law and international human rights conventions whose objective is its total eradication.

The practice of torture was first prohibited in 1948 by the Universal Declaration of Human Rights and by the International Convention on the Prevention and Punishment of the Crime of Genocide; the concept was reaffirmed in 1966 by the International Covenant on Civil and Political Rights; and more recently, in 1984, by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

WHAT IS THE VOLUNTARY FUND FOR VICTIMS OF TORTURE?

The effects of torture should not be underestimated. Physical and mental consequences of torture can endure for several years and may be irreversible, often affecting not only thousands of victims themselves, but also their relatives. One of the means of mitigating the subsequent effects of torture on victims and their families is to provide them with medical, psychological, social, legal and economic aid. With this in mind, the General Assembly created the United Nations Voluntary Fund for Victims of Torture in 1982. The purpose of the Fund is to receive voluntary contributions and distribute them to non-governmental organizations and treatment centres for assisting victims of torture and their relatives whose human rights have been severely violated as a result of torture, as well as for the funding of projects for training healthcare professionals specialized in the treatment of victims of torture.

The Fund is administered by the United Nations Secretary-General with a Board of Trustees acting in an advisory capacity and comprising five members with wide experience in the field of human rights. The members serve in their personal capacity and are appointed by the Secretary-General for a renewable three-year term of office on the basis of equitable geographical distribution. Currently, members of the Board of Trustees are Jaap Walkate, Chairman, from The Netherlands; Ribot Hatano from Japan; Elisabeth Odio-Benito from Costa Rica; Ivan Tosevsky from the Former Yugoslav Republic of Macedonia; and Amos Wako from Kenya.

The inadequacy of available resources is a limiting factor in the field of assistance of victims; as a consequence, programmes of assistance are subjected to interruptions. For some 100 organisations the support of the United Nations Voluntary Fund remains essential.

HOW DOES THE VOLUNTARY FUND WORK?

The Fund receives projects which focus on providing medical, psychological, economic, social and legal assistance to victims of torture and to members of their families. A few projects also share the objective of organizing training seminars for health professionals specialized in the treatment of torture victims.

Each May, the Board of Trustees makes recommendations on grants to the High Commissioner for Human Rights. Subsequently, in the following month, on the basis of those recommendations, the High Commissioner takes decisions on behalf of the Secretary-General. As a final step, grants are made available at the end of July.

From 1983 to July 1997, the Fund has financed 255 projects for direct assistance to torture victims. From US$ 2.5 to US$ 3 million of voluntary contributions received from about 30 Governments and a few individuals are disbursed every year to projects in some 60 countries representative of all the regions of the world. Further information on the activities of the Voluntary Fund can be found in the latest annual reports of the Secretary-General to the General Assembly (UN document A/52/387) and to the Commission on Human Rights (UN documents E/CN.4/1998/37 and Add.1).

	Grants requested (US$)	Grants awarded (US$)	Percent granted	Additional amount required (US$)
1997	6,800,000	[1] 3,036,054	44.64	3,765,946
1996	5,618,645	[1] 2,535,500	45.1	3,083,145
1995	5,827,645	[1] 2,719,680	46.6	3,107,965
1994	5,476,959	[1] 3,698,080	67.5	1,778,879
1993	5,289,413	[1] 2,111,880	39.9	3,177,533

[1] Each year, the grants awarded correspond to the total amounts which the Board of Trustees is able to recommend to the Secretary-General for allocation. In view of the insufficient contributions received, the Board avoids the practice of carrying forward a reserve from one year to the next. The Secretary-General follows this recommendation by the Board.

As at 30 November 1997 only US$ 1,174,499 has been paid into the Fund. Provided that the number of grant requested is maintained at the 1997 level, the Fund will need an additional amount of US$ 5,6 million to meet all requests.

SOME PROJECTS RECENTLY SUBMITTED

Torture involves not only physical but also psychological forms, sometimes with long-term sequelae: in this regard, the Fund is supporting a project whose objective is to provide global assistance to formerly disappeared children of victims of torture in Latin America. The organization identifies disappeared children as those born in detention, abducted by security forces and illegally adopted. Once located by the organization, the children may be returned to their biological families. The best interests of the child have to be taken into consideration. This project consists of two main parts: investigation—some 1,030 interviews were carried out in the past year in conjunction with blood tests and analyses of genetic data—and psychological support provided to some 431 persons during 1996. Most of these persons suffer from sequelae of post-traumatic stress disorder including anxiety, nightmares, depression, as well as affective and intellectual inhibitions and benefit from individual psychotherapy. The number of youths seeking assistance remains high while many children have yet to be found: to date, 172 children still need to be located and 6 who were found have yet to be returned to their biological families.

Another project which was being implemented in Asia in 1996 focused on providing physical and mental relief to torture survivors and their families. Firstly, fact-finding missions on the incidence of torture were carried out establishing that people had been subjected to torture by the police and other law enforcement agencies: this involved methods such as beatings all over the body, kicking them with police boots, applying electric shocks, scalding them with hot water, suspending them by the legs from roofs and inflicting them with bullet injuries. Long-term consequences, apart from obvious physical complaints, were psychological and included phobia, depression, sexual problems and mental disorders. The more commonly occurring complaints were social maladjustments at work, in the family and society in general, through the overall loss of social dignity and a departure from social values. In 1995, 263 victims between 15 and 45 years of age received treatment. The drug therapy included prescription of antipsychotics, physiotherapy as well as psychotherapeutic assistance. Parallel to the main objective of providing physical and mental relief to the victims, the Care Center organized other activities such as seminars on torture for health professionals, missions in collaboration with the national Human Rights Commission in order to establish contact with victims, encourage them to visit the Car Center and prepare a report for submission to governmental authorities asking for justice. The organization also established a legal division which has already successfully assisted in five cases.

In North America, a treatment centre is currently providing clinical services to victims of torture who are now refugees, mainly from Africa and the Caribbean. 167 persons were assisted who had been subjected to rape, electric shocks, deprivation of human needs, as well as being obliged to eat excrement or perform acts of violence or murder often targeting their own family members. The treatment provided ranges from psychiatric and medical examination, to treatment in the form of crisis intervention and support counselling, psychotherapy, physiotherapy, social service, education, medical referrals, social support interpreters and legal assistance. In 1996, the center also established a children's art therapy branch as a medium for treating anxiety and dysfunctions related to traumatic experiences which children were unable to express verbally in the family setting.

The Commission on Human Rights, by its resolution 1997/38 of 11 April 1997, requested that the General Assembly proclaim 26 June a United Nations international day in support of the victims of torture and appealed to all Governments, organizations and individuals in a position to do so to contribute annually to the Fund.•

1998 APRIL QUARTERLY REPORTS

The mailing and filing date of the April Quarterly Report required by the Federal Election Campaign Act, as amended, is Wednesday, April 15, 1998. All Principal Campaign Committees supporting Senate candidates in the 1998 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 9:00 a.m. until 7:00 p.m. on April 15th, to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

REGISTRATION OF MASS MAILINGS

The filing date for 1998 first quarter mass mailings is April 27, 1998. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–39

Mr. DOMENICI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 1, 1998, by the President of the United States: Inter-American Convention Against Corruption (Treaty Document No. 105–39).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Inter-American Convention Against Corruption ("the Convention"), adopted and opened for signature at the Specialized Conference of the Organization of American States (OAS) at Caracas, Venezuela, on March 29, 1996. The Convention was signed by the United States on June 27, 1996, at the twenty-seventh regular session of the OAS General Assembly meeting in Panama City, Panama. In addition, for the information of the Senate, I transmit the report of the Department of State with respect to the Convention.

The Convention was the first multilateral Convention of its kind in the world to be adopted. The provisions of the Convention are explained in the accompanying report of the Department of State. The report also sets forth proposed understandings that would be deposited by the United States with its instrument of ratification. The Convention will not require implementing legislation for the United States.

The Convention should be an effective tool to assist in the hemispheric effort to combat corruption, and could also enhance the law enforcement efforts of the States Parties in other areas, given the links that often exist between corruption and organized criminal activity such as drug trafficking. The Convention provides for a broad range of cooperation, including extradition, mutual legal assistance, and measures regarding property, in relation to the acts of corruption described in the Convention.

The Convention also imposes on the States Parties an obligation to criminalize acts of corruption if they have not already done so. Especially noteworthy is the obligation to criminalize the bribery of foreign government officials. This provision was included in the Convention at the behest of the United States negotiating delegation. In recent years, the United States Government has sought in a number of multilateral fora to persuade other governments to adopt legislation akin to the U.S. Foreign Corrupt Practices Act. This Convention represents a significant breakthrough on that front and should lend impetus to similar measures in other multilateral groups.

I recommend that the Senate give early and favorable consideration to the Convention, and that it give its advice and consent to ratification, subject to the understandings described in the accompanying report to the Department of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 1, 1998.*

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DOMENICI. Further as in executive session, I ask unanimous consent at 9 a.m. on Thursday, April 2, the Senate proceed to executive session and immediate vote on Cal. No. 461, the nomination of G. Patrick Murphy to be U.S. District Judge for the Southern District of Illinois. I further ask consent immediately following that vote, the Senate proceed to a vote on the confirmation of Cal. No. 462, Michael P. McCuskey to be U.S. District Judge for the Central District of Illinois. I finally ask consent following these votes the President be immediately notified of the Senate's action, the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Mr. DOMENICI. This is with reference to H.R. 629. I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 197, H.R. 629.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R.629) to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2276

(Purpose: To provide a substitute amendment)

Mr. DOMENICI. Mr. President, Senator SNOWE has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Ms. SNOWE, proposes an amendment numbered 2276.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. SNOWE. Mr. President, I rise today in strong support of HR 629, the Texas Compact Consent Act of 1997, which addresses the disposal of low-level radioactive nuclear waste for Maine, Vermont and Texas—and to thank the cosponsors of this bill: Senators COLLINS, LEAHY, and JEFFORDS, as well as Senators HUTCHISON and GRAMM of Texas for their invaluable assistance and support.

In 1980, Congress told the states to form compacts to solve their low-level waste disposal problems. Subsequently, Congress authorized a means of establishing these compacts without violating the Interstate Commerce Clause of the U.S. Constitution.

As you can see from the chart behind me, 41 states have now joined together to form nine different compacts across the country. Forty-one states. The compact before us today will simply add three more states to the nation's compact network, and carry out what these 41 other states have already been allowed to do.

As the law requires, Texas, Vermont and Maine have negotiated an agreement that was approved by each state: in the Texas Senate by a vote of 28 to zero, and voice voted in the House; in Vermont, the bill was also voice voted by large margins in both bodies.

In Maine, the Senate voted 26 to 3 to pass the compact; in the House, 131 to 6. In addition, 73 percent of the people in a state-wide referendum approved the Compact. All three Governors signed the bill. And, last October 7th, the House passed the Texas Compact by an overwhelming vote of 309 to 107. Decisive victories on all counts, and by any measure.

So, we have before us a Compact that has been carefully crafted and thoroughly examined by the state governments and people of all three states involved. Now all that is required is the approval of Congress, so that the State of Texas and the other Texas Compact members will be able to exercise appropriate control over the waste that will come into the Texas facility.

Let me be clear: the law never intended for Congress to determine who pays what, how the storage is allocated, and where the site is located. To the contrary: the intent of the law is for states to develop and approve these details, and for Congress to ratify the plan. A quick review of history bears this out—for the nine compacts that have been consented to by the United States Congress, not one of them was amended. Not one of them.

It is very important for my colleagues to know that the language ratified by each state for this Compact is exactly the same language, and if any change is made by Congress, the Compact would have to be once again returned to each state for reratification.

And let me take this opportunity to clear up some other misconceptions about this compact, which are being used by our opponents to cast discredit on this legislation.

The Compact before us does not discuss any particular site for the disposal facility. Let me repeat that—this bill has nothing to do with the location of a facility in Texas, as some would have us believe. It only says that Texas must develop a facility in a timely manner, consistent with all applicable state and federal environmental, health, and public safety laws.

This is being done. The Texas State Office of Administrative Hearings is presently conducting several evidentiary hearings at various locations all around the state of Texas to evaluate a proposed site. All voices are being heard, and the state of Texas will decide, as it should.

Opponents of the Texas Compact would have you believe that should we ratify this Compact it will open the doors for other states to dump nuclear waste at a site, in the desert, located five miles from the town of Sierra Blanca, exposing a predominantly low-income, minority community to health and environmental threats.

The truth is that Texas has been planning to build a facility for its own waste since 1981, long before Maine first proposed a Compact with Texas. That is because whether or not this Compact passes, Texas still must somehow take care of the waste it produces.

Further, absent the protection of this Compact, Texas must, I repeat must, open their borders to any other state for waste disposal or they will be in violation of the Interstate Commerce Clause of the U.S. Constitution. The Compact gives Texas the protection that oversight commissioners, mostly appointed by the elected Governor of Texas but also with a say from Maine and Vermont, will decide what is best for Texas.

Local support for the Compact was evidenced just last month in state elections held in Texas. The Hudspeth County judge, who is the top elected official who runs county business where the site has been proposed, and who has strongly declared his support for the Compact, won his race for reelection. Two candidates for county commissioner who also support the Compact won their races over two opponents of the Compact.

The opponents of the Compact would have you believe this issue is about politics. It is not about politics, it is about science: sound science. It is very dry in the Southwest Texas area, where the small amount rainfall it receives mostly evaporates before it hits the ground. The aquifer that supplies water to the area and to nearby Mexico is over 600 feet below the desert floor and is encased in rock.

The proposed site has been designed to withstand any earthquake equaling the most severe that has ever occurred in Texas history. Strong seismic activity in the area is non-existent. All these factors mean that the siting of this facility is on strong scientific grounds.

Our opponents say we will be bad neighbors if we pass this Compact because the proposed site is near the Mexican border. In fact, the U.S. and Mexico have an agreement, the Las Paz Agreement, to cooperate in the environmental protection of the border region. The Las Paz Agreement simply encourages cooperative efforts to protect the environment of the region.

Any proposed facility will be protective of the environment because it will be constructed in accordance with the strictest U.S. environmental safeguards. In addition, both the Mexican National Water Commission and the National Nuclear Security and Safeguards Commission have stated that the proposed site meets the Mexican government's requirements.

Without question, the far bigger threat to the border environment is the untreated sewage dumped into the Rio Grande River by poor border communities on both sides of the river, and large factories, or maquiladoras on the Mexican side of the river that do not adhere to these stringent U.S. environmental standards.

Mr. President, when this Compact is adopted—and it is clear that it should be adopted without amendments—the States of Texas, Maine and Vermont will become the forty second, forty third and forty fourth states to be given Congressional approval for forming a compact. And they will meet their responsibilities under federal law for the disposal of their low-level waste from universities, hospitals, medical centers, and power plants and shipyards.

I, along with my colleagues from the Texas Compact states, urge the Senate to give us this reasoned opportunity, which has widespread public support in Texas, Maine and Vermont. I urge the Senate to adopt S. 270.

I ask unanimous consent that several letters relating to this subject be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
Austin, TX, July 15, 1997.

DEAR SENATOR:

As the Governors of the member states, we strongly urge passage by the U.S. Senate of S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act.

The 1980 Low-Level Radioactive Waste Policy Act and its 1985 amendments make each state "responsible for providing, either by itself or in cooperation with other states," for disposal of its own commercial low-level radioactive waste. In compliance with this federal legislation, the states of Texas, Maine and Vermont have arranged to manage their waste through the terms of the Texas Compact. This compact passed the legislatures of the states involved and is supported by all three Governors. Texas, Maine and Vermont have complied with all federal and state laws and regulations in forming this compact. For the Congress to deny ratification of the Texas Compact would be a serious breach of states' rights and a rejection of Congress' previous mandate to the states.

It is important to remember that S. 270 is site neutral—a vote on S. 270 is neither a vote to endorse nor oppose the proposed site in Texas. Federal legislation leaves the siting of a facility to state governments and should be resolved during formal licensing proceedings. Currently, the Texas Natural Resource Conservation Commission is conducting the appropriate hearings.

Please vote to supply the member states of the Texas Compact with the same protections that you have already given 42 states in the nine previously approved compacts. Thank you for your time and attention on this very important matter. We appreciate all efforts made on behalf of states' rights.

Sincerely,

GEORGE W. BUSH.
HOWARD DEAN, M.D.
ANGUS S. KING, JR.

MAINE YANKEE,
Augusta, ME, March 12, 1998.

Hon. OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: Thank you for contacting me to let us know that debate on the Texas Compact legislation is scheduled to begin this Friday. I appreciate the leadership role you have taken on this difficult issue. I am also grateful to the other members of Maine's congressional delegation for being sensitive to the unique issues presented by Maine.

Since the House vote in December, Texas has issued a fee schedule that appears to make the Texas facility comparable in cost to Barnwell, South Carolina, so long as there are no delays in the scheduled opening of the facility. In addition, we are pleased to see the public hearing process in Texas going forward on schedule, which gives us greater confidence that the site may begin accepting waste in 1999 as projected. Given the foregoing, Maine Yankee can support ratification of the Texas Compact, on the following basis: Maine Yankee has the flexibility to ship waste to South Carolina prior to the operation of the Texas facility; Maine Yankee has the ability to use the Envirocare facility

in Utah throughout our decommissioning; and the Compact passes with no amendments.

Please let me know if you have any questions regarding our position on the Texas Compact legislation. Once again, thank you for taking the lead on this issue which is so important to electric ratepayers.

Yours truly,

DAVID T. FLANAGAN,
Chairman.

HUDSPETH COUNTY COURTHOUSE,
Sierra Blanca, TX, March 12, 1998.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: It is an honor for me to write to U.S. Senators, whose title and energy is devoted to important national and international issues. There are several facts I want you to consider as the U.S. Senate takes up floor action on SB 270, a low-level waste Compact between Texas, Maine and Vermont.

First, I am the County Judge for Hudspeth County, Texas, the site of the proposed low-level radioactive waste facility. Second, I am a strong and vocal supporter of the proposed site and compact. Third, the voters of Hudspeth County overwhelmingly reelected me on March 10th. I won with 54% of the vote in a three person race.

The people of Hudspeth County know my position on these issues and spoke clearly and forcefully the best way can—through the electoral process. I won. My opponents are against the proposed facility. They lost.

In the County Commissioner races, both losing candidates publicly opposed the proposed facility.

Finally, the only candidate on the ballot for Chairman of the Hudspeth County Democratic Party was defeated by a write-in candidate. Billy Addington, a long time an outspoken opponent of the proposed facility, could not win. The democratic process has clearly shown that the citizens of Hudspeth County continue to accept the string of the facility, despite the loud but false claims by the opposition.

I urge you to listen to what the voters of Hudspeth County are saying, as well as the past actions of the legislatures in Maine, Texas and Vermont. This facility has wide support. Please ratify the Compact to enable these states to safety and permanently manage their low-level waste and to help stimulate economic development in Hudspeth County. At least that's what the grass-roots level wants.

Sincerely,

JAMES A. PEASE,
Hudspeth County Judge.

NATIONAL GOVERNORS ASSOCIATION,
March 2, 1998.

DEAR MEMBER OF CONGRESS:

On behalf of the National Governors' Association, we urge you to adopt S. 270 without amendment. This bill provides congressional consent to the Texas-Maine-Vermont Low-Level Radioactive Waste Compact. The National Governors' Association (NGA) policy in support of this compact is attached. We are convinced that this voluntary compact provides for the safe and responsible disposal of low-level waste produced in the three member states.

As you know, under the Low-Level Radioactive Waste Policy Act (LLRWPA) of 1980. Congress mandated that states assume responsibility for disposal of low level radioactive waste, and created a compact system that provides states with the legal authority to restrict, dispose of, and manage waste. Since 1995, forty-one states have entered into nine congressional approved compacts without amendments or objections. The Texas-Maine-Vermont Compact deserves to be the tenth.

Your support for this bipartisan measure, which has the full support and cooperation of the Governors and legislatures of the three participant states, will be crucial.

If you have any questions concerning this matter, please don't hesitate to contact Tom Curtis of the NGA staff at (202) 624-5389.

Sincerely,

GOVERNOR GEORGE V. VOINOVICH,
Chairman.
GOVERNOR TOM CARPER,
Vice Chairman.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, March 11, 1998.

Re S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act NCSL urges you to support this bill without amendment.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: The National Conference of State Legislatures (NCSL) urges you to support S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, which will allow the states of Maine, Texas, and Vermont to continue to work together to develop a facility in Hudspeth County, Texas for the disposal of the low-level radioactive waste produced in those three states. NCSL has consistently reiterated its firm belief that states must be allowed to exercise their authority over the storage and disposal oflow-level radioactive waste, authority that was granted to them by Congress in the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Waste Policy Act Amendments of 1985.

NCSL is concerned about H.R. 629, the version of the Texas Low-Level Radioactive Waste Disposal Compact Consent Act which passed through the House of Representatives last October. H.R. 629 was amended with language that was not in the compact as approved by the Maine, Texas and Vermont state legislatures. No low-level radioactive waste compact between states has ever been amended by Congress. We believe that the amendments to H.R. 629 would establish an unfortunate precedent for Congressional tinkering with agreements that have already been passed by their relevant state legislatures.

The states of Maine, Texas, and Vermont have already expended significant time and resources in order to negotiate an agreement on the Hudspeth County facility. It would be inappropriate for Congress to attempt to alter a valid effort by the Compact states to meet their responsibilities under the Low-Level Radioactive Waste Policy Act. We urge you to support S. 270 without amendment.

Sincerely,

CRAIG PETERSON,
Utah State Senate,
Chair, NCSL Environment Committee.
CAROL S. PETZOLD,
Maryland House of Delegates,
Chair, NCSL Energy & Transportation Committee.

U.S. NUCLEAR REGULATORY COMMISSION,
Washington, DC, March 20, 1998.

Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: In response to the request from your staff, here are the views of the Nuclear Regulatory Commission (NRC) on two proposed amendments to S. 270, a bill to provide the consent of Congress to the Texas Low-Level Radioactive Waste (LLW) Disposal Compact. The proposed amendments would add two new conditions to the conditions of consent to the compact: (1) that no LLW may be brought into Texas for disposal at a compact facility from any State other than Maine or Vermont (referred to below as the "exclusion" amendment); and (2) that "the compact not be implemented . . . in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level" (referred to below as the "discrimination clause"). These amendments raise some significant questions of concern to the NRC.

First, no other Congressional compact ratification legislation has included such conditions to Congress' consent. Making the Congressional consent for this compact different from that for other compacts would create an asymmetrical system and could lead to conflicts among regions. In the past, Congress has set a high priority on establishing a consistent set of rules under which the interstate compact system for LLW disposal would operate.

With respect to the exclusion condition, while the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments Act of 1985 authorize compact States to exclude LLW from outside their compact region, the terms of doing so are left to the States. This is consistent with the intent of these statutes to make LLW disposal the responsibility of the States and to leave the implementation of that responsibility largely to the States' discretion. Thus, the addition of the exclusion condition to the compact would deprive the party States of the ability to make their own choices as to how to handle this important area. In addition, restriction on importation of LLW into Texas to waste coming from Maine or Vermont could prevent other compacts (or non-compact States) from contracting with the Texas compact for disposal of their waste (such as has occurred between the Rocky Mountain and Northwest compacts). This type of arrangement with existing LLW disposal facilities may well become a preferred economical method of LLW disposal. It is also important to note that the exclusion condition may hamper NRC emergency access to the Texas facility pursuant to section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

With respect to the discrimination clause, the Commission supports the general objectives of efforts to address discrimination involving "race, color, national origin, or income level." However, it is unclear how a condition containing broad language of the type contained in the proposed amendment would be applied in a specific case involving a compact. This lack of clarity is likely to create confusion and uncertainty for all parties involved, and could lead to costly, time-consuming litigation. Including such a provision in binding legislation may have broad significance for the affected States and other parties would appear to warrant extensive Congressional review of its implications.

In light of the above, the NRC opposes the approval of amendments to S. 270 that would incorporate the exclusion condition or an undefined discrimination clause into the Texas compact bill.

Sincerely,

SHIRLEY ANN JACKSON,
Chairman.

Ms. COLLINS. Mr. President, I join the senior Senator from the State of Maine, Senator SNOWE, in urging my colleagues to enact H.R. 629, legislation that would ratify the Low-Level Radioactive Waste Disposal Compact, also known as the Texas Compact.

In entering into an agreement for the disposal of low-level radioactive waste, the States of Maine, Texas, and Vermont followed the direction established by the Congress in the Low-Level Radioactive Waste Policy Act and its 1985 amendments. That legislation contemplated that states would form agreements of this nature for the disposal of low-level waste, and thus, by ratifying the compact, Congress will be completing a process that it set in motion.

Mr. President, since 1985 Congress has ratified nine compacts involving 41 states. Put differently, 82 of the 100 members of this body live in states with compacts that have been ratified by the Senate, and with the approval of the Texas Compact, that number will rise to 88. In short, what Maine, Texas, and Vermont are seeking today has already been routinely granted to the vast majority of the states.

While the disposal of radioactive waste is bound to generate controversy, this agreement has been overwhelmingly approved by the Legislatures of the three compacting states, signed by their governors, and in the case of Maine, endorsed by the voters in a referendum. This is consistent with the congressional determination that the states bear responsibility for the disposal of low-level radioactive waste, and that in the interest of limiting the number of disposal sites, they work together to carry out this responsibility. Indeed, ratification by Congress is necessitated only because state-imposed limitations on the importation of waste would otherwise violate the Commerce Clause.

Mr. President, a member of this body has criticized the proposed disposal site to be established pursuant to this compact. Apart from the fact that the location of the site is a matter for the states to determine, that criticism is unsupported by the facts.

In the selection of the proposed site in Hudspeth County, Texas, there was extensive public involvement, as well as thorough environmental and technical reviews. Hudspeth County was found to have the two critical characteristics for a disposal site, namely, very little rainfall and very low population density. Indeed, the county is the size of the State of Connecticut and has a population of only 2800 people.

While some may wish to use this legislation to pursue a larger ideological agenda, it does not square with the facts. The choice of Hudspeth County had nothing to do with who lives there; it had everything to do with the fact that very few people live there.

Mr. President, this body has been presented with nine low-level radioactive waste compacts. It has ratified each one without change. In keeping with congressionally established policy for the disposal of low-level waste, Maine, Texas, and Vermont are seeking the same treatment.

Mr. LEAHY. Mr. President, I rise today to talk about the predicament Vermont, Maine and Texas find themselves in, simply because they are following Congress' directions. In 1985, we amended the Low-Level Nuclear Waste Policy Act to encourage states to enter into interstate compacts to develop disposal facilities for low-level waste by December, 1995, or to assume responsibility for safe waste disposal in their own states. Following our direction, Vermont began looking for an in-state depository location. The sites examined in Vermont were not suitable because of both their geology and their proximity to large populations. At about the same time, Texas offered to enter into a compact with Vermont and Maine and to use a site they were already developing for Texas waste.

The state legislatures of Vermont, Maine and Texas agreed to enter into this compact in the early 1990s. The Compact is a contractual agreement among the three states, but it requires Congressional approval in order to allow the member states to exclude waste from outside their compact. According to our Constitution, these compacts must be approved by Congress. Article 1 clearly states that "No state shall, without the Consent of Congress, . . . Enter into any Agreement or Compact with another state, ..."

Since 1985, nine interstate low-level waste compacts have been approved by Congress, encompassing forty-one states. They were ratified without change and without a single recorded negative vote. I am pleased to see that the Vermont, Maine and Texas Compact will follow in that tradition.

I first introduced legislation to approve our Compact in the 103rd Congress. Passage of H.R. 629 finally ratifies the clear will of the Vermont Legislature when it entered in the Compact. At that time, I believe we all recognized that there was no perfect solution for dealing with low-level nuclear waste, but as long as we are generating power from nuclear facilities and as long as our research universities, hospitals and laboratories use nuclear materials, we are going to have to dispose of the waste. We cannot continue to ignore the need to safely store nuclear waste. To pretend otherwise would be to ignore the growing environmental problem of storing this waste at inadequate, temporary sites in Vermont, Maine and Texas.

Instead, we need to make a commitment to developing and building the safest facility for long-term storage of waste. That is what our States have done, and Congress should not stand in their way. I have talked with our Vermont state geologist. We have looked at maps of Vermont and we have looked at our geology, hydrology and meteorology in Vermont. There is only one conclusion from all of these discussions: there is not an acceptable site for nuclear waste storage in our state.

The Compact also makes economic sense. The residents of Vermont have already committed themselves to this Compact, and the twenty-five million dollar price tag that goes along with it. Since Vermont generates such a small amount of waste, it would be economically unfeasible to build a facility that would meet all the environmental requirements and only store waste generated in Vermont. Building such a facility would put Vermont in a position of looking to other states to help support the facility.

It is also important to remember that under the Compact, Texas has agreed to host the waste facility, but it does not name a specific site. That is an issue to be decided by the people of Texas, as it should be. This Compact also allows the states of Vermont, Maine and Texas to refuse waste from other states. Specifically, Texas will be able to limit the amount of low-level waste coming into its facility from out-of-state sources. Maine and Vermont together produce a fraction of what is generated in Texas, but by entering into this Compact, our states will share the cost of building the facility.

Finally, building the facility does not end Vermont's obligation to the safety of this site. We have a long-term commitment to the site, from ensuring that the facility meets all of the federal construction and operating regulations, to making sure the waste is transported properly to the site, and to ensuring that the surrounding area is rigorously monitored. Vermont will not send its waste to Texas and then close it eyes to the rest of the process.

AMENDMENTS NO. 2277 AND 2278, EN BLOC, TO AMENDMENT NO. 2276

Mr. DOMENICI. Mr. President, Senator WELLSTONE has two amendments at the desk. I ask unanimous consent the Senate consider those amendments en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. WELLSTONE, proposes amendments numbered 2277 and 2278, en bloc, to amendment No. 2276.

The text of the amendments follows:

AMENDMENT NO. 2277

(Purpose: To add certain conditions to the grant of consent to the compact)

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) the compact not be implemented (including execution by any party state (as defined in the compact) of any right, responsibility, or obligation of the party state under Article IV of the compact) in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

(2) BY A MEMBER OF AN AFFECTED COMMUNITY.—If person that resides or has a principal place of business a community that is adversely affected by a failure to comply with the condition stated in subsection (a)(3)(B) obtains evidence of the failure of compliance, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

AMENDMENT NO. 2278

(Purpose: To add certain conditions to the grant of consent to the compact)

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) no low-level radioactive waste be brought into Texas for disposal at a compact facility from any State other than the State of Maine or Vermont.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

(2) BY A MEMBER OF THE COMMUNITY IN WHICH A COMPACT FACILITY IS LOCATED.—If any person that resides or has a principal place of business in the community in which a compact facility is located obtains evidence that the condition stated in subsection (a)(3)(B) has not been complied with at any time, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

Mr. DOMENICI. I ask unanimous consent that the amendments be agreed to, the substitute amendment, as amended, be agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 629), as amended, was considered read the third time, and passed.

UNANIMOUS CONSENT AGREEMENT—H.R. 629

Mr. DOMENICI. Mr. President, I ask unanimous consent that, notwithstanding adoption of the Wellstone amendments and subsequent passage of H.R. 629, it be in order for Senator WELLSTONE on Thursday to modify those amendments only to allow them to conform to the substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISA WAIVER PILOT PROGRAM REAUTHORIZATION ACT OF 1998

Mr. DOMENICI. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1178) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1178) entitled "An Act to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Nationality Act is amended by striking "1998." and inserting "2000.".

SEC. 2. DATA ON NONIMMIGRANT OVERSTAY RATES.

(a) COLLECTION OF DATA.—Not later than the date that is 180 days after the date of the enactment of this Act, the Attorney General shall implement a program to collect data, for each fiscal year, regarding the total number of aliens within each of the classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States notwithstanding such termination.

(b) ANNUAL REPORT.—Not later than June 30, 1999, and not later than June 30 of each year thereafter, the Attorney General shall submit an annual report to the Congress providing numerical estimates, for each country for the preceding fiscal year, of the number of aliens from the country who are described in subsection (a).

SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)), is amended to read as follows:

"(2) QUALIFICATIONS.—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE.—Either—

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during—

"(I) the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

"(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

"(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

"(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

"(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country.".

Amend the title so as to read "An Act to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.".

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

WIRELESS TELEPHONE PROTECTION ACT

Mr. DOMENICI. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia,

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 493) entitled "An Act to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Telephone Protection Act".

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

"(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

"(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured to insert or modify telecommunication identifying information associated with or contained in a telecommunications instrument so that such instrument may be used to obtain telecommunications service without authorization; or".

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—

"(1) GENERALLY.—The punishment for an offense under subsection (a) of this section is—

"(A) in the case of an offense that does not occur after a conviction for another offense under this section—

"(i) if the offense is under paragraph (1), (2), (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

"(ii) if the offense is under paragraph (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both;

"(B) in the case of an offense that occurs after a conviction for another offense under this section, a fine under this title or imprisonment for not more than 20 years, or both; and

"(C) in either case, forfeiture to the United States of any personal property used or intended to be used to commit the offense.

"(2) FORFEITURE PROCEDURE.—The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative and judicial proceeding, shall be governed by section 413 of the Controlled Substances Act, except for subsection (d) of that section.".

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking "punished as provided in subsection (c) of this section" and inserting "subject to the same penalties as those prescribed for the offense attempted".

(c) DEFINITIONS.—Section 1029(e)(8) of title 18, United States Code, is amended by inserting before the period "or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument".

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g)(1) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person engaged in business with, a facilities-based carrier, to engage in conduct (other than trafficking) otherwise prohibited by that subsection for the purpose of protecting the property or legal rights of that carrier, unless such conduct is for the purpose of obtaining telecommunications service provided by another facilities-based carrier without the authorization of such carrier.

"(2) In a prosecution for a violation of subsection (a)(9), (other than a violation consisting of producing or trafficking) it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) that the conduct charged was engaged in for research or development in connection with a lawful purpose.".

(2) DEFINITIONS.—Section 1029(e) of title 18, United States Code is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by striking the period at the end of paragraph (8); and

(D) by adding at the end the following:

"(9) the term 'telecommunications service' has the meaning given such term in section 3 of title I of the Communications Act of 1934 (47 U.S.C. 153));

"(10) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934; and

"(11) the term 'telecommunication identifying information' means electronic serial number or any other number or signal that identifies a specific telecommunications instrument or account, or a specific communication transmitted from a telecommunications instrument.".

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentences for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to sentence above the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(G) the extent to which Federal sentencing guidelines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(H) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(I) any other factor that the Commission considers to be appropriate.

Amend the title so as to read "An Act to amend title 18, United States Code, with respect to scanning receivers and similar devices.".

Mr. KYL. Mr. President, I rise today in support of S. 493, the Cellular Telephone Protection Act, and urge the President to sign this important piece of legislation without delay. This bill makes it easier for federal law enforcement to stop cell phone cloning by targeting cloning at its source—the equipment ("black boxes") used to alter or modify the ESN (electronic serial number) of a cellular phone.

I am particularly pleased that this bill has the support of the U.S. Secret Service, the Department of Justice, the wireless phone industry, and Congress.

This bill is not only a victory for law enforcement, but also for the 56 million Americans who currently use wireless/cellular service. According to the cellular telecommunications industry, consumers lose in excess of $650 million a year due to fraud, much of it as a result of cloning. This results in increased costs to cellular customers.

S. 493 is the first in a series of anti-crime initiatives I introduced that are aimed at modernizing U.S. law to reflect changes in technology. It is another step to assure that law-abiding citizens don't inadvertently become part of a criminal activity.

Wireless fraud is not a victimless crime. It strikes at the heart of technology that is improving the safety, security and business productivity of the entire Nation. This bill will help stop the criminal cloning of wireless phones by giving law enforcement the tools they need to combat wireless fraud.

The Secret Secret—the Federal agency charged with investigating cloning offenses—has doubled the number of arrests in the area of wireless telecommunications fraud every year since 1991, with 800 individuals charged for their part in the cloning of cellular phones in 1996.

At a House Subcommittee on Crime hearing law year, the Secret Service conducted a demonstration in which a phone was cloned in approximately 30 seconds. At that hearing, law enforcement officials testified at how cloning technology is increasingly being used in various types of criminal activity—especially in drug crimes.

On February 24, 1998, I chaired a hearing of the Senate Subcommittee on Terrorism, Technology, and Government Information in which the Secret Service testified that foreign terrorists were financing their operations in the U.S. with the aid of "cloned" cellular telephones. Deputy Assistant Director Richard Rohde testified that foreign terrorists often make money by running illegal "cell-sell" rings. These rings involve the illegal sale of long-distance telephone access using fraudulently-obtained service. One common method is "renting" the use of a cellular phone which has been "cloned," or modified to direct billing identification to the user of a different phone.

While the current cell phone law (18 U.S.C. 1029) has been useful in prosecuting some cloners, the statute has not functioned well in stopping those who manufacture and distribute cloning devices. In testimony before the House Subcommittee on Crime, Michael C. Stenger of the Secret Service stressed the need to revise our current cell phone statute:

> Due to the fact that the statute presently requires the proof of "intent to defraud" to charge the violation, the distributors of the cloning equipment have become elusive targets. These distributors utilize disclaimers in their advertising mechanisms aimed at avoiding a finding of fraudulent intent. This allows for the continued distribution of the equipment permitting all elements of the criminal arena to equip themselves with free, anonymous phone service.

Under S. 493, a prosecutor would need to prove that an individual

> knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured to insert or modify telecommunications identifying information associated with or contained in a telecommunications instrument so that such instrument may be used to obtain telecommunications service without authorization.

The removal of the "intent to defraud" language in 18 U.S.C. 1029 only applies to the possession and use of the hardware and software configured to alter telecommunications instruments. It does not apply to those who are in the possession of cloned phones. Nor does it apply to those in the possession of scanning receivers (which do have some legitimate uses). Someone who does not know that a telecommunications device has been altered to modify a telecommunications instrument would not be criminally liable under this section.

I am very proud of this important crime-fighting legislation and look forward to its prompt signature by the President.

Mr. LEAHY. Mr. President, in 1994, I authored the first law to provide specific protection against "clone" telephones. While the main focus of the Communications Assistance for Law Enforcement Act, or CALEA, was to help our law enforcement agencies deal with the challenge of new digital telecommunications equipment and services, the law also contained important bans on the use and trafficking of clone phones, scanning receivers, and hardware and software used to steal cellular service.

Specifically, in CALEA, we amended the Counterfeit Access Device law, 18 U.S.C. §1029, by adding a provision to criminalize the use and possession, with intent to defraud, of altered telecommunications instruments, or scanning receivers, hardware or software, to obtain unauthorized access to telecommunications services. This law also added to the federal criminal code a definition of scanning receivers to mean devices used to intercept illegally wire or electronic communications.

"Clone" telephones are used illegally to allow free riding on the cellular phone system and result in theft of that service. The cellular telephone industry estimates that it loses $650 million per year due to clone phones. I recall testimony at hearings I chaired jointly with Representative Don Edwards on CALEA about the need to address this problem in CALEA. Tom Wheeler, President of the Cellular Telecommunications Industry Association, testified in 1994 about:

> . . . people being surprised by "humongous" cellular bills because somebody had snatched their electronic code out of the air, cloned that into another phone, and was charging phone calls to Colombia or wherever onto their phone.

S. Hrg. 103-1022, at p. 148 (August 11, 1994).

In short, the theft of cellular telephone services amounts to millions of dollars of losses to wireless service providers and to consumers.

Just as disturbing, clone phones are used by drug dealers and other criminals trying to evade police surveillance of their phone conversations. The fraudulent use of electronic serial numbers, which are critical in identifying the cellular phone subject to wiretap orders, represented a real threat to privacy. Mr. Wheeler explained in 1994, "If you have a situation where there is floating around out there multiple users of the same electronic serial numbers, you don't know who you are tapping." S. Hrg. 103-1022, at p. 148 (August 11, 1994).

Given the financial losses and the threats to privacy posed by clone phones, I urge the cellular telephone industry to consider the technical means available to better protect cellular phone service. In particular, if strong encryption were used to encrypt the radio waves transmitted from cellular phones to the nearest cell tower, stealing those signals for use in a clone phone would be much more difficult, if not impossible.

I have long been a proponent of more widespread use of strong encryption. Clone phones are a perfect example of where the use of strong encryption would be far more effective to prevent this crime from occurring than all the criminal laws we could consider passing.

This bill, as modified by the House, builds upon the work we accomplished in CALEA.

Current law contains an "intent to defraud" requirement that has apparently posed a stumbling block for law enforcement to crack down on the cloning of cellular phones. This bill would remove this intent requirement and make it illegal to use, sell or possess hardware or software knowing it has been configured for the purpose of altering a telephone to steal service.

The House of Representatives made a number of significant improvements to S. 493 to ensure that, upon removal of the "intent to defraud" requirement, the bill did not sweep too broadly. Indeed, I understand that even some cellular companies were concerned that the original bill introduced by Senator KYL might inadvertently have applied to machinery used by legitimate companies to test or reprogram their equipment.

Removal of the "intent to defraud" scienter requirement may still pose problems for those legitimate companies that with to offer "extension" telephones for cellular telephones. In fact, the Federal Communications Commission has a proceeding underway to determine whether companies may be allowed to alter the electronic serial number of a cellular telephone to allow more than one phone to have the same contact number.

Passage of this law may be interpreted as prejudging the outcome of that proceeding by making illegal the use of clone phones, even by legitimate subscribers who pay their bills. That would be regrettable. This bill should not affect the outcome of the FCC proceeding, since the public interest may

be well served by allowing competition into the extension cellular telephone business. Depending on the outcome of the FCC proceeding, we may be revisiting this legislation.

This bill, as modified by the House, is supported by the FBI, Secret Service and the Cellular Telephone Industry Association (CTIA). We made important progress in this area when we passed CALEA, and I am glad to support legislation that will further help law enforcement combat cellular telephone fraud by those who steal cellular service.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND CONVEYANCE ACT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 321, H.R. 1116.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1116) to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District.

There being no objections, the Senate proceeded to consider the bill.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the bill be considered read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1116) was considered read the third time and passed.

MEASURE PLACED ON THE CALENDAR—S. 1889

Mr. DOMENICI. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1889) to reduce tobacco use by children and others through an increase in the cost of tobacco products, the imposition of advertising and marketing limitations, assuring appropriate tobacco industry oversight, expanding the availability of tobacco use cessation programs, and implementing a strong public health prevention and education strategy that involves the private sector, schools, States and local communities.

Mr. DOMENICI. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

ORDERS FOR THURSDAY, APRIL 2, 1998

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m. on Thursday, April 2; that immediately following the prayer, the routine requests through the morning hour be granted and the Senate resume consideration of S. Con. Res. 86, with the pending business being the Bumpers amendment No. 2228.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I further ask unanimous consent that immediately following the previously ordered two votes which will occur at 9 a.m., the Senate then proceed to consecutive votes on or in relation to the following amendments in the following order:

Dorgan amendment No. 2218, relating to the Tax Code;

Allard amendment No. 2170, regarding the Federal debt;

Lautenberg amendment No. 2195, environment programs;

Bond amendment No. 2213, income housing;

Bumpers amendment No. 2228, relating to mines.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Mr. President, tomorrow the Senate will resume consideration of the budget resolution. At 9 a.m., the Senate will proceed to a series of consecutive rollcall votes, with the first two votes in relation to two judicial nominations and the remaining votes in relation to pending amendments to the budget resolution.

It is hoped that during these votes, all Senators will contact the managers of this resolution to see if their respective amendments which are still pending may be accepted or they require a vote on their amendments or perhaps indicate that they have decided to withdraw their amendments. It is the intention of the majority leader to complete action on this measure as soon as possible. Therefore, the cooperation of all Senators is appreciated. Senators should be aware that Thursday will be a busy session with rollcall votes occurring throughout the day and into the evening, as necessary.

ADJOURNMENT UNTIL 8:30 A.M. TOMMORROW

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:33 p.m., adjourned until Thursday, April 2, 1998, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 1, 1998:

IN THE ARMY

THE FOLLOWING-NAMED RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF ARMY RESERVE UNDER TITLE 10, U.S.C., SECTION 3038:

To be chief, army reserve, united states army

MAJ. GEN. THOMAS J. PLEWES, x...

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10,U.S.C., SECTIONS 624, 628, AND 531:

To be major

CHRISTIANNE L. COLLINS, x...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 531:

To be lieutenant colonel

ALTON G. CHERNEY, x...
GREGORY M. GILLUM, x...
STEPHEN J. MILONE, x...

To be major

*DAVID E. HARRIS, x...
RENEE M. JOHNSON, x...
NICOLE S. STERMER, x...
KEVIN L. TOY, x...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

ALMA J. ABALOS, x...
DAVID V. ADAMS, x...
DORIS J. ALLSUP, x...
LAURA V. ALVARADO, x...
REGINA C. AUNE, x...
PATRICIA E. BOYLE, x...
LINDA L. BRICKLEY, x...
RHONDA L. BRIDGE, x...
JOHN A. BUTLER, x...
JOSEPH P. CARDONA, JR., x...
JOHN B. CARLETON, x...
JAMES C. CHAPMAN, x...
MATTHEW W. COGDELL, x...
VIRGINIA F. CONNELLY, x...
PATRICIA L. DAVIS, x...
JAMES W. DOOLEY, x...
CONNIE E. FESSLER, x...
JOHN G. GARLAND III, x...
SUZANNE R. HANSEN, x...
RANDALL W. HARTLEY, x...
RUSSELL W. HEATH, x...
DAVID L. HERRES, x...
GWENDOLYN F. HOLLAND, x...
DEBRA S. HUGHES, x...
JEANIE M. KEARNEY, x...
JAY K. KIDNEY, x...
GENE A. KILLAN, x...
PATRICIA A. LAND, x...
PATRICIA C. LEWIS, x...
THOMAS H. LILLIE, x...
DONNA J. MCCLOSKEY, x...
MARGARET M. MCGUIRE, x...
WILLIAM J. MEHM, x...
ARDIS J. MEIER, x...
BONNIE A. MERTELY, x...
KENNETH L. MEYER, x...
TIMOTHY R. MIDDLETON, x...
ROSS N. MILLER, x...
SHEILA A. W. MILLETTE, x...
JAMES P. MORELAND, x...
LAURENCE P. PAZYRA, x...
MELISSA A. RANK, x...
KATHLEEN A. ROBERTS, x...
TED JIM WILLIAM ROGERS, x...
GLORIA J. ROSEBORO, x...
REBECCA A. RUSSELL, x...
GREGORY E. SEELY, x...
JOHN A. SEIMETZ, x...
JANE E. SERIE, x...
LORETA S. SEWALL, x...
ANDREW J. STOEHR, x...
JEFFREY C. SVENTEK, x...
ROBIN L. TAYLOR, x...
THOMAS J. TEGELER, x...
LUCAS J. WALTER, JR., x...
DARNELL M. WAUN, x...
MARK P. WISNIEWSKI, x...
WILLIAM J. WISNIEWSKI, x...

To be lieutenant colonel

JANICE L. ABLES, x...
BRIAN J. ACKER, x...
LOREN A. AHNBERG, x...

GARNEL E. ALFORD, x...
PATRICIA E. ALVOET, x...
SUANNE R. BARLOW, x...
LYNETTE M. BELL, x...
TONI L. BEUMER, x...
JOHN L. BINDER, x...
CHERYL M. BOSCO, x...
NAOMI M. BOSS, x...
DONNA M. BROWN, x...
RICHARD E. BURROW III, x...
DONALD W. BUTTERWORTH, x...
CHARLES M. CAMPBELL, x...
SHARON M. CARDONA, x...
*DOROTHY L. CARTER, x...
RANDY L. CLABAUGH, x...
RITA A. CLARK, x...
*MARGARET M. COLE, x...
PERRY R. COOPER, x...
ANNE T. COYNE, x...
JOANN H. DAWSON, x...
THOMAS S. DELANEY, x...
RONALD S. DORNIN, x...
JOANNA S. EASTMAN, x...
MELYDIA J. EDGE, x...
HELEN F. EDWARDS, x...
CATHERINE M. ERICKSON, x...
DEBRA K. EVERS, x...
JOHN F. FELINS, x...
GORDON FLINT, x...
ANGELA D. FOWLER, x...
DENNIS E. FRANKS, x...
DEBRA L. GAGNON, x...
JOAN L. GONZALEZ, x...
CHARLES S. GRANTONIC, x...
BRIAN W. GRASSI, x...
JANE A. HEBERT, x...
RONALD B. HENKE, x...
HARVEY K. HILLIARD, x...
TYANN A. HINDELANG, x...
DIANE L. HOBBS, x...
DAVID T. HOCKING, x...
EVA J. HOLSTINE, x...
ANNIE B. JACKSON, x...
LEONARD W. JACKSON, x...
PAULA R. JAMESON, x...
*MARY A. JASINSKI, x...
EDWARD M. JENKINS, x...
VICKI L. JONES, x...
MICHAEL JOSEPH III, x...
PHILIP W. JULIAN, x...
LYNN J. KANWISCHER, x...
KELLEY J. KASH, x...
GRANT D. KOTOVSKY, x...
KIM A. KUBELICK, x...
THOMAS F. LANGSTON, x...
DAVID J. LANNEN, x...
DENISE K. LEW, x...
DIXIE L. LYON, x...
VICTORIA M. MARINO, x...
SHERRY L. MAXWELL, x...
LORI L. MONTGOMERY, x...
DANNY L. MOORE, x...
JOAN E. MORRISSEY, x...
JOHN S. MURRAY, x...
LAMAR ODOM, x...
RONALD E. PALMER, x...
TERRY L. B. PARKER, x...
MONTGOMERY C. PATE, x...
ARLENE A. PERRY, x...
MICHAEL J. POULSEN, x...
SUZANNE M. PRILESZKY, x...
KARRIN W. SAX, x...
MICHAELA R. SHAFER, x...
WILLIAM J. H. SLAUSON, x...
PAMELA H. SMITH, x...
*CHRISTINE C. STUART, x...
MARGARET A. STULTZLALK, x...
SUSAN R. SULLIVAN, x...
DONNALEE SYKES, x...
JAMES F. TITCH, x...
GLORIA J. TWILLEY, x...
CAROL L. UMSTEADRASCHMANN, x...
THOMAS E. VEZIE JR., x...
FRANK W. WILLIAMS, x...
ELAINE S. WILSON, x...
JOHN G. WISEMAN, x...
BARBARA L. WOLFE, x...
THOMAS E. YINGST, x...
M. JEANNE YODER, x...
VICTORIA G. ZAMARRIPA, x...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, 531, AND 3064:

To be colonel

RICHARD A. CLINE, x...

To be lieutenant colonel

*CORNEL L. KITTELL, x...
*STANLEY E. SMITH, x...

To be major

*SONJA S. THOMPSON, x...

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILLIAM T. D'AMICO, x...

To be commander

JOHN S. ARBTER, x...
STEVEN A. DREISS, x...
ROBIN P. MOUTON, x...
JOSE PUBILLONES, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT A. WULFF, x...

THE FOLLOWING-NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589(A):

LYNNEANN PINE, x...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRIAN W. DAUGHERTY, x...
PAUL J. DOUR, x...
CHARLES S. HAMES, x...
HOWARD L. MARSHALL, x...
EDWARD C. SIMMONS, JR., x...

To be lieutenant commander

MICHAEL CRICCHIO, x...

THE JUDICIARY

TIMOTHY B. DYK, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE GLENN L. ARCHER, JR., RETIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, April 1, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HEFLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 1, 1998.

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Reverend Douglas Tanner, Faith and Politics Institute, Washington, DC, offered the following prayer:

Almighty God, who created, sustains and redeems us:

On this first day of April, we are aware that however confused this year's seasons may have been, surely spring has arrived, as it always does. Signs of growth and new life surround us. Sunshine warms our faces. Fresh breezes beckon us to leave the walls within which we have lived and worked all winter and come outside.

We pray that Your creative and renewing spirit might come upon us in a similar way. Grant those in this body an openness to new perspectives and possibilities, even as they appropriately adhere to values and traditions that have survived the tests of time. Warm them to the genuine humanity in each other, even as they vehemently disagree in debate and fiercely compete for the public trust. And even as our worst appears evident in children killing children, guide them to call forth the best in us as a Nation. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from Iowa (Mr. BOSWELL) come forward and lead the House in the Pledge of Allegiance.

Mr. BOSWELL 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3579. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3579) "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints

Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, and Mrs. BOXER, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 8 one-minutes per side.

STOP WASTING TAXPAYER MONEY

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

Mr. DELAY. Mr. Speaker, since the election, the administration has amassed a team of 84 taxpayer-paid White House attorneys on the Federal payroll. That is 31 more lawyers than the entire squad on the Dallas Cowboy football team.

Now, are these lawyers working on issues that affect the public good? Well, don't bet the farm on that. Since the newest rounds of scandals, the White House Counsel's Office has grown by 43 employees. The nonpartisan Congressional Research Service recently reminded us that a Federal employee hired as an attorney is compensated from United States Treasury funds to provide legal advice and assistance or to litigate matters concerning the official business of the United States, its agencies, officers and employees, rather than concerning matters which are purely personal to the employee or to another Federal official.

That is the law.

The time has come for the administration to spend more time on the people's business and less time wasting taxpayer's money stonewalling and invoking executive privilege.

BESTEA IS A GOOD BILL

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

Mr. LIPINSKI. Mr. Speaker, today the House of Representatives will consider H.R. 2400, the surface transportation bill known as BESTEA. I rise today to simply say that BESTEA is a good, bipartisan bill. It will provide better, safer roads. It will provide new and improved public transit systems. It will improve air quality by reducing traffic congestion and by promoting public transit. It will provide good jobs for middle-class Americans. It will ensure America's future as a world leader by maintaining and improving our world class transportation system.

I strongly urge all of my colleagues to vote to invest in America's future and vote in favor of H.R. 2400 today.

TAX REFORM NOW

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

Mr. GIBBONS. Mr. Speaker, a recent survey asking Americans to rank the least three desirable situations, revealed the following: Number three was being called by your boss and saying you are fired. Number two, well, it was going to lunch at a nice restaurant and finding your spouse dining with an exboyfriend or girlfriend. And the first worst nightmare for Americans was going to the mailbox and finding a letter whose return address was the IRS.

These examples, think about it, while graphic, illustrate the growing fear and frustrations the American people have with our tax system. April 1st is a day

that brings practical jokes to the minds of many, yet the clock ticks on toward April 15th, a day that brings fear and paralysis to all working men and women.

Mr. Speaker, only a few citizens are left in this country who can do their own taxes, and yet horror stories of IRS abuse are still mounting. The time to act is now. I urge my colleagues to join me in the tax reform effort, to make this the last April 1st where the American taxpayers are made out to be the fools.

HOUSE SHOULD DELAY PROPOSED TRANSPLANT RULES

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

Mr. BOSWELL. Mr. Speaker, I would like to take this opportunity this morning to bring forth the perilous condition of one of my youngest constituents, Mekenzie Lee of Ottumwa, Iowa, to your attention.

Little 5-year-old Mekenzie has liver cancer and desperately needs a liver transplant. Perhaps today, there are going to be proposed rules by HHS to make a major modification to how this system works.

While the stated purpose of the rule is admirable and I strongly support efforts to increase the donations, I fear this rule may in fact result in a number of unintended consequences.

It will take the decisionmaking process away from the physicians, those who are the most skilled and proficient to able to deal with this, who have got the expertise, and put it into the hands of some bureaucrats. Forcing a one-size-fits-all is questionable to me.

I would ask that Members join the efforts to save Mekenzie and every transplant patient like her who may be harmed by this proposed rule by becoming a cosponsor, and delaying this process for one year and give us time to review it, to get input from the physicians and the places around the country that do this work, to be in play. So please join me in cosponsoring H.R. 3584.

SUPPORT BESTEA

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

Mr. COOK. Mr. Speaker, it is not every day that we get to vote for legislation that will directly and tangibly improve the quality of life for every single American. That is what BESTEA does. BESTEA will repair and rebuild the highways and roads Americans use every day. BESTEA also restores trust with the American people.

BESTEA does what no highway bill has done in two decades; spends gas taxes for its intended purposes. BESTEA is also fiscally responsible. In fact, it is paid for twice. First, it only spends what the government takes in in gas taxes. Second, much of it will be offset by spending cuts.

Also, and often overlooked, BESTEA will save more lives than any other legislation we will act on this year.

This is a great bill for the future of America, and I urge all my colleagues to support it.

NEEDS OF NATIONAL SECURITY BRAIN TRUST

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

Mr. TRAFICANT. Mr. Speaker, the Pentagon says China and Russia are engaged in a nuclear arms race. They say both China and Russia can hit every city in America with a ballistic missile.

Now, if that is not enough to cause you to fall on your sword, the Pentagon further says Russia and China are doing this with American dollars.

Unbelievable. Let us check this out. China gets $60 billion in MFN from Uncle Sam. Russia gets $15 billion in foreign aid from Uncle Sam. In exchange, Uncle Sam gets nuclear missiles pointed at our cities, two tape decks and three cases of vodka.

Beam me up. I say our national security brain trust needs a proctologist on staff.

EMERGENCY PHONES FOR EMERGENCIES

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

Mr. KINGSTON. Mr. Speaker, this morning while reading H.R. 4–1–98, I found hidden deep in the Senate appropriations bill a $60,000 expenditure to install telephones in the Members-only Congressional bathrooms. That is right, $60,000 for Members to conduct business while doing their business. Emergency phones for emergencies.

While Members have little time to waste, Mr. Speaker, that does not mean we have any more emergencies than the next guy. And, what is worse, this proposal calls for drilling holes in the historic mahogany shoeshine chair, which was donated to the House of Representatives by the Woodrow Wilson estate.

Mr. Speaker, this is not good waste management. Let us see this proposal, H.R. 4–1–98, for the joke that it is, or we would be a bunch of April fools.

DISARMING DRUNK DRIVERS

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

Mr. BLUMENAUER. Mr. Speaker, I was saddened that the Republican leadership, which Monday killed a chance for a vote on meaningful campaign spending reform, breaking Speaker GINGRICH's promise, last night voted to deny the House even the right to vote on the .08 provisions so passionately supported by the Mothers Against Drunk Drivers volunteers.

Fortunately, there is one element to reduce the carnage of repeat drunk drivers on our roads: Taking away their cars. Modeled on a program I started in Portland, which dramatically reduced the rate of repeat drunk drivers and is now used from North Carolina to Anchorage, H.R. 2400 provides incentives for all States to disarm these people who have no right on the road.

Take away the cars of repeat drunk drivers. Use these provisions to save the lives of American families.

GIVING HIGHWAY MONEY BACK TO THE STATES

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

Mrs. LINDA SMITH of Washington. Mr. Speaker, each day in every rural community and in every bustling community across this Nation, families pull up to the gas tank, fill their tank with gas, and pay 18 cents a gallon to the Federal Government for transportation projects. But, unfortunately, each year Congress has allocated nearly a third less of the money than they have paid for the transportation projects.

Many of us stood up against that last year, even in the budget. We would not vote for the general budget, and we would not vote for the transportation budget, because the plan was to take $65 billion out of the money that was to come back to the communities for their safe roads, and we held out.

Today we are going to have a vote to put the money back. We are going to have a vote to put the money back into communities for safe roads. Anybody who says they are for families and does not do something about the transportation projects is dooming them to spending hours in their cars instead of being home with their families.

The vote today is good. It is about the projects our communities need; about projects they need to keep their families safe and which will allow them to spend time with their families.

PRIORITY LEGISLATION NOT BEING PASSED

(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, when the gentleman from Georgia (Speaker GINGRICH) promised a fair and open debate on campaign finance reform, it must have been an April Fools' joke. Unfortunately, it was not the only joke the GOP has played on the American people.

In the 40 legislative days that this body has been in session this year, the House has failed to pass bills that the Republican leadership claimed were priorities. The American people have had no disaster relief, no IRS reform, no budget resolution and no campaign finance reform.

□ 1015

In addition, the Republicans have completely ignored other issues that the American public are clamoring for action on. They have had no managed care reform, and there is bipartisan support for managed care reform, no bills to improve our public schools, and no minimum wage increase.

Mr. Speaker, I only wish I could say this was an April Fools' joke. But it looks like the joke is on us and the American people.

BESTEA WILL CREATE JOBS, KEEP NATION COMPETITIVE, AND SAVE LIVES

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

Mr. LATOURETTE. Mr. Speaker, over 40 years ago, President Eisenhower made a deal with the American public. If folks would pay gasoline taxes when they bought gas, the government would build and maintain highways so that they could travel to work, so that we could maintain our position in the world and move goods to market, and so that Americans could travel with their families on safe transportation systems.

Sadly, during the 1960s, when the unified budget was used to hide the cost of the Vietnam conflict, the trust fund, and I want to emphasize the word "trust" fund, was used to mask the size of that overspending. Since that time, we have failed to keep faith with the Americans who pay the tax with the expectation that we will keep that deal made so long ago.

Today, we have the opportunity to keep the contract with the American public by passing BESTEA. BESTEA will create jobs, it will keep our Nation competitive, and it will save lives.

Unfortunately, Mr. Speaker, there is criticism in some quarters that BESTEA falls outside the budget deal of last year. The Committee on Transportation and Infrastructure has worked hard to make sure that BESTEA not only comes within those budget caps but also restores truth in budgeting. It says that the Highway Trust Fund is a contract with the American people, and today we in this House must force Washington to keep its end of the bargain.

PASS BESTEA BILL AND INVEST IN NATION'S ECONOMY

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

Mr. MASCARA. Mr. Speaker, one thing that get lost in the debate on BESTEA is the importance of our Nation's highway system. Nearly $6 trillion worth of goods are shipped each year over our country's highways. Seventy-five percent of the total value of our Nation's commodities are shipped interstate over our national highway system.

Our economy depends heavily on our transportation system. Yet we are watching it while it crumbles. Our country has long neglected its infrastructure needs. The condition of our roads and highways continue to decline.

The Department of Transportation estimates that 59 percent of the Nation's highways are in disrepair. These road conditions, poor road conditions, cost American drivers over $23 billion a year, or equivalent to $132 for each driver.

Traffic on our highways has more than doubled in the past 25 years, while new road construction has stagnated. It is time to invest in our Nation's infrastructure. It is time to fix our roads. Join me in voting for H.R. 2400 and invest in our Nation's economy.

DOLLARS TO THE CLASSROOM

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

Mr. PITTS. Mr. Speaker, can we talk about education in this country without talking about the most important recipients of education, our kids? Someone should explain to us how Federal studies like "Channeling Your Donna Reed Syndrome" or "Cement, the Concrete Experience", even studies on researchers researching their research techniques have anything to do with kids learning their ABCs or basic skills. This is exactly the kind of waste that is produced in the bloated bureaucracy here in Washington, D.C.

Mr. Speaker, instead of sending our Federal tax dollars to parents, teachers and local educators, the dollars get lost in the abyss of the bureaucracy and on Federal studies. The Committee on Education and the Workforce estimates that, on the average, only 65 cents of every Federal education dollar gets into the classroom.

We now have the opportunity to send our Federal education tax dollars directly to the classrooms of the Nation. The Dollars to the Classroom Act ensures that 95 cents of every Federal education dollar goes directly to the classroom, to the hands of someone who knows your child's name. Mr. Speaker, this means microscopes, computers, books and not bureaucrats. Let us send the dollars to the classroom.

DEMOCRATS UNVEIL MANAGED CARE REFORM LEGISLATION

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

Mr. PALLONE. Mr. Speaker, today is April Fool's Day; and so it seems appropriate that the Republican leadership is having a rally to celebrate the achievements of the GOP Congress before Members leave Washington for the recess.

The Republican Congress has simply wasted time in 1998, producing no results to improve the lives of the average working American. Important issues like managed care reform, Medicare expansion for those 55 to 64, a minimum wage increase, school modernization and reduced class size have simply been neglected.

Democrats and President Clinton have prioritized these issues because they know they are important to the American people and will improve the quality of their lives. Just yesterday, Democrats unveiled their managed care reform legislative proposal with President Clinton's strong backing. But the Republican leadership, they just want to go home. They are incapable of addressing the issues of real concern to working Americans.

SUPPORT THE BESTEA BILL

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

Mrs. KELLY. Mr. Speaker, later today this body will consider the BESTEA bill. This bill provides the necessary resources to improve America's aging and decrepit infrastructure.

While today we will hear discussions of roads and transit and funding formulas, I want to point out a lesser-known feature of this important bill, environmental enhancements. BESTEA significantly increases funding for the Congestion Mitigation and Air Quality program, for the transportation enhancements program, and for the recreational trails program. The measure creates new transit enhancement programs and encourages alternative modes of transportation such as biking. In fact, BESTEA even works to improve compliance with the Clean Air Act.

Mr. Speaker, this bill proves we can balance America's economic and environmental needs. For the environment,

for highway safety, for job growth and for infrastructure improvements, I am a strong supporter of this bill; and I hope my colleagues will join me with their support.

LET US HAVE FAIR COMPETITION IN THE ELECTRIC POWER INDUSTRY

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

Mr. KUCINICH. Mr. Speaker, with all the talk about the supposed benefits of competition in the electric power industry, I say let us have really fair electric competition.

Many consumers now enjoy the benefits of a municipally owned electric system, such as low rates and high standards and open governance and direct corporate democracy. Private power marketers should have to be as democratic and open as public power. This means they should;

First, comply with State and local open meeting laws;

Second, provide for a publicly elected board of directors;

Third, permit the public election of all chief executive officers;

Fourth, hold public hearings on budgets;

Fifth, require compliance with State and local government conflict of interest regulations; and

Sixth, not deduct advertising expenses from their income taxes.

Really competitive power marketers would put into practice the high democratic standards of public power.

MUGGED BY REALITY

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the intellectual evolution in the typical American's political life usually takes several years. Now, most people start out relatively liberal; but they eventually see the error of their ways and become more conservative upon realizing that left-wing programs simply do not work. In the famous phrase, they are mugged by reality.

But there is one way to speed up the process. It is an event that almost 100 percent will guarantee success. Take a liberal, subject him to an IRS audit and presto, you soon hear some very conservative thoughts coming out of their mouths. All of a sudden, their beloved Federal Government is no longer seen as their friend. All of a sudden, the Federal Government now looks like the last place to look for fairness. All of a sudden, dealing with a massive Federal bureaucracy is not such a wonderful, wholesome experience after all; and all of a sudden, what looks so great in the abstract starts to look silly, illogical, out of touch and quite menacing indeed when reality hits.

Mr. Speaker, it is an obvious truth that if liberals were audited by the IRS, the Democrat Party would cease to exist almost overnight.

VOTE YES ON H.R. 1151, CREDIT UNION ACCESS BILL

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

Mr. KANJORSKI. Mr. Speaker, today one out of four Americans will have an opportunity to keep their eye on the House of Representatives as we will have an opportunity to take up H.R. 1151, the Credit Union Access Bill which will allow 70 million Americans to exercise their right of choice for financial services in this country.

I want to compliment the 207 sponsors and cosponsors on both sides of the aisle of this legislation. I further want to compliment the bipartisan spirit of the Speaker, the minority leader and minority whip, Mr. BONIOR, who sponsored the bill, the chairman of the Committee on Rules and, most particularly, the chairman and the ranking member of the Committee on Banking and Financial Services who, working together, have shown what a bipartisan effort can do in the House of Representatives when the job has to get done.

Today, as we pass under suspension H.R. 1151 and send it on to the Senate, we will be performing an act that is truly American in the best spirit of the cooperative movement of the credit union movement of America. All I ask is all my colleagues on both sides of the aisle to express their aid and assistance for the credit union movement by voting yes on H.R. 1151.

PROVIDING FOR CONSIDERATION OF H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 405 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 405

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. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours and 30 minutes, with two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment recommended by the Committee on Ways and Means now printed in the bill and the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the first time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the 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 (Mr. HEFLEY). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, MA (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

□ 1030

Mr. DREIER. Mr. Speaker, this rule makes in order H.R. 2400, the Building Efficient Surface Transportation and Equity Act, better known as BESTEA, under a balanced but structured rule

providing 2½ hours of general debate with 2 hours divided between the chairman and ranking minority member of the Committee on Transportation and Infrastructure and 30 minutes divided between the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill and makes in order an amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be considered as read. The rule waives all points of order against consideration of the amendment in the nature of a substitute, as modified.

Only those amendments printed in part 2 of the committee report are made in order and all points of order against the amendments are waived.

The amendment made in order under part 2 of the report shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Further, Mr. Speaker, the rule allows the Chairman of the Committee of the Whole to postpone votes and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides for one notion to recommit, with or without introductions.

Mr. Speaker, H.R. 2400 recognizes that the United States has essentially concluded the 40-year interstate highway construction era. It transitions the Federal Government into a new role, that of maintaining the interstate system and overseeing national priorities while supporting State and local transportation programs.

BESTEA improves on ISTEA by simplifying programs, updating formulae, giving States more flexibility, and guaranteeing States a greater share of their contributions to the Highway Trust Fund. It expands funding for priority corridors and provides $570 million for new border infrastructure and safety improvements to more efficiently handle the NAFTA-related trade. Mr. Speaker, the smooth movement of goods and people is increasingly critical to American competitiveness in this period of expanding global trade.

BESTEA ensures that all gas tax revenues are spent on transportation by removing the Highway Trust Fund from the unified Federal budget. Furthermore, it reaffirms the commitment of this Congress to federalist principles, upholding the rights of States to set and enforce their own traffic safety codes, while providing financial rewards to encourage States to adopt a range of measures to reduce drunken driving.

Every Member of this body agrees on the importance of reducing drunken driving. The compromise language included in H.R. 2400 ensures that States will redouble their efforts to get drunk drivers off the road, while recognizing that each State should have the latitude to adopt the approach that suits that State best.

Mr. Speaker, this fair and balanced rule allows the House to work its will on the most important questions surrounding Federal transportation programs. For example, H.R. 2400 allocates more money than ever before to Member-sponsored priority projects. Under this rule, Members will have the opportunity to decide whether to eliminate these projects, saving the taxpayers over $11 billion, and allowing the States to determine transportation priorities.

Mr. Speaker, perhaps no issue in public debate is more controversial than that of racial and gender preferences. The House will consider whether to end the use of such preferences in Federal highway contracting and to return affirmative action to its original intent, an outreach to people of all races and genders designed to promote equal opportunity for all.

Most important, Mr. Speaker, the House will have the opportunity to recognize that with the completion of the interstate system, the proper role of the Federal Government is now limited to maintaining that system and responding to a discrete range of national concerns.

The turnback amendment sponsored by the gentleman from Ohio (Mr. KASICH), chairman of the Committee on the Budget, and made in order by this rule, if adopted, will continue the Federal role in matters of national significance but return to State and local governments the authority to determine and to fund their own transportation priorities.

The Kasich amendment recognizes the tremendous waste in the current system, where the States collect the gasoline tax and remit it to us here in Washington, which takes some off the top for Federal bureaucracy, some for other States, and some for projects that are not State priorities, all just to return the money to the States that collected it in the first place. If they replace the Federal tax on a penny-for-penny basis, 32 States will have more money for transportation programs and six States will break even.

But because leaving the money with the States in the first place is so much more efficient, not all States will have to replace the Federal gas tax on a penny-for-penny basis. Like my home State of California, for example, most States along with it will be able to reduce taxes overall while increasing spending on transportation, because the waste in the Washington bureaucracy would be totally eliminated. In fact, economists estimate that about 20 percent of the purchasing power of gas tax revenues is lost in the round trip to Washington and back.

If Members join me in support of the turnback amendment, that 20 percent can be returned to motorists in the form of tax cuts or used to increase investment in transportation or other worthwhile spending. The turnback amendment recognizes that the only way to finally resolve the problem of donor States and to ensure efficient expenditure of gas tax revenues is to let each State run its own program without interference from Washington.

Mr. Speaker, with that I urge my colleagues to join me in supporting this very fair and balanced rule, which makes in order a bill that significantly enhances existing transportation programs and gives the House the opportunity to debate important improvements as well as alternatives to these programs.

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

Mr. MOAKLEY. Mr. Speaker I thank the gentleman from California (Mr. DREIER) my dear friend and the great acting chairman of the Committee on Rules, for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I really want to congratulate my colleagues, the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for their very hard work on this very, very difficult bill. Despite the months and months of clamorings, despite the vastly different transportation needs of 50 States, Mr. Speaker, they have finally managed to come up with a bill that satisfies a vast majority of Members, and for that they really deserve our thanks.

I am sure that there are very few Members who would not change a thing or two in this bill if they could, but all things considered, it is about the best we are going to get and I urge all of my colleagues to support it.

Mr. Speaker, as far as I am concerned, it is coming not a moment too soon. The Intermodal Surface Transportation Efficiency Act of 1991 expired on September 30, 1997. The few available Federal dollars in the pipeline may very well run out on May 1, and it is critical that we not leave the States with enormous half-finished transportation projects on their hands.

So, Mr. Speaker, this bill reauthorizes our transportation programs to the tune of some $217 billion in contract authority for the Highway Trust Fund. Of that funding, Mr. Speaker, $36 billion is for transit and $181 billion is for highways and for highway safety.

Mr. Speaker, many people take American infrastructure for granted. They get in their automobile, they drive to work, they drive to school

without even thinking about it. But those roads they drive on and those bridges they cross do not last forever, especially in the Northeast, and we need to do our very best to make sure they stay as safe and as accessible as possible.

So anybody who is horrified at the amount of transportation funding included in this bill needs to remember that this is how we get our produce to market, our computer chips to the docks to be sent overseas, our Gillette products and Reebok sneakers to the malls. A good transportation system creates jobs, it keeps America safe, and it advances our country's economy.

So, Mr. Speaker, the bill we are considering today is a 6-year bill. It retains the basic structure from ISTEA, including its very good environmental programs and its intense commitment to safety. It also encourages equal opportunities by keeping the Disadvantaged Business Enterprise Program for women and for minority-owned construction firms, and I am very happy to say that this bill applies Federal labor standards and employee protections like the Davis-Bacon Act for people working on highway and transit projects.

In my opinion, Mr. Speaker, the safety programs in this bill are very well worth it. Every year some 40,000 people die in motor vehicle-related deaths in this country. And if this bill improves highway safety enough just to lower that number by one, I feel it is worth it.

Once again, Mr. Speaker, I thank the gentleman from Pennsylvania (Chairman SHUSTER), I thank the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for their very, very hard work on this matter, and I urge my colleagues to support the rule and support the bill.

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

Mr. DREIER. Mr. Speaker, I suspect that we will have a few Members who will want to participate in the debate on the rule, but at this time we do not have anyone here, so I will reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Transportation and Infrastructure.

Mr. MCGOVERN. Mr. Speaker, I rise to express my strong support for the Building Efficient Surface Transportation and Equity Act. This bill is good for the environment, it is good for labor, it is good for the opportunity it provides to women and minorities, it is good for the economy, good for our cities and our more rural regions, and most important, Mr. Speaker, this bill is good for our communities, our families and our children.

Our Nation's infrastructure is desperate for capital improvements to make commerce flow more efficiently and to make roads and bridges safer for the families who use them daily. The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) have worked tirelessly to design legislation that truly meets our Nation's needs, and I applaud them for their hard work and their great success.

Mr. Speaker, this bipartisan legislation is what good government is all about: meeting the needs of our Nation's families and overall economy. While Europe and the Pacific Rim nations invest trillions into their infrastructure, we cannot rest. We must invest in our infrastructure if we have any hope of competing in the global economy. I urge my colleagues to support the rule and final passage of BESTEA.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the question before us today is not whether we want to improve transportation infrastructure. The answer to that question is clearly "yes." The question before us today is this: Should Congress increase spending by $26 billion on any program without paying for it? I believe the answer to that question is "absolutely not."

Mr. Speaker, it is fiscal irresponsibility at its worst. Do not trust my judgment. Let us see what fiscally conservative groups said about this question. The National Taxpayers Union said, "Unlike the Boston Tea Party, Congress' ISTEA party," this bill, "will leave taxpayers with a huge fiscal hangover."

To my Republican colleagues who have attacked Democrat spending habits for years, the National Taxpayers Union, their friend, also said, "If the trend continues, the free-spending Democratic Congresses of the early nineties could look like misers compared to this one."

The Wall Street Journal said just yesterday that this bill is highway robbery and that all in all the highway bill is the lowest moment since Republicans regained Congress, a highway bill that has become one of the great log rolling parties of all time.

The Citizens Against Government Waste said that, "If Congress persists in this attempt to break the highway spending caps imposed on the budget deal from less than a year ago, the balanced budget deal is dead."

Mr. Speaker, if a principle is worth fighting for, it should be worth fighting for two days in a row. Yesterday, from this very well, our Republican colleagues said it was essential to have offsets to pay for our supplemental emergency appropriation bill and cover flooding damage in this country. Yet today, the same Republican leadership will force this House to pass a highway bill that does not pay for one dime of the $26 billion in new spending.

I guess the Republican leadership is saying that yesterday fiscal responsibility was important, today it is not.

□ 1045

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Everett, Pennsylvania (Mr. SHUSTER), the very distinguished chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Speaker, I would like to respond just briefly to our friend who previously spoke in the well. First of all, this bill does not spend a penny more than the revenue paid into the Transportation Trust Fund by the American people, the traveling public from their gas taxes, not a penny more. In fact, over the 6 years of the bill, we spend approximately $3 billion less than the revenue paid in gas taxes.

We do not spend any of the money that is currently in the Transportation Trust Fund, the $23 billion in the Highway Trust Fund, not a penny of it. In fact, we have agreed that the portion of that fund, which is not necessary to provide liquidity, will not be spent and will be turned back. That is approximately $10 billion in reduction in the national debt.

Further, we have agreed that we will not count the interest paid on that balance in those trust funds, which means over 6 years that is approximately $15 billion in foregone debt. So with those two provisions, and I must tell my colleagues, many of us swallowed hard in these negotiations to give up those two principles, but because of that, it means that when we count the reduction in the national debt on the interest, and we count the reduction by foregoing the $10 billion balance in the trust fund, that is $25 billion. That accounts virtually for the increased spending by reducing the national debt.

Let me emphasize again, however, setting all that aside, the cold hard fact remains that we are simply spending the revenue coming in. This is honesty in budgeting. If we are not going to spend the revenue coming in, then we should reduce the taxes.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate where we are today. Let me thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for a bill that has worked its way through the process in a manner that recognizes that we do need to repair our bridges and highways in America. Not only do we face in cities and rural communities crumbling infrastructure, but every one of us knows that congestion abounds in our cities, our counties, our hamlets and our States.

This BESTEA legislation recognizes that over a 6-year period it is important to rebuild America. Houston' Mayor, Bob Lanier, chaired the Committee to Rebuild America. We fully recognize the importance of making sure that this crumbling infrastructure does not do damage to the trade and economic vitality of our Nation. This bill takes that into consideration. Particularly in the manager's amendment, the provision that the DOT to develop a strategic plan for highway research and technology development, this allows the Department of Transportation to have develop and transportation plan for the nation.

In my city of Houston in particular we are looking at new opportunities for transit ways, for commuter rail, for people movers, and we look forward in the years to come to redesigning our effort and possibly moving forward to end the congestion in our city. This transportation bill allows those considerations to occur regarding rail, even though we know that it will require an additional application process.

We are moving in the right direction, but, Mr. Speaker, I am greatly concerned, because there seems to be an effort that is misdirected in eliminating the DBE program, which flies in the face of constitutional law that allows, under Adarand, the opportunity for reaching out, for goals, for the need to diversify in contracting with Federal monies, and to allow contractors who are women and minorities to participate in a full and open process. I am not so sure where this amendment came from, Mr. Speaker, but I would ask my colleagues to vote it down. Even after we vote for the rule we will not support the amendment eliminating the DBE program of the DOT.

Mr. Speaker, I rise today on the rule for H.R. 2400. I want to commend Representatives SHUSTER and OBERSTAR for their work on this complex and highly important piece of legislation. I generally support the Rule, but it allows certain amendments and disallows others that may be vital to the bill itself.

It is vital to pass the amendment offered by Congressman DAVIS to increase from $42 million to $150 million per year the bill's authorization for the new Welfare-to-Work transportation program. This is a common sense program that will finance services that transport current and former welfare recipients to and from jobs and job-related activities. If we really want to help people make this kind of transition then this is the kind of support we should be giving them.

It bothers me that there is an amendment being offered to end the Disadvantaged Business Enterprises program. This is a program that has allowed full opportunity for women and minorities to participate in the contracting for small businesses after years of being denied that right.

The DOT's equal opportunity program benefits all Americans by promoting the formation of small businesses, creating new jobs, fostering economic growth and stimulating innovation.

If Congress decides not to reauthorize the DBE program, it will create a major disruption in the national economy. Thousands of small businesses may go out of business, costing tens of thousands of jobs.

In the past, when state or local governments cut similar DBE programs, opportunities for women and minority-owned firms dried up. Prime contractors, in effect, told disadvantaged business owners, "We'll call when we need a minority."

By refusing to authorize the DBE program, Congress will be creating a huge pot hole in the road to equal opportunity.

Mr. Speaker, this Rule is the result of hard work and should be supported.

Mr. DREIER. Mr. Speaker, I yield 5 minutes to the gentleman from Sanibel, Florida, (Mr. GOSS), the distinguished chairman of the House Permanent Select Committee on Intelligence and the chairman of the Subcommittee on Budget and Legislative Process.

Mr. GOSS. Mr. Speaker, I thank the gentleman from greater San Dimas, California, for yielding me the time. I rise in support of this fair-structured rule. It is a good process that makes in order amendments from both side of the aisle.

Today we seek to balance two important goals: Maintaining, enhancing our Nation's roads and highways on the one hand, while remaining committed to last year's balanced budget agreement on the other. We all know we need more infrastructure, and we all know we need more fiscal responsibility how to deal with it.

Additional concern of the folks I represent in Florida is not a new one: Providing equity to donor States through the transportation funding formula. I would like to commend the gentleman from Pennsylvania (Mr. SHUSTER) for addressing the equity issue. BESTEA does represent an improvement in terms of rate of return. We are pleased to see that.

Under the current formula, Florida should receive 90 cents back on the dollar as opposed to 83 cents or less currently set in law. That is progress. I think it is equity. But I have got to say I am disappointed that this long-awaited reform has to come at the expense of fiscal discipline. Instead of prioritizing our resources and making the tough choices, this bill creates a larger pie for everyone. It is one way of doing things, sort of a classic Washington response.

We do not have enough money to do everything we want. We make a bigger pie, spend anyway, and hope that things work out. What is worse, I think, is that the bill provides no offsets. We have an extra 26 billion over last year's budget caps. I do not think it is fiscally responsible. It is not acceptable to those who wish to balance the budget to add 26 billion.

Just yesterday, we committed to offsets for our supplemental emergency spending. It was a long, long debate and we had a lot of discussion about it. But I think the principle of setting for offsets is extremely important.

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

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

Mr. SHUSTER. Mr. Speaker, this legislation requires that not one penny of this can be spent unless we bring back offsets agreed to in the conference with the House and the Senate. It was felt by our leadership that we might as well do this in conference once because the Senate will have different priorities than we do. We need to negotiate the differences. So let me emphasize, not one penny of this can be spent unless we bring back offsets from conference.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I thank the gentleman for the explanation. I understand that. My concern is that we have not yet delineated those offsets.

As the chairman of the Subcommittee on Legislative and Budget Process, I am also concerned about the bill's provision moving the Highway Trust Fund off budget. We have to be extremely careful about placing more money outside the parameters of the congressional budget process.

Frankly, instead of piecemeal reforms that will provide less control over spending, I think we should work toward comprehensive budget process reform that makes sense. I am pleased to be working with the gentleman from New York (Mr. SOLOMON), the gentleman from Ohio (Mr. KASICH), the gentleman from Iowa (Mr. NUSSLE), and a great many others, the gentleman from Texas (Mr. BARTON), to make the question of budget reform a goal that we can accomplish this year.

There are other real concerns that I am sure Members will touch on as well. I do not pretend to judge the merits of each demonstration project, but I think it is doubtful that well over 1,400 projects are deserving of Federal attention. To put this number in some kind of a perspective, the last ISTEA bill, 1991, contained only 539 demo projects, I am told. No transportation bill contained any demo projects until 1982. So we got along without them for quite a while. In fact, the committee's own rules state that it shall not be in order for any bill providing general legislation in relation to roads to contain any specific provision for any road.

Mr. Speaker, I can contend it is time that we abandon demonstration projects and let the States, the local folks decide what their State transportation priorities are. That is why I intend to support the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. KASICH), in his turn-back amendment later today. I think the idea makes good sense, cut the gas tax, keep just enough to maintain our interstates, and let the individual States decide and manage their own transportation priorities.

The wisdom of Members of Congress goes far, but I do not think it extends to the intricate details of planning highway and bridge and interchange improvements and construction. I think those decisions should be made by the professionals at the State departments of transportation. I am disappointed I cannot support the hard work of the gentleman from Pennsylvania (Mr. SHUSTER) and others. I know they have worked hard and brought forth what is a very good bill in their eyes.

I am concerned about the fiscal constraints problem, the demo problem, some of the other points I have mentioned. I do urge a yes vote on this rule so we can have a debate, and I urge fiscal discipline and loyalty to the principle of fiscal discipline when we get to the final vote.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, when I came to Congress my State got back about 70 cents for every dollar it sent to Washington for highways. Through the years working with Mr. PETRI and others we have been able to raise that to just about a dollar. This bill continues that new one-to-one relationship roughly, and for that I am very pleased.

But this bill has three problems that lead me to conclude I cannot support it. First of all, the bill increases spending by 44 percent over the last bill. I simply do not think we have the money.

Secondly, yesterday this House made a great thing of insisting that the emergency appropriation for Iraq and Bosnia and natural disasters be fully offset to the tune of about $3 billion. Today we are being asked to vote for a bill that is 13 times that large in terms of the amount by which it exceeds the amount that the budget allowed for it last year, and yet we have no idea whatsoever what other priorities are going to have to be cut back in order to pay for it.

Highways are a very high priority with me. But they are not the only priority. It seems to me irresponsible, to say the least, for the House to vote on this before we know where the money is going to come from. In my view, this House ought to turn down this bill until the budget resolution is out here so that Congress can make its priority choices and decide how much more funding it wants in education, how much more funding it wants in health care, how much more funding it wants in Medicaid, or how much less it may want in some of these areas.

Until we know that, I think it is spectacularly irresponsible for us to proceed to vote for this bill. And even though I am a zealous supporter of highway construction, and I guess in my days in the State legislature I was probably a pretty good imitation of the gentleman from Pennsylvania (Mr. SHUSTER), under these circumstances I simply cannot support this bill.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Bolivar, Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, it is a privilege to be able to stand here in support of this bill. I think this bill moves highway funding in the right direction. Certainly I want to say in response to my friend, the gentleman from Wisconsin (Mr. OBEY), that I do not know what the third point was, but in response to the first two, this bill does increase spending for highways by about 40 percent. But the way it does this is by spending the Highway Trust Fund on transportation. That is the way this should have been done all the time.

We would not be talking about spending more money on highways than we had planned for in the past if we had been doing what the American people thought we were doing all the time, which was spending their gas tax money for the purpose they thought it was going to be spent for. In terms of the offsets, we wouldn't have to be considering offsets if a year ago we had moved to move this transportation fund off budget. It is important, I think, to create and continue the credibility that the gas tax system has by spending the money for what Americans think the money is going to be spent for, by balancing the budget in a true and fair way, and the way to do that is to move this trust fund off budget, treat it as a trust fund, and of course that results in more money being spent on our infrastructure because that is exactly how people thought that money was going to be spent in the past.

Of course in response to the questions on demonstration projects, the projects that have some input by the Members of Congress only reflect about 5 percent of the money being spent on total, on transportation. Those projects still have to be approved as part of the State-wide plan. Eighty-five percent of the dollars spent are spent by the departments of transportation in the various States.

□ 1100

Seven percent is spent by the administration in one way or another; and only five percent receive real input from the Members of Congress, who know their districts better than anybody else.

I urge adoption of the rule and adoption of the plan.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL), a member of the committee.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I urge my colleagues to adopt this rule, especially on my side of the aisle; and I urge them to set aside partisan considerations and any special agendas and support the rule.

The consideration of legislation to reauthorize ISTEA simply cannot wait. It is the 11th hour. We face a May 1 deadline, upon which the ability of States to obligate Federal highway dollars will expire. This comes at a critical time, especially in many States where the start of the construction season must begin earlier than in other parts of the country.

A vote against this rule will unravel the delicate balance that the gentleman from Pennsylvania (Mr. SHUSTER) has achieved; and I commend his leadership, as well as the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), in achieving this delicate balance.

If we defeat this rule, it kills the bill. I cannot even imagine what the alternative would be. So I urge my colleagues to keep their eye on the ball here.

To those who believe ISTEA spends too much, I say, under the rule, they will have their chance to vent their concerns through the amendments offered by the gentleman from Ohio and the gentleman from South Carolina. They will have their shot through these two amendments.

To those who are concerned with the proposed amendment of my good friend and colleague, the gentlewoman from New York (Mrs. LOWEY), I say to them that they will have their chance in conference to vent their concerns and their support for this amendment at that time.

We may debate the issue today and during general debate or during consideration of this rule, but I urge support of the rule so that the process may go forward so that we will have consideration during the conference committee.

And to those of my colleagues who are concerned that this rule makes in order the amendment of the gentlewoman from New Jersey (Mrs. ROUKEMA) to eliminate the DBE program, I say that they will have the commitment from the bipartisan leadership of the Committee on Transportation and Infrastructure that will stand with them in opposing this amendment. Republican and Democrat alike, we in the leadership on the committee will urge a no vote on that amendment.

So I urge adoption of this rule.

My colleagues, do not have it said that we have worked to defeat the most important legislation facing our Nation today, because the eyes of the Nation are upon us. Every motorist who sat in congestion this morning knows that, every driver subject to road rage. A vote on this rule is a defining moment. I urge its adoption.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman

from Scottsdale, Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from California for yielding me the time; and I rise in strong support of the rule and the self-executing amendment contained therein.

Mr. Speaker, I would urge all my colleagues and their staffs and the American people to listen closely, especially the veterans who have served this country. Because contained within this rule is an amendment that sends a very strong message to our Nation's veterans, a message that needs to be reaffirmed loudly and clearly, that I do this morning in the well of the House and that, more importantly, we do in the legislative language of this rule. Because we need to say to America's veterans that we will not take money from their programs to pay for transportation spending.

The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, AMVETS, Paralyzed Veterans of America, Vietnam Veterans of America, the Blinded Veterans Association, the Jewish War Veterans, the Military Order of the Purple Heart, and the Non-Commissioned Officers Association have all spoken very clearly; and, my colleagues, we should heed their call to resist the temptation to raid veterans' programs to fund this bill.

Now, I appreciate the willingness of the chairman to accept this amendment and include it as part of the rule. I appreciate the willingness of my friend from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure, to hear these concerns.

And the reason we must express them today from this well and in this rule is because, sadly, the other body, the Senate, it seems, ignored veterans' concerns when it passed its version of the bill. The Senate-passed bill would apparently spend all the veterans' money on surface transportation projects.

Now, it is my view that in passing this rule and the amendment contained herein, this House will send a message to the other body that we are opposed to that. So it is important to give our Committee on Transportation and Infrastructure chairman and other members of the conference a clear signal when they go into consultations with the other body so that they stand firm and we stand firm protecting veterans' programs.

Again, I would like to thank the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, for his help in making this amendment in order.

Let me also pause at this time, Mr. Speaker, to thank the dean of our Arizona delegation, the gentleman from Arizona (Mr. STUMP), chairman of the Committee on Veterans' Affairs, who 53 years ago today was landing in the Pacific possessions defending America's freedom in World War II, for his leadership; and also one of our new colleagues, the gentleman from New Mexico (Mr. REDMOND), for his help in joining with me to offer this amendment, again, to echo the comments of my good friend from the other side of the aisle from West Virginia.

This is an important rule, an important piece of legislation. Please vote yes on this rule and the amendment contained therein.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, well, my colleagues, today is April Fool's Day. How fitting and how truly outrageous that we are here today considering a rule that silences this Chamber and prevents debate on our amendment that will save hundreds of lives every year.

The amendment that I had hoped to offer, along with our colleagues, the gentleman from Florida (Mr. CANADY), the gentleman from Virginia (Mr. MORAN), the gentleman from Delaware (Mr. CASTLE), the gentleman from Tennessee (Mr. CLEMENT), and the gentleman from New York (Mr. GILMAN), and over 100 cosponsors, was not a radical proposal. It would have simply established .08 BAC as the national DWI standard. It was identical to a measure adopted overwhelmingly by the Senate during consideration of the highway bill last month.

More than 17,000 Americans were killed last year by drunk drivers. More than 3,700 of these fatalities and countless other injuries occurred in crashes involving persons with BAC levels below .10. Virtually every medical, law enforcement, and highway safety organization supports the .08 standard. The United States lags behind other industrialized nations in adopting .08 laws, despite the overwhelming evidence that drivers are seriously impaired at .08.

Here in the United States, 15 States have already adopted .08 laws; and studies show that as many as 600 lives would be saved each year if every State adopted the .08 standard. And yet, this life-saving measure was blocked by the Committee on Rules. How shameful.

In my 10 years of service in this institution, I have never been so disgusted. The liquor and restaurant industries gave millions in campaign contributions last year, and today they got what they paid for. The liquor industry owns this House lock, stock, and barrel.

Every 30 minutes an American is killed by a drunk driver, and yet the House leadership could not even give Members half that time to debate our amendment. Somehow, though, they managed to find time for 60 minutes of debate on a partisan measure that failed the Senate overwhelmingly. What a sham.

The House leadership has opened their doors and pockets to the liquor lobby and slammed them in the face of the mothers and fathers who have lost children to drunk drivers. The liquor lobby has bottled up our bill and demonstrated loud and clear that they put profits ahead of people's lives.

Today we had an opportunity, my colleagues, to follow the Senate lead and save lives. We were poised at a crucial moment in the fight to make our Nation's roads safer from drunk drivers. The rule defeats all that.

I urge Members to oppose this gag rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Middleton, New York (Mr. GILMAN), the very distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to express concern about the rule which fails to make the .08 blood alcohol content amendment in order during consideration of ISTEA reauthorization.

I commend the gentlewoman from New York (Mrs. LOWEY) for bringing this measure to the attention of the House. This amendment establishes a National DWI standard of .08 blood alcohol concentration and was approved by the Senate by a 62–32 vote earlier in March.

Fifteen States have already adopted .08 BAC laws, and their experiences show that 600 lives would be saved in our Nation each year if every State adopted this tough and necessary DWI standard. The tragedy of a fatality that results in drunk driving has touched too many families throughout our Nation. Seventeen thousand Americans were killed by drunk drivers just in last year alone.

In response to opponents of the .08 BAC due to States rights concerns, please bear in mind that President Reagan's remarks during the signing of a bill establishing the age of 21 as the national minimum drinking age stated, "This problem is bigger than the individual States. It is a grave national problem, and it touches all of our lives. With the problem so clear-cut and the proven solution at hand, we have no misgivings about the judicious use of Federal power. I'm convinced it will help persuade State legislators to act in the national interest to save our children's lives."

That was President Reagan who succinctly emphasized the importance of the measure. It is clear that President Reagan understood the need for the Federal Government to protect our youth across the Nation. I am confident that he would feel no less obligated to do the same if he was still president.

Bear in mind that the .08 amendment leaves it up to the States to decide what penalty should apply for DWI convictions. Those who stand to lose the most by the blood alcohol content standards higher than .08 are our children.

In closing, let me urge our colleagues that this rule, which I reluctantly support, would have been far stronger by including the Lowey-Gilman amendment; and I am urging my colleagues to provide a future opportunity for further consideration of this worthy proposal.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in strong opposition to this rule; and I do so not in criticism of the chairman and ranking member of the Committee on Transportation and Infrastructure. They have attempted to do their job in high priority.

My concern today deals with the total amount of spending and the waiving of the budget process in a way that I have never seen in the 19 years I have served in this House of Representatives. We Democrats used to waive budget decisions and were criticized for doing it. But it was wrong when we did it. It is wrong when they do it today. And never have we seen it done as it is being done today.

Where is the budget resolution? I want to have a warning, and I want all of my colleagues who believe this is a free shot today to listen to what I am about to say. We are using real bullets in this bill. Passing the highway bill as it is passed today jeopardizes a lot of other programs.

Agriculture, for example, has priorities; and they are the first casualty of this bill. The Committees on Agriculture in the House and Senate have worked with the administration to reach a compromise on the Ag Research Conference, using savings from food stamp administration to pay for agriculture research, nutrition programs, rural development, and crop insurance.

Now we are hearing the leadership of the Congress has determined that the agriculture research bill will not come to a vote because those monies have been reserved to pay for the highway bill. Now, if my colleagues care about problems of crop insurance, if my colleagues care about problems of nutrition programs, if my colleagues care about rural development programs, if my colleagues care about crop insurance concerns, please understand this is not a free shot.

Paying for these programs under the caps of the budget that we have bipartisanly agreed to will be extremely difficult if the first bill outside the budget resolution comes to the floor of the House and is passed without anyone thinking they are going to have to pay for it with real dollars.

Mr. DREIER. Mr. Speaker, may I inquire how much time we have remaining on both sides?

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from California (Mr. DREIER) has 9½ minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 12½ minutes remaining.

□ 1115

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

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, this rule should be rejected. It excuses a massive failure of leadership, and it is an April fool's joke on the American people. We are breaking the historic budget agreement to eliminate our Nation's deficit when the ink is hardly dry.

An agreement that was widely praised on both sides of the aisle and around the country is now being repudiated. We are spending at least $33 billion more in this particular bill than that historic agreement allowed in the budget.

We are also using the Highway Trust Fund concept as a smoke screen for a spending spree that even leaves the most conservative critics in despair. The fact of the matter is that we have spent on transportation, more particularly highways, during the period of this trust fund, $152 billion that is not accounted for in the trust fund. It is because this money, including interest, has come out of the general fund. This is according to a GAO report.

We are also violating all budget rules. Previous speakers have alluded to that. It makes no sense to have a budget resolution process and then neglect it.

Finally, we are passing legislation that disregards the responsibility that we all have of balancing the various needs of the Federal Government and the American society as we identify our priorities. We are simply identifying transportation as the first and only priority. We are neglecting what this does and many other very important programs.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I support more funding for highway and mass transit. My district needs it, and my constituents want it. And the committee has kindly provided some funds for my district. But we have provided a substantial plus-up in transportation spending already.

In the Balanced Budget Agreement of 1997, transportation was the only function of the budget funded at a higher level than the President requested. In the appropriation process, we went even further. In highway programs alone, we appropriated $23.3 billion in fiscal 1998. That is $2.3 billion above the level appropriated in fiscal year 1997. In terms of outlays, it is $3.5 billion more than fiscal year 1997, an increase of 19 percent.

This bill goes far beyond even those increased levels. BESTEA is $40 billion above the Balanced Budget Agreement of 1997, and outlays is $26 billion. If we pass this bill, transportation will trump the rest of the budget. We will have to pare back priorities that we have already committed to and preclude ourselves from doing initiatives in other areas.

What does that mean? Education will take a hit. Housing is in jeopardy, NIH and biomedical research, other infrastructure, the Corps of Engineers.

Exactly what offsets we will make we do not know, because this bill does not identify them. It says elliptically that no funds can be obligated under this law until offsets have been identified. I take it this decision will be made in conference by the conferees on this bill, not by the Committee on Budget in a budget resolution, not the Committee on Appropriations in the 302(b) allocation process.

This is a radical departure from our established procedures. This bill violates the Balanced Budget Agreement by being $40 billion above the agreed-upon amount. It violates the Congressional Budget Act by presenting this bill before a budget resolution has been passed and by exceeding the allocations made last year. It violates the Budget Enforcement Act by presenting or creating $9.3 billion in mandatory spending, which is not without identifying the offsets.

What I call for, Mr. Speaker, is a vote against the rule and return to established procedures, to the disciplines that have brought us at long last to a balanced budget.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Stamford, Connecticut (Mr. SHAYS).

Mr. MOAKLEY. Mr. Speaker, I yield 1 additional minute to the gentleman from Connecticut.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Connecticut is recognized for 3 minutes.

Mr. SHAYS. Mr. Speaker, I thank the gentlemen for yielding to me.

I know there are men and women of goodwill on both sides of this issue. I have a feeling that, I end up sounding a bit self-righteous because I have lot of convictions.

I just want to say from the outset that someone said to me, you may feel strongly you are right, but you are not always right. Maybe this is one of those times.

But I believe with all my heart and soul this is a core debate for this Republican Congress. Are we truly going

to get our country's financial house in order and balance the budget? It is a core issue. Are we are going to talk about spending surpluses before surpluses even exist?

Last year, many of us felt the budget agreement was too generous. The Budget Committee allowed the Committee on Transportation and Infrastructure, for instance, to get $9 billion more. Then the Appropriations Committee decided to give the Committee on Transportation and Infrastructure another $11 billion. Last year we gave the committee $20 billion more during a 5-year period.

We have a bill that is coming before us that is going to spend, according to CBO $33 billion above and beyond the budget agreement. I know Republicans are not going to let it be paid for out of the defense side of the budget. Democrats, particularly the President, are not going to let transportation be paid out of the social side of the budget. So maybe it comes out of some theoretical savings that we have in entitlements, or maybe it just does not get paid for.

Mr. Speaker, I believe if we do have a surplus, it should go for social security or deficit reduction like my side has advocated. I think if we have new programs, they should be paid for out of old programs. I believe, if we have new taxes, we should cut taxes somewhere else for no net increase.

I am hard-pressed to know how this $33 billion budget buster fits in with this Republican majority and what I have been about for 11 years in trying to get my country's financial house in order.

I particularly object to the fact that the Committee on Rules did not provide in order a bipartisan amendment which would have allowed us to debate this issue and bring the transportation bill in line with the budget agreement.

I am particularly disappointed the Committee on Rules did not put in order an amendment that would have allowed us to vote on whether the transportation bill would be in accordance with our budget agreement. In other words, if our amendment had been in order and passed, we would take $33 billion out of this $217 billion bill.

Mr. Speaker, I hope and pray that this Republican majority finds its center again. I believe we are losing it. I believe we need to work overtime to get it back. I honestly have to say to my colleagues I think we will be judged harshly if we don't. I oppose the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, I yield to no Member of this institution in my love for infrastructure. I think we all appreciate the fact that this bill gives us a great opportunity to take something home to the people who send us here.

But my problem with it is that it is, frankly, too big. This is not just a vote about bridges and highways. This is, in fact, the budget vote for this Congress. This is a vote that is going to shape the Federal budget not just this year but for the next 5 years.

We have already passed the deficit reduction package in the first year of this Congress. Most of the cuts occur in the outyears. Most of the outlays in this bill occur in the outyears. The Budget crunch is out ahead of us.

Those of us on this side of the aisle who want another 100,000 teachers in the classroom so we can reduce classroom size, or who want to expand Medicare to people who are 55 to 65 and have lost their jobs and their health benefits and those on the other side of the aisle who think they may want some tax cuts in the future are, at this point, being told by the people bringing us this bill that their priorities do not count that they have no lace in the debate.

If we want to protect social security by allowing the surplus to be held in abeyance until we come up with that fix, we can count on that surplus being spent if this bill passes. In fact, this is a vote that will, in fact, put us in a position to have no discretionary dollars to spend on any of our priorities on either side of the aisle in the next 3 to 5 years.

Mr. Speaker, make no mistake about it. By skipping the budget process, by not facing up to these dilemmas, these needs for offsets publicly, up front, we are delaying till the end of this process the responsibility we should have taken by now.

We are not willing to have a priorities debate in front of ourselves, let alone the American people and that decision is an abomination. I appreciate the people who bring this bill to us. They do it in all good faith. But they do it in a way that is detrimental to the future of this institution and the American people despite their sincere belief that the Highway bill should take precedent over every other spending program.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Knoxville, Tennessee (Mr. DUNCAN), the chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this rule and this bill.

I particularly want to commend the chairman, the gentleman from Pennsylvania (Mr. SHUSTER), for his hard work on this bill. It is a real tribute to his perseverance and his dedication to and love for his country.

I want to also commend the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for his work.

A misimpression is being conveyed on this bill. Many people seem to think that all of this spending is being done in 1 year. This is a 6-year bill. When we divide 6 into the total involved here, it comes out to slightly less than 2 percent of Federal spending over this period. Let me repeat that, Mr. Speaker, slightly less than 2 percent of Federal spending over this 6-year period.

I believe we can poll any group in this country and well over 90 percent of the people in this country would agree that 2 percent is not too much for Federal Government to spend on our Nation's highways, roads, bridges, and transit needs. This is a very conservative bill, Mr. Speaker. It is one that all Members can and should support.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. LEWIS), the minority whip.

Mr. LEWIS of Georgia. Mr. Speaker, I rise against this rule. Under today's budget constraint, $218 billion is simply too much. It is too much asphalt, too much money to take away from our children, the elderly, our veterans, and the needy.

This bill busts the budget by $26 billion. Money does not grow on trees. It must come from somewhere. This bill will force us to cut valuable government programs like Head Start, school lunches, low income housing, health care, veterans, and environmental protection.

This bill is not the bridge to the 21st century. It is not a bridge to our future. We are moving down the wrong highway. Are we prepared as a great Nation to choose concrete over children, bridges over books, pavement over people?

Do not get me wrong. We need Federal transportation programs, but $218 billion is simply too much. Beginning with the Democratic budget in 1993, we have put our fiscal house in order. Now we have a balanced budget. We have money for schools. We have money for children. We have money for veterans, the elderly, and the needy. This bill will end all of that. It puts our fiscal house in disarray. It busts the bank.

Because this bill does not pay for itself, it makes no hard choices. It is easy to vote for a $20 million road project in our district. But how do we tell little children there is no money for schools, no money for books, no money for teachers?

Mr. Speaker, I urge my colleagues to reject this rule. I am not willing, I am not prepared to sacrifice education, health care, the environment, and community development to $218 billion worth of asphalt and urban sprawl. It is simply too much.

□ 1130

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Los Alamos, New Mexico (Mr. REDMOND) who worked long and hard to make sure that veterans will not be detrimentally impacted by this bill.

Mr. REDMOND. Mr. Speaker, this vote this morning is concerning keeping our word, our word to those who pay taxes into the Highway Trust Fund for the highways and the bridges that Americans deserve, but it is also about keeping our word to the veterans of the United States of America.

I am proud to represent in the State of New Mexico the survivors of the Bataan death march, a road of a different kind. These were men that laid down their lives, and their brothers were killed during the time of the Bataan death march, and we need to remember that these men received promises from this government to take care of their medical needs, and to be utilizing money for roads from the veterans' fund is unconscionable, but it is equally unconscionable to be charging Americans at the gas pump for taxes and not delivering the roads.

So, Mr. Speaker, I rise in support of the rule, the rule that will enable us to keep our word both to those who have supported our veterans and also those who have supported our roads.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Del Mar (Mr. CUNNINGHAM), my very good friend and fellow Californian.

Mr. CUNNINGHAM. Mr. Speaker, I rise in favor of this rule. Like all the bills that we have, I do not know of a single bill that we have that there are parts that we do not like. I like the section that we just talked about, protecting the veterans, and I think the case that can be made in order is a very good one. The chairman may disagree with that.

But I was disappointed at one area, and the gentlewoman from New York (Mrs. LOWEY) has an amendment that would draw down drunk drivers down to .8 percent and put penalties. It is a stick. There are measures in the bill that is a carrot and a stick, but I think in the case of drunk drivers we need more stick than we do carrot, and I am disappointed that that is not allowed. It is in the Senate version, and I would ask the chairman and the ranking minority to support that in conference even though it is not in our bill.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR) ranking member of the Committee on Transportation and Infrastructure.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 3 minutes.

Mr. OBERSTAR. Mr. Speaker, I thank the ranking member of the Committee on Rules for this time.

Listening to all these previous speakers who came up with one or another complaint about this legislation, one would think Chicken Little was right, the sky is falling all around us, or the budget. Or one might think that this bill is some sort of budgetary Pac Man chewing its way through the budget, nibbling up everything else for every other function. To say that we cannot do anything for education or we cannot do anything for veterans because of this bill is absolute hogwash. Look at the budget and the billions of dollars that are in that budget for every other function of government.

To say that we are taking $26 billion is wrong. It is $25.4; let us be right, let us get the numbers right. Even if my colleagues figure out that a decimal point does not go over a halfway point they can slip it over to the first. Let us be exact about it, $25.4 billion. That is $4 billion a year over the budget agreement over the period of this bill.

Do my colleagues mean they cannot find $4 billion in a $1.7 trillion federal budget? Out of a $7 trillion national economy? That transportation accounts for over 10 percent of our total gross domestic product, approaching $778 billion, the transportation sector alone? It is the engine driving the national economy.

For 30 years, my colleagues, for 30 years surpluses have been building up in the Highway Trust Fund, being used to fund other functions of government. Transportation going to come to the floor over the last 30 years and say, "Oh, my God, you can increase spending for this that or the other function because it means we won't build more roads and bridges." No. And over that period of 30 years $29 billion have been built up in the surplus in the Highway Trust Fund, and now that surplus is just going to go poof, off into the ether, to reduce the Federal debt somehow, and we do not even get to spend out the interest on capital into the Highway Trust Fund in the next 6 years of this legislation.

As my colleagues know, the Congress, this Congress, this body right here made an agreement with the driving public of America in 1956 and said we will create a trust fund into which taxes on gasoline will be paid, and from that trust fund we will create a guaranteed dedicated revenue stream to build these projects. And bills would come to the House floor every 5 years and pass on a voice vote because the public had confidence that we meant what we said, that we struck a bargain and we are living by that bargain. And now we have got that surplus built up, and that surplus is just going to go away. That is nonsense.

Vote for this rule, vote for this bill, vote for the future of America.

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

Mr. Speaker, that was a spectacular speech, but I am sure we will hear an even better one now from the distinguished chairman of the Committee on Rules. Pending that I would like to make a unanimous consent request.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on general debate for this rule, H. Res. 405.

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

There was no objection.

Mr. DREIER. Mr. Speaker, I yield the balance of my time to the gentleman from Glens Falls, New York (Mr. SOLOMON), the chairman of the Committee on Rules.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 4½ minutes.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from California for yielding this time to me.

After the last speech by my good friend, the gentleman from Minnesota (Mr. OBERSTAR), I should just move the previous question because I think he has sold this House, and rightfully so. In doing so I want to commend the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) and all of the other members of the committee that worked so diligently on this.

As my colleagues know, Mr. Speaker, I take no back seat for anyone as far as fiscal responsibility in this House. And as my colleagues know, 5 years ago I wrote a book. It is called "The Balanced Budget, A Republican Plan," and it shows how to go about balancing the budget not in 7, 6, 5, 4, 3 or 2, but in 1 year, and we followed it up with a 2,000 page bill that shows how to deduct over $900 billion in spending. Well, the Republican and the Democratic Members of this House adopted much of this, and today I am so very, very proud that after 20 years that I, JERRY SOLOMON, can say we have got a balanced budget in this House.

Now it comes to the trust funds. There is nothing more outrageous to the American people, nothing, than taxing them for a certain purpose and then this Congress absconding with the money, and that is what we have been doing for years in the Social Security Trust Fund, in the Medicare Trust Fund, in the Highway Trust Fund. That is illegal.

Of course we have done it legally, but it is illegal to the American people because the motorists have paid these taxes year after year after year, these surpluses have built up, and then we have used the surpluses to offset and say we have a balanced budget. Well, we are not going to do that any more; we are going to take those moneys that were raised for this purpose and we are going to spend it all across this country.

Mr. Speaker, I represent the Northeast. It is the Rust Belt. I represent an area in the Catskill Mountains, the Hudson Valley and the Adirondacks where we still have old post roads where they used to drive horses and

carriages over them, and we have bridges that are falling down and people are being killed. Not too many years ago a whole wide road washed out and killed dozens of people.

The infrastructure of this country is going down the drain, and if we do not have a strong infrastructure, how can we continue to have a good economy? We cannot, and that is why every Member, especially conservatives like me, ought to come over here and live up to their fiscal responsibility and vote for this rule and vote for the bill.

Mr. EVANS. Mr. Speaker, I rise in strong support of the amendment to H.R. 2400 which expresses the Sense of Congress that offsets to spending above the Congressional Budget Office baseline, as described in section 1001 of the bill, should not be taken from veterans programs. This amendment will be considered as adopted upon approval of the rule governing consideration of H.R. 2400.

This important amendment makes it clear that offsets for increases in spending authorized by the Building Efficient Surface Transportation and Equity Act should not include any provision making a change in programs or benefits administered by the Secretary of Veterans Affairs.

There seems to be a widespread misconception about restricting or denying a benefit to which a qualifying veteran is entitled to receive as a means of finding "savings" to offset the costs of other legislation. This misconception is seductively simple—if a veteran is not now in receipt of an entitlement which he or she would qualify to receive if they had applied for this benefit, then eliminating this benefit does that veteran no harm.

Would the Members of the House and Senate who are eligible for, but not yet in receipt of, a retirement pension believe they would not be harmed if their anticipated retirement benefit was reduced or eliminated because they had not yet applied to receive it? There would be shrieks and howls about such an injustice. We would be told the Members had "earned" their pension. Veterans also have earned the benefits which they are entitled to receive.

Let me also make it clear that I strongly support passage of H.R. 2400. We clearly need to have a modern, efficient and reliable transportation infrastructure. This has always been important and is certainly no less important today with the increasing globalization of the economy and economic competition. We can do this, however, while continuing to honor our commitments to veterans.

Mr. DREIER. Mr. Speaker, I urge strong support of the rule.

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

The previous question was ordered.

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. DREIER. 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 357, nays 61, not voting 12, as follows:

[Roll No. 90]

YEAS—357

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Capps
Carson
Chabot
Chambliss
Chenoweth
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Rush
Ryun
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (AK)

NAYS—61

Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Brown (OH)
Canady
Cardin
Castle
Christensen
Clayton
Conyers
Cramer
Davis (FL)
Deutsch
Dooley
Edwards
Etheridge
Fazio
Ford
Gephardt
Graham
Harman
Hastings (FL)
Hoyer
Inglis
Kind (WI)
LaFalce
Lewis (GA)
Lowey
Luther
Maloney (NY)
McDermott
Meek (FL)
Miller (FL)
Minge
Moran (VA)
Morella
Myrick
Obey
Pelosi
Pomeroy
Porter
Price (NC)
Roybal-Allard
Sabo
Salmon
Sanford
Schumer
Shadegg
Shays
Skaggs
Smith, Adam
Spratt
Stenholm
Tanner
Torres
Watt (NC)
Wexler
Wolf
Yates
Young (FL)

NOT VOTING—12

Cannon
Cox
Gilchrest
Gonzalez
Jefferson
Kennedy (MA)
Klug
Payne
Rangel
Riggs
Royce
Waters

□ 1200

Messrs. HASTINGS of Florida, CRAMER, WATT of North Carolina, SCHUMER, Mrs. MEEK of Florida, and Messrs. INGLIS of South Carolina, SALMON, TORRES, GRAHAM, and SANFORD changed their vote from "yea" to "nay."

Mr. RODRIGUEZ and Mrs. THURMAN changed their 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2183

Mr. DICKEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2183.

The SPEAKER pro tempore. Is there objection to the gentleman from Arkansas?

There was no objection.

CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND CONDITIONAL ADJOURNMENT OF THE HOUSE FOR THE EASTER RECESS

Mr. ARMEY. Mr. Speaker, I offered a privileged concurrent resolution (H. Con. Res. 257) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 257

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, April 1, 1998, it stand adjourned until 12:30 p.m. on Tuesday, April 21, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, April 2, 1998, Friday, April 3, 1998, Saturday, April 4, 1998, or Sunday, April 5, 1998, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, April 20, 1998, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore (Mr. HEFLEY). The concurrent resolution is not debatable.

The question is on the concurrent resolution.

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

Mr. TIERNEY. 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 223, nays 187, answered "present" 1, not voting 19, as follows:

[Roll No. 91]

YEAS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Yates
Young (AK)
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—1

Coburn

NOT VOTING—19

Andrews
Borski
Cannon
Cox
Fawell
Gilchrest
Gonzalez
Goode
Greenwood
Jefferson
Kennedy (MA)
Klug
Linder
Payne
Petri
Rangel
Riggs
Royce
Waters

□ 1222

So the concurrent 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

Mr. RIGGS. Mr. Speaker, on Monday, March 30th, Tuesday, March 31st, and early Wednesday, April 1st, I was unable to be present in Washington, D.C. due to other business of a personal and family nature and therefore missed several recorded votes in the House. If I had been present, I would have voted:

"No" on rollcall number 81: passage of H.R. 3581, the Campaign Reform and Election Integrity Act.

"Aye" on rollcall number 82: passage of H.R. 34, the Illegal Foreign Contributions Act.

"Aye" on rollcall number 83: passage of H.R. 2608, the Paycheck Protection Act.

"Aye" on rollcall number 84: passage of H.R. 3582, the Campaign Reporting and Disclosure Act.

"Aye" on rollcall number 85: providing for consideration of H.R. 3579, the FY 1998 Emergency Supplemental Appropriations Act.

"No" on rollcall number 86: motion on ordering the House to proceed in secret session.

"No" on rollcall number 87: a motion to recommit H.R. 3579 with instructions.

"Aye" on rollcall number 88: final passage of H.R. 3579, the FY 1998 Emergency Supplemental Appropriations Act.

"Aye" on rollcall number 90: Providing for consideration of H.R. 2400, BESTEA.

"Aye" on rollcall number 91: Providing for an adjournment of the two Houses.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1173

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the name of the gentleman from

Tennessee (Mr. HILLEARY) be removed as cosponsor of H.R. 1173.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

CREDIT UNION MEMBERSHIP ACCESS ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1151) to amend the Federal Credit Union Act to clarify existing law and ratify the longstanding policy of the National Credit Union Administration Board with regard to field of membership of Federal credit unions, as amended.

The Clerk read as follows:

H.R. 1151

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Union Membership Access Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The American credit union movement began as a cooperative effort to serve the productive and provident credit needs of individuals of modest means.

(2) Credit unions continue to fulfill this public purpose, and current members and membership groups should not face divestiture from the financial services institution of their choice as a result of recent court action.

(3) To promote thrift and credit extension, a meaningful affinity and bond among members, manifested by a commonality of routine interaction, shared and related work experiences, interests, or activities, or the maintenance of an otherwise well-understood sense of cohesion or identity is essential to the fulfillment of credit unions' public mission.

(4) Credit unions, unlike many other participants in the financial services market, are exempt from Federal and most State taxes because they are member-owned, democratically operated, not-for-profit organizations generally managed by volunteer boards of directors and because they have the specified mission of meeting the credit and savings needs of consumers, especially persons of modest means.

(5) Improved credit union safety and soundness provisions will enhance the public benefit that citizens receive from these cooperative financial services institutions.

TITLE I—CREDIT UNION MEMBERSHIP

SEC. 101. FIELDS OF MEMBERSHIP.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended—

(1) in the 1st sentence—

(A) by striking "Federal credit union membership shall consist of" and inserting "(a) IN GENERAL.—Subject to subsection (b), Federal credit union membership shall consist of"; and

(B) by striking ", except that" and all that follows through the period at the end of such sentence and inserting a period; and

(2) by adding at the end the following new subsections:

"(b) MEMBERSHIP FIELD.—Subject to the other provisions of this section, the membership of any Federal credit union shall be limited to the membership described in 1 of the following categories:

"(1) SINGLE COMMON-BOND CREDIT UNION.—1 group which has a common bond of occupation or association.

"(2) MULTIPLE COMMON-BOND CREDIT UNION.—More than 1 group—

"(A) each of which has (within such group) a common bond of occupation or association; and

"(B) the number of members of each of which (at the time the group is first included within the field of membership of a credit union described in this paragraph) does not exceed any numerical limitation applicable under subsection (d).

"(3) COMMUNITY CREDIT UNION.—Persons or organizations within a well-defined local community, neighborhood, or rural district.

"(c) GRANDFATHERED MEMBERS AND GROUPS.—

"(1) IN GENERAL.—Notwithstanding subsection (b)—

"(A) any person or organization who is a member of any Federal credit union as of the date of the enactment of the Credit Union Membership Access Act may remain a member of such credit union after such date; and

"(B) a member of any group whose members constituted a portion of the membership of any Federal credit union as of such date of enactment shall continue to be eligible to become a member of such credit union, by virtue of membership in such group, after such date.

"(2) SUCCESSORS.—If the common bond of any group referred to in paragraph (1) is defined by any particular organization or business entity, paragraph (1) shall continue to apply with respect to any successor to such organization or entity.

"(d) MULTIPLE COMMON-BOND CREDIT UNION GROUP REQUIREMENTS.—

"(1) NUMERICAL LIMITATION.—Except as provided in paragraph (2), only a group with fewer than 3,000 members shall be eligible to be included in the field of membership of a credit union described in subsection (b)(2).

"(2) EXCEPTIONS.—In the case of any Federal credit union whose field of membership is determined under subsection (b)(2), the numerical limitation described in paragraph (1) shall not apply with respect to the following:

"(A) CERTAIN LARGER GROUPS INCAPABLE OF SUPPORTING AND OPERATING A SINGLE-GROUP CREDIT UNION.—Any group which the Board determines, in writing and in accordance with the guidelines and regulations described in paragraph (4), could not feasibly or reasonably establish a new single common-bond credit union described in subsection (b)(1) because—

"(i) the group lacks sufficient volunteer and other resources to support the efficient and effective operation of a credit union;

"(ii) the group does not meet the criteria which the Board has determined to be important for the likelihood of success in establishing and managing a new credit union, including demographic characteristics, such as geographical location of members, diversity of ages and income levels, and other factors which may affect the financial viability and stability of a credit union; or

"(iii) the group would be unlikely to operate a safe and sound credit union.

"(B) TRANSACTIONS FOR SUPERVISORY REASONS.—Any group transferred from another credit union—

"(i) in connection with a merger or consolidation which has been recommended by the Board or any appropriate State credit union supervisor for safety and soundness concerns with respect to such other credit union; or

"(ii) by the Board in the Board's capacity as conservator or liquidating agent with respect to such other credit union.

"(3) EXCEPTION FOR UNDERSERVED AREAS.—Notwithstanding subsection (b), in the case of a Federal credit union described in paragraph (2) of such subsection, the Board may allow the membership of the credit union to include any person or organization within a local community, neighborhood, or rural district if—

"(A) the Board determines that such local community, neighborhood, or rural district—

"(i) meets the requirements of paragraph (3) and subparagraphs (A) and (B) of paragraph (4) of section 233(b) of the Bank Enterprise Act of 1991, and such additional requirements as the Board may impose; and

"(ii) is underserved, based on data of the Board and the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), by other depository institutions (as defined in section 19(b)(1)(A) of the Federal Reserve Act); and

"(B) the credit union establishes and maintains an office or facility in such local community, neighborhood, or rural district at which credit union services are available.

"(4) REGULATIONS AND GUIDELINES.—The Board shall issue guidelines or regulations, after notice and opportunity for comment, setting forth the criteria the Board will apply in determining whether or not an additional group may be included within the field of membership of an existing credit union pursuant to paragraph (2).

"(e) ADDITIONAL MEMBERSHIP ELIGIBILITY PROVISIONS.—

"(1) MEMBERSHIP ELIGIBILITY LIMITED TO IMMEDIATE FAMILY OR HOUSEHOLD MEMBERS.—No individual shall be eligible for membership in a credit union on the basis of the relationship of such individual to another person who is eligible for membership in such credit union unless the individual is a member of the immediate family or household (as such terms are defined by the Board by regulation) of such other person.

"(2) RETENTION OF MEMBERSHIP.—Except as provided in section 118, once a person becomes a member of a credit union in accordance with this title, such person or organization may remain a member of such credit union until the person or organization chooses to withdraw from the membership of the credit union.".

SEC. 102. CRITERIA FOR APPROVAL OF EXPANSION OF MEMBERSHIP OF MULTIPLE COMMON-BOND CREDIT UNIONS.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended by inserting after subsection (e) (as added by section 101 of this title) the following new subsection:

"(f) CRITERIA FOR APPROVAL OF EXPANSION OF MULTIPLE COMMON-BOND CREDIT UNIONS.—

"(1) IN GENERAL.—The Board shall—

"(A) encourage the formation of separately chartered credit unions instead of approving an application to include an additional group within the field of membership of an existing credit union whenever practicable and consistent with reasonable standards for the safe and sound operation of the credit union; and

"(B) if the formation of a separate credit union by such group is not practicable or consistent with such standards, require the inclusion of such group in the field of membership of a credit union which is within reasonable proximity to the location of the group whenever practicable and consistent with reasonable standards for the safe and sound operation of the credit union.

"(2) APPROVAL CRITERIA.—The Board may not approve any application by a Federal

credit union described in subsection (b)(2) to include any additional group within the field of membership of such credit union (or an application by a Federal credit union described in paragraph (1) to include an additional group and become a credit union described in paragraph (2)) unless the Board determines, in writing, that—

"(A) such credit union has not engaged in any unsafe or unsound practice (as defined in section 206(b)) which is material during the 1-year period preceding the filing of the application;

"(B) the credit union is adequately capitalized;

"(C) the credit union has the administrative capability to serve the proposed membership group and the financial resources to meet the need for additional staff and assets to serve the new membership group;

"(D) pursuant to the most recent evaluation of such credit union under section 215, the credit union is satisfactorily providing affordable credit union services to all individuals of modest means within the field of membership of such credit union;

"(E) any potential harm the expansion of the field of membership of the credit union may have on any other insured credit union and its members is clearly outweighed in the public interest by the probable beneficial effect of the expansion in meeting the convenience and needs of the members of the group proposed to be included in the field of membership; and

"(F) the credit union has met such additional requirements as the Board may prescribe in regulations.".

SEC. 103. GEOGRAPHICAL GUIDELINES FOR COMMUNITY CREDIT UNIONS.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended by inserting after subsection (f) (as added by section 102 of this title) the following new subsection:

"(g) REGULATIONS REQUIRED FOR COMMUNITY CREDIT UNIONS.—

"(1) DEFINITION OF WELL-DEFINED LOCAL COMMUNITY, NEIGHBORHOOD, OR RURAL DISTRICT.—The Board shall prescribe regulations defining the term 'well-defined local community, neighborhood, or rural district' for purposes of—

"(A) making any determination with regard to the field of membership of a credit union described in subsection (b)(3); and

"(B) establishing the criteria applicable with respect to any such determination.

"(2) SCOPE OF APPLICATION.—Paragraph (1) shall apply with respect to any application to form a new credit union, or to alter or expand the field of membership of an existing credit union, which is filed with the Board after the date of the enactment of Credit Union Membership Access Act.".

TITLE II—REGULATION OF CREDIT UNIONS

SEC. 201. FINANCIAL STATEMENT AND AUDIT REQUIREMENTS.

(a) IN GENERAL.—Section 202(a)(6) of the Federal Credit Union Act (12 U.S.C. 1782(a)(6)) is amended by adding at the end the following new subparagraphs:

"(C) ACCOUNTING PRINCIPLES.—

"(i) IN GENERAL.—Accounting principles applicable to reports or statements required to be filed with the Board by each insured credit union shall be uniform and consistent with generally accepted accounting principles.

"(ii) BOARD DETERMINATION.—If the Board determines that the application of any generally accepted accounting principle to any insured credit union is not appropriate, the Board may prescribe an accounting principle for application to such credit unions which is no less stringent than generally accepted accounting principles.

"(iii) DE MINIMUS EXCEPTION.—This subparagraph shall not apply to any insured credit union the total assets of which are less than $10,000,000 unless prescribed by the Board or an appropriate State credit union supervisor.

"(D) LARGE CREDIT UNION AUDIT REQUIREMENT.—Each insured credit union which has total assets of $500,000,000 or more shall have an annual independent audit of the financial statement of the credit union performed in accordance with generally accepted auditing standards by an independent certified public accountant or public accountant licensed by the appropriate State or jurisdiction to perform such services.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 202(a)(6)(B) of the Federal Credit Union Act (12 1786(b)(6)(B)) is amended by striking "subparagraph (A)" and inserting "subparagraph (A) or (D)".

SEC. 202. CONVERSIONS OF CREDIT UNIONS INTO OTHER DEPOSITORY INSTITUTIONS.

(a) REVIEW OF REGULATIONS REQUIRED.—The National Credit Union Administration Board shall conduct a detailed review of all regulations which govern or affect the conversion of a credit union into any other form of depository institution, including regulations relating to the form of disclosure required preceding a vote by the members of a credit union with regard to any such conversion and the manner in which such vote shall be conducted, to ensure that such regulations freely and fairly permit any such conversion after free, fair, and objective disclosure to the members of the credit union of the facts and issues involved in any such conversion.

(b) REPORT TO THE CONGRESS.—

(1) IN GENERAL.—Before the end of the 12-month period beginning on the date of the enactment of this Act, the National Credit Union Administration Board shall submit a detailed report on the findings and conclusions of the Board in connection with the review required under subsection (a).

(2) CONTENTS OF REPORT.—The report submitted pursuant to paragraph (1) shall contain—

(A) any recommendation for any administrative or legislative change which the Board may determine to be appropriate with regard to any aspect of the conversion of a credit union into another form of depository institution; and

(B) the justification for any recommendation of the Board—

(i) to retain in effect any provision of the regulations in effect on March 13, 1998, which govern or affect the conversion of a credit union into any other form of depository institution; or

(ii) to amend or alter any such provision.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CREDIT UNION.—The term "credit union" means any Federal credit union or State credit union (as such terms are defined in paragraphs (1) and (6), respectively, of section 101 of the Federal Credit Union Act).

(2) DEPOSITORY INSTITUTION.—The term "depository institution" has the meaning given such term in section 3 of the Federal Deposit Insurance Act.

SEC. 203. FREEZE ON BOARD REGULATIONS RELATING TO COMMERCIAL LOANS AND CERTAIN APPRAISAL REQUIREMENTS RELATING TO SUCH LOANS.

(a) IN GENERAL.—The regulations of the National Credit Union Administration Board which are codified in parts 701.21(h) and 722.3(a) of the Code of Federal Regulations, as in effect on March 13, 1998 (relating to business loans and lines of credit to members and appraisal requirements), including any other regulations which are applicable with respect to loans or lines of credit to which the part applies, shall remain in effect without amendment or altered application until the end of the 1-year period beginning on such date and, notwithstanding the Federal Credit Union Act or any other provision of law, any action of the National Credit Union Administration Board, or the National Credit Union Administration, on or after such date which purports to amend (including an amendment by substitution) or otherwise apply any such regulation differently than in effect on such date shall have no force or legal effect before the end of such 1-year period.

(b) REVIEW AND REPORT TO THE CONGRESS.—Before the end of the 1-year period described in subsection (a), the National Credit Union Administration Board shall conduct a review of the effectiveness of the regulations referred to in such subsection as in effect on March 13, 1998, and shall submit a report to the Congress on the results of such review before the end of such 1-year period.

SEC. 204. SERVING PERSONS OF MODEST MEANS WITHIN THE FIELD OF MEMBERSHIP OF CREDIT UNIONS.

(a) IN GENERAL.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by adding at the end the following new section:

"SEC. 215. SERVING PERSONS OF MODEST MEANS WITHIN THE FIELD OF MEMBERSHIP OF CREDIT UNIONS.

"(a) CONTINUING AND AFFIRMATIVE OBLIGATION.—The purpose of this section is to reaffirm that insured credit unions have a continuing and affirmative obligation to meet the financial services needs of persons of modest means consistent with safe and sound operation.

"(b) EVALUATION BY THE BOARD.—The Board shall, before the end of the 12-month period beginning on the date of the enactment of the Credit Union Membership Access Act—

"(1) prescribe criteria for periodically reviewing the record of each insured credit union in providing affordable credit union services to all individuals of modest means (including low- and moderate-income individuals) within the field of membership of such credit union; and

"(2) provide for making the results of such review publicly available.

"(c) ADDITIONAL CRITERIA FOR COMMUNITY CREDIT UNIONS REQUIRED.—The Board shall, by regulation—

"(1) prescribe additional criteria for annually evaluating the record of any insured credit union which is organized to serve a well-defined local community, neighborhood, or rural district in meeting the credit needs and credit union service needs of the entire field of membership of such credit union; and

"(2) prescribe procedures for remedying the failure of any insured credit union described in paragraph (1) to meet the criteria established pursuant to such paragraph, including the disapproval of any application by such credit union to expand the field of membership of such credit union.

"(d) EMPHASIS ON PERFORMANCE, NOT PAPERWORK.—In evaluating any insured credit union under this section, the Board shall—

"(1) focus on the actual performance of the insured credit union; and

"(2) not impose burdensome paperwork or recordkeeping requirements.".

(b) ANNUAL REPORTS.—With respect to each of the 1st 5 years which begin after the date of the enactment of this Act, the National Credit Union Administration Board shall include in the annual report to the Congress under section 102(d) of the Federal Credit Union Act a report on the progress of the Board in implementing section 215 of such Act (as added by subsection (a) of this section).

SEC. 205. NATIONAL CREDIT UNION ADMINISTRATION BOARD MEMBERSHIP.

Section 102(b) of the Federal Credit Union Act (12 1752a(b)) is amended—

(1) by striking "(b) The Board" and inserting "(b) MEMBERSHIP AND APPOINTMENT OF BOARD.—

"(1) IN GENERAL.—The Board"; and

(2) by adding at the end the following new paragraph:

"(2) APPOINTMENT CRITERIA.—

"(A) EXPERIENCE IN FINANCIAL SERVICES.—In considering appointments to the Board under paragraph (1), the President shall give consideration to individuals who, by virtue of their education, training, or experience relating to a broad range of financial services, financial services regulation, or financial policy, are especially qualified to serve on the Board.

"(B) LIMIT ON APPOINTMENT OF CREDIT UNION OFFICERS.—Not more than 1 member of the Board may be appointed to the Board from among individuals who, at the time of such appointment, are, or have recently been, involved with any insured credit union as a committee member, director, officer, employee, or other institution-affiliated party.".

SEC. 206. REPORT AND CONGRESSIONAL REVIEW REQUIREMENT FOR CERTAIN REGULATIONS.

Any regulation prescribed by the National Credit Union Administration Board defining, or amending the definition of—

(1) the term "immediate family or household" for purposes of subsection (e)(1) of section 109 of the Federal Credit Union Act (as added by section 101 of this Act); or

(2) the term "well-defined local community, neighborhood, or rural district" for purposes of subsection (g) of such section (as added by section 103 of this Act),

shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code.

TITLE III—CAPITALIZATION AND NET WORTH OF CREDIT UNIONS

SEC. 301. PROMPT CORRECTIVE ACTION.

(a) IN GENERAL.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by inserting after section 215 (as added by section 204 of this Act) the following new section:

"SEC. 216. PROMPT CORRECTIVE ACTION

"(a) RESOLVING PROBLEMS TO PROTECT FUND.—

"(1) PURPOSE.—The purpose of this section is to resolve the problems of insured credit unions at the least possible long-term loss to the National Credit Union Share Insurance Fund.

"(2) PROMPT CORRECTIVE ACTION REQUIRED.—The Board shall carry out the purpose of this section by taking prompt corrective action to resolve the problems of insured credit unions.

"(b) REGULATIONS.—The Board shall implement subsection (a) of this section by prescribing regulations, after public notice and opportunity for comment, which—

"(1) establish criteria and procedures for classifying credit unions as 'well capitalized', 'adequately capitalized', 'undercapitalized', 'significantly undercapitalized', or 'critically undercapitalized';

"(2) specify a series of graduated regulatory enforcement actions that may be imposed upon any credit union which fails to meet the requirements for classification as an adequately capitalized credit union, including—

"(A) the submission of net worth restoration plans;

"(B) earnings retention requirements;

"(C) prior written approval by the Board for certain activities such as branching and entry into new lines of business; and

"(D) the appointment of a conservator or liquidating agent in appropriate circumstances;

"(3) establish reasonable net worth requirements, including risk-based net worth requirements in the case of complex credit unions, for various categories of credit unions and prescribe the manner in which net worth is calculated (for purposes of such requirements) with regard to various types of investments, including investments in corporate credit unions, taking into account the unique nature and role of credit unions;

"(4) establish criteria for reclassifying the capital classifications of credit unions that engage in unsafe or unsound practices; and

"(5) are generally comparable with the prompt corrective action provisions set forth in section 38 of the Federal Deposit Insurance Act, taking into account the distinct capital structure, cooperative nature, and other characteristics of credit unions.".

(b) EFFECTIVE DATE OF REGULATIONS.—

(1) PROPOSED REGULATIONS.—The National Credit Union Administration Board shall publish, in the Federal Register, proposed regulations which meet the requirements of the amendment made by subsection (a) before the end of the 270-day period beginning on the date of the enactment of this Act.

(2) FINAL REGULATIONS.—The regulations required by the amendment made by subsection (a) shall take effect in final form by the end of the 18-month period beginning on the date of the enactment of this Act.

(c) REPORT TO CONGRESS.—At the time the proposed prompt corrective action regulations are published in the Federal Register by the National Credit Union Administration Board pursuant to subsection (b)(1), the Board shall submit a report to the Congress on the differences and similarities between such prompt corrective action regulations and the regulations prescribed by the Federal bank agencies under section 38 of the Federal Deposit Insurance Act.

SEC. 302. NATIONAL CREDIT UNION SHARE INSURANCE FUND EQUITY RATIO, AVAILABLE ASSETS RATIO, AND STANDBY PREMIUM CHARGE.

(a) IN GENERAL.—Section 202 of the Federal Credit Union Act (12 U.S.C. 1782) is amended—

(1) by amending subsection (b) to read as follows:

"(b) CERTIFIED STATEMENT.—

"(1) STATEMENT REQUIRED.—

"(A) IN GENERAL.—For each calendar year in the case of an insured credit union with total assets of not more than $50,000,000, and for each semi-annual period in the case of an insured credit union with total assets of $50,000,000 or more, an insured credit union shall file with the Board, at such time as the Board prescribes, a certified statement showing the total amount of insured shares in the credit union at the close of the relevant period and both the amount of its deposit or adjustment of deposit and the amount of the insurance charge due to the fund for that period, both as computed under subsection (c).

"(B) EXCEPTION FOR NEWLY INSURED CREDIT UNION.—Subparagraph (A) shall not apply with respect to a credit union that became insured during the reporting period.

"(2) FORM.—The certified statements required to be filed with the Board pursuant to this subsection shall be in such form and shall set forth such supporting information as the Board shall require.

"(3) CERTIFICATION.—The president of the credit union or any officer designated by the board of directors shall certify, with respect to each such statement, that to the best of his or her knowledge and belief the statement is true, correct, complete, and in accordance with this title and the regulations issued under this title.";

(2) by amending clause (iii) of subsection (c)(1)(A) to read as follows:

"(iii) PERIODIC ADJUSTMENT.—The amount of each insured credit union's deposit shall be adjusted as follows, in accordance with procedures determined by the Board, to reflect changes in the credit union's insured shares:

"(I) annually, in the case of an insured credit union with total assets of not more than $50,000,000; and

"(II) semi-annually, in the case of an insured credit union with total assets of $50,000,000 or more.";

(3) by amending paragraphs (2) and (3) of subsection (c) to read as follows:

"(2) INSURANCE PREMIUM CHARGES.—

"(A) IN GENERAL.—Each insured credit union shall, at such times as the Board prescribes (but not more than twice in any calendar year), pay to the fund a premium charge for insurance in an amount stated as a percentage of insured shares (which shall be the same for all insured credit unions).

"(B) RELATION OF PREMIUM CHARGE TO EQUITY RATIO OF FUND.—The Board may assess a premium charge only if—

"(i) the fund's equity ratio is less than 1.3 percent; and

"(ii) the premium charge does not exceed the amount necessary to restore the equity ratio to 1.3 percent.

"(C) PREMIUM CHARGE REQUIRED IF EQUITY RATIO FALLS BELOW 1.2 PERCENT.—If the fund's equity ratio is less than 1.2 percent, the Board shall, subject to subparagraph (B), assess a premium charge in such an amount as the Board determines to be necessary to restore the equity ratio to, and maintain that ratio at, 1.2 percent.

"(3) DISTRIBUTIONS FROM FUND REQUIRED.—

"(A) IN GENERAL.—The Board shall effect a pro rata distribution to insured credit unions after each calendar year if, as of the end of that calendar year—

"(i) any loans to the fund from the Federal Government, and any interest on those loans, have been repaid;

"(ii) the fund's equity ratio exceeds the normal operating level; and

"(iii) the fund's available assets ratio exceeds 1.0 percent.

"(B) AMOUNT OF DISTRIBUTION.—The Board shall distribute under subparagraph (A) the maximum possible amount that—

"(i) does not reduce the fund's equity ratio below the normal operating level; and

"(ii) does not reduce the fund's available assets ratio below 1.0 percent.

"(C) CALCULATION BASED ON CERTIFIED STATEMENTS.—In calculating the fund's equity ratio and available assets ratio for purposes of this paragraph, the Board shall determine the aggregate amount of the insured shares in all insured credit unions from insured credit unions certified statements under subsection (b) for the final reporting

period of the calendar year referred to in subparagraph (A).";

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

"(4) TIMELINESS AND ACCURACY OF DATA.—In calculating the available assets ratio and equity ratio of the fund, the Board shall use the most current and accurate data reasonably available."; and

(5) by amending subsection (h) to read as follows:

"(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) AVAILABLE ASSETS RATIO.—The term 'available assets ratio', when applied to the fund, means the ratio of—

"(A) the amount determined by subtracting—

"(i) direct liabilities of the fund and contingent liabilities for which no provision for losses has been made, from

"(ii) the sum of cash and the market value of unencumbered investments authorized under section 203(c), to

"(B) the aggregate amount of the insured shares in all insured credit unions.

"(2) EQUITY RATIO.—The term 'equity ratio', when applied to the fund, means the ratio of—

"(A) the amount of fund capitalization, including insured credit unions' 1 percent capitalization deposits and the fund's retained earnings balance (net of direct liabilities of the fund and contingent liabilities for which no provision for losses has been made), to

"(B) the aggregate amount of the insured shares in all insured credit unions.

"(3) INSURED SHARES.—The term 'insured shares', when applied to this section, includes share, share draft, share certificate, and other similar accounts as determined by the Board, but does not include amounts exceeding the insured account limit set forth in section 207(c)(1).

"(4) NORMAL OPERATING LEVEL.—The term 'normal operating level', when applied to the fund, means an equity ratio specified by the Board, which shall be not less than 1.2 percent and not more than 1.5 percent.".

(b) EFFECTIVE DATE.—This section shall become effective on January 1 of the first calendar year beginning more than 180 days after the date of enactment of this Act.

SEC. 303. ACCESS TO LIQUIDITY.

Section 204 of the Federal Credit Union Act (12 U.S.C. 1784) is amended by adding at the end the following new subsections:

"(f) ACCESS TO LIQUIDITY.—The Board shall—

"(1) periodically assess the potential liquidity needs of each insured credit union, and the options that the credit union has available for meeting those needs; and

"(2) periodically assess the potential liquidity needs of insured credit unions as a group, and the options that insured credit unions have available for meeting those needs.

"(g) SHARING INFORMATION WITH FEDERAL RESERVE BANKS.—The Board shall, for the purpose of facilitating insured credit unions' access to liquidity, make available to the Federal reserve banks (subject to appropriate assurances of confidentiality) information relevant to making advances to such credit unions, including the Board's reports of examination.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ASSURING INDEPENDENT DECISION MAKING IN CONNECTION WITH CERTAIN CONVERSIONS.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(t) CONVERSIONS INVOLVING FORMER CREDIT UNIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law—

"(A) an insured credit union may not convert into an insured depository institution; and

"(B) an insured depository institution which resulted from a prior conversion of an insured credit union into such insured depository institution may not convert from the mutual form to the stock form and may not convert from 1 form of depository institution into another,

unless the appropriate Federal banking agency for the insured depository institution which results from any such conversion reviews the conversion and determines that the requirements of paragraphs (2) and (3) have been met.

"(2) PROHIBITION ON ECONOMIC BENEFIT FROM CONVERSION FOR CREDIT UNION OFFICERS, DIRECTORS, AND COMMITTEE MEMBERS.—An individual who is or, at any time during the 5-year period preceding any conversion described in paragraph (1), was a director, committee member, or senior management official of an insured credit union described in subparagraph (A) or (B) of such paragraph (in connection with such conversion) may not receive any economic benefit as a result of the conversion with regard to the shares or interests of such director, member, or officer in the former insured credit union or in any resulting insured depository institution.

"(3) ACKNOWLEDGEMENT AND ATTESTATION BY OFFICERS, DIRECTORS, AND COMMITTEE MEMBERS.—Any insured credit union or insured depository institution which is seeking to engage in a conversion which is subject to this subsection shall submit—

"(A) a written acknowledgement, in such form and manner as the appropriate Federal banking agency may prescribe, by every individual who is subject to the prohibition contained in paragraph (2), that such individual is aware of such prohibition; and

"(B) an attestation that the conversion under review will not result in a violation of such prohibition.

"(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) INSURED CREDIT UNION.—The term 'insured credit union' has the meaning given to such term in section 101(7) of the Federal Credit Union Act.

"(B) SENIOR MANAGEMENT OFFICIAL.—The term 'senior management official' means a chief executive officer, an assistant chief executive officer, a chief financial officer, and any other senior executive officer (as defined by the appropriate Federal banking agency pursuant to section 32(f)).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

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

Mr. Speaker, the House today takes up H.R. 1151, the Credit Union Membership Access Act, which the Committee on Banking and Financial Services approved by unanimous voice vote last Thursday.

The bill is before us today as a result of a ruling by the Supreme Court on February 25, holding that the National Credit Union Administration had improperly interpreted its 1934 act in allowing for mergers between credit unions with different common bonds.

Last year, at the time the Court took the case, there were those who advocated congressional action. My view, and that of many others, was that it would have been inappropriate for Congress to act while the case was pending before the Court. However, I made it clear to all affected parties that I was committed to prompt hearings and action if necessary to ensure that no Americans would be kicked out of the financial institution of their choice.

Mr. Speaker, we have moved quickly for a deliberative legislative body. Within two weeks of the Supreme Court ruling, the Committee on Banking and Financial Services had a comprehensive hearing on the subject. Two weeks later we marked up a bill, and now it is being brought to the floor.

Credit unions represent democracy at work in the marketplace, and this legislation will go a long way towards ensuring they remain an integral part of the American way of life.

The legislation before us first and foremost provides for grandfathering all current common bond arrangements and all current credit union members. It ensures the continued safety and soundness of credit unions by permitting certain multiple common bond formations in the future.

H.R. 1151 would allow any credit union members jeopardized by the court ruling to retain their membership. It would allow credit unions to accept members from an unrelated group as long as the members from the group do not exceed 3,000. Groups that joined would also have to be located within a reasonable proximity of the credit union itself.

The bill would require the Credit Union Administration to move to more specifically define who could join a credit union, based on their status as a member's immediate family or household or living in a certain geographic area.

The bill would extend for one year current regulations that allow credit unions to make commercial loans.

The bill would require credit unions to serve members of modest means, and require the Credit Union Administration to set up criteria for periodically reviewing credit unions' lending records to ensure compliance with this provision. This provision is similar to the requirements of the 1977 Community Reinvestment Act which applies to the banking industry.

The bill would also require that the Credit Union Administration promulgate regulations that would apply capital requirements to credit unions to ensure safety and soundness. Such requirements deal with such items as reserves and collateral now applied to banks.

The bill would allow the Credit Union Administration to increase the funds

that credit unions must pay to the National Credit Union Insurance Fund, a Federal fund that insures deposits and makes credit unions safe for the public.

Finally, I would like to draw Members' attention to a provision I authored which is designed to protect credit union members in the event a credit union changes to a stock charter. In the S&L industry in recent years, insiders who controlled mutual associations reaped large profits when they changed to a stock structure. Under this bill, in the event any credit union changes its structure, the benefits of the credit union will go to the membership rather than insiders.

Mr. Speaker, I ask for Members' support for this bill, and would like to recognize important contributions in its crafting by the gentleman from New York (Mr. LAFALCE), the distinguished ranking member of the committee, as well as that of the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Minnesota (Mr. VENTO), the chair and ranking member of the Subcommittee on Financial Institutions and Consumer Credit.

□ 1230

In addition to the original cosponsors of H.R. 1151, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Pennsylvania (Mr. KANJORSKI) made extraordinary contributions to the legislation before us. I thank all of them and their respective staffs for working days, evenings and weekends in order to bring this to the floor on a timely basis.

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

Mr. LAFALCE. Mr. Speaker, I yield myself 2 minutes.

I strongly support the bill that is before us today. The bill will preserve and promote the future viability of federally chartered credit unions. This bill is an imperative. It must be passed today. It must be passed in the Senate as soon as possible and signed into law by the President.

The reason we are at the point we are today in large part is because of the outstanding work of the chairman of the committee, the gentleman from Iowa (Mr. LEACH). The gentleman from Iowa (Mr. LEACH) made the decision to proceed in not a bipartisan, but a nonpartisan way and that is the way it has been on this bill from the day of the Supreme Court decision. There has been a totally cooperative, collegial approach, not only between the chairman and myself, but between the Republican side of the aisle and the Democratic side of the aisle, their excellent staff and our excellent staff working jointly.

We have produced a good bill, a bill that can be supported by every one, a bill that can be supported by the administration and a bill that will be a clear winner, a winner for credit unions and credit union members, yes. A winner for banks also, because it closes down on some inappropriate practices that, to a certain extent, existed and could exist under previous law. Those have been closed down, tightened up.

Most importantly, it is a clear winner for the American consumer. It promotes safety and soundness, and it gives the consumer the option of going to a credit union, a thrift, a bank, whatever the consumer might want. And it maintains the concept of the credit union as we have known it.

My thanks to every one, especially the chairman, the staff of both the Republican and Democratic side and my colleagues, the gentleman from Minnesota (Mr. VENTO), the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentleman from Pennsylvania (Mr. KANJORSKI), and the gentleman from Ohio (Mr. LATOURETTE) and so many others. I would love to proceed on every single bill before our committee in the manner that we proceeded on this one.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), who played such a critical role in the development of this approach.

Mrs. ROUKEMA. Mr. Speaker, I thank Chairman LEACH for yielding me the time. I want to commend him for his profound and extraordinary leadership on what could have been an extraordinarily controversial issue here and certainly express my appreciation to the ranking members Representatives LAFALCE and VENTO.

Members have already heard outlined the fact that we are profoundly and promptly responding to the Supreme Court decision and really exercising in a proper way the separation of powers between the judiciary and the Congress. We are exercising our constitutional authority here. I do support it.

I would like to make three other short points. First, obviously we have promptly acted on the Supreme Court's decision, and I think we have done it in time so that we can avoid other court decisions that might further complicate the problem. So we have resolved that constitutional responsibility.

Secondly, we are protecting hard-working savers and consumers, the 20 million credit union members that are really innocent of this problem as it was created, but they deserve to be grandfathered and protected and that is done under this bill.

Thirdly, and perhaps most importantly for our members who are conflicted about the different special interest groups here and the perhaps imprecise information that they have been given, we are putting in place many of the Treasury Department's recommendations on safety and soundness. That is important, of primary importance to our committee. Credit unions will have bank-like capital and net worth requirements in this bill. Large credit unions are required to have annual audits by licensed CPAs. I agree with the complete explanation the chairman presented, on that provision. These and other new requirements will assure that credit unions are financially safe, in the years to come and not be a threat to the taxpayer.

Mr. Speaker, I think we can take some pride in what is done here. It does not mean that I would not have made some tighter restrictions on the multiple common bonds. I would have. But I think what we have to understand is that there are stricter, there are tighter restrictions on the growth of these common bonds, really restrictions that can be held to tight legal requirements as far as I am concerned. But the important thing here is that we have reached a consensus. We have found common ground here. I think we have balanced properly good public policy with what is the need for continuing credit union life. I think that is important.

I would also note that in terms of putting requirements on the multiple common bond credit unions, we did put geographic limitations on the expansion and we have seen in the local preference provisions in section 102 of the bill that it is extremely important, the local preference positions.

Again, I think we have struck the right balance between good public policy and given the proper and timely legislative response to the Supreme Court dictate.

I commend this to my colleagues for approval, and ask that the language of the Committee report (as attached) be included in this debate.

The Committee does not intend for this numerical limitation to be interpreted as permitting all groups with 3,000 or fewer members to be included within the field of membership of an existing credit union. The 3,000 member limitation is intended as the maximum size of groups that can organize within an existing credit union, unless a group meets specific exemptions. The Board is required, under Section 102 of the bill, to encourage common bond groups, regardless of size, to organize new separately chartered credit unions. The NCUA must determine that a group has sufficient financial and operational resources to form a separate credit union and to operate it in a safe and sound manner.

There are two exceptions to the 3,000 member limit. First, the NCUA may permit groups with over 3,000 members to join an existing credit union if the Board determines in writing that the group does not have the financial resources or operational capacity to organize and operate a new single common bond credit union. Second, the Board may merge or consolidate a group with over 3,000 members with another credit union for supervisory reasons. The Committee does not intend for these exceptions to provide broad discretion to the Board to permit larger groups to be incorporated within or merged with other credit unions. The exceptions are intended to apply where the Board

has sufficient evidence to support a finding that creation of a separately chartered credit union, or the continued operation of an existing credit union, present safety and soundness concerns.

There is also an exception in this section for underserved areas. Any person or organization within an underserved local community, neighborhood, or rural district may be added to multiple common bond credit unions which establishes and maintains an office or facility in the underserved areas. The term "facility" in the Act is meant to be defined in the same way that the National Credit Union Administration ("NCUA" or "Board") has defined "service facility," that is, an automatic teller machine or similar device would not qualify. The section also requires the NCUA to issue regulations, with notice and comment, establishing criteria that will be applied when determining whether additional groups may be added under this section.

SECTION 102. CRITERIA FOR APPROVAL OF EXPANSION OF MEMBERSHIP OF MULTIPLE COMMON-BOND CREDIT UNIONS.

It is the Committee's position that the NCUA should charter new credit unions wherever possible and such formation would be consistent with safety and soundness. As noted above in Section 101, the 3,000 member figure is not intended to indicate that groups below 3,000 are incapable of forming new, viable credit unions. To the contrary, over 3,300 credit unions have less than $2 million in assets and average just 700 members. The NCUA shall encourage groups, regardless of size, to form their own credit unions where such formation would be consistent with safety and soundness and not pose a significant risk to the share insurance fund.

Section 102 also articulates a strong policy towards placing groups which cannot form their own credit unions with a local credit union. If the NCUA determines that a group cannot form a viable credit union on its own, then the NCUA is required to place the group with a credit union within reasonable proximity of the group. This local preference is qualified by safety and soundness principles. The Committee strongly believes credit union members who live, work and interact in the same geographic area are likely to have more of a meaningful affinity and common bond than those who do not. The NCUA's regulations shall strongly favor placing groups with local credit unions and document in writing their compliance with the local preference requirement. We note, however, that this provision does not require local credit unions to add groups which they do not want.

Under this section, multiple common bond credit unions are required to apply to the NCUA every time they want to add a new group to their field of membership, regardless of the size of the group to be added. The NCUA must determine in writing that the six specific approval criteria have been met. This NCUA determination is a final agency action. Specifically, the Board must find that the credit union has not engaged in material unsafe or unsound practices during the year prior to the application; the credit union is adequately capitalized; it has the administrative capability to serve the proposed membership group and the financial resources to meet the need for additional staff and assets to serve the new group. Additionally, in accordance with section 215 of the Federal Credit Union Act, the Board must determine that the credit union is satisfactorily providing credit union services to all individuals of modest means within its field of membership; and that any potential harm to another insured credit union and its members from the credit union's expansion is clearly outweighed by the probable beneficial effect of the expansion in meeting the convenience and needs of the members of the group proposed to be included. The credit union must also meet any other requirements the Board has prescribed.

The Committee specifically notes the approval criteria in subparagraph (E) which related to potential harm to other insured credit unions. As noted above, the Committee strongly favors placing groups with local credit unions. However, it is not intended that this requirement be implemented in a manner that causes significant injury to other local credit unions in terms of creating overlapping memberships that may weaken the membership or financial base of an existing credit union. The Board is expected to establish procedures to minimize the potential harm to other insured credit unions wherever possible and, at a minimum, to ensure that any potential harm to an existing credit union is clearly outweighed by the benefits created by the membership expansion in terms of additional services and convenience for the new member group.

SECTION 103. GEOGRAPHICAL GUIDELINES FOR COMMUNITY CREDIT UNIONS.

Section 103 requires the Board to define by regulation the criteria it will use in determining the meaning of the term "well defined local community, neighborhood, or rural district" for purposes of evaluating charter applications by community credit unions. These terms shall only apply to applications for new credit unions and applications to alter the membership of existing credit unions submitted after the date of enactment.

Mr. LAFALCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I rise in support of H.R. 1151.

I rise today in support of H.R. 1151, the Credit Union Membership Access Act. In light of the Supreme Court's decision, it is important that we take action to clarify the status of credit unions and their members.

Credit unions—along with banks large and small—are an important part of our Nation's financial fabric. People want to—and should be able to—choose the financial institution with which they will do business. Banks, community banks, and credit unions each provide valuable services in Maine. We need to make sure that a healthy competition exists which will ultimately benefit the people of Maine.

At the same time, I am disappointed that this legislation has come to the Floor under Suspension of the Rules. This procedure means that there is no opportunity to fully debate this subject, or to offer amendments to the bill. Specifically, I would have liked the opportunity to debate many of the Treasury Department's recommendations and capital requirements which were not included in this bill.

Credit unions play a critical role in our financial markets, and it is absolutely necessary that strong safety, soundness and capital measures be adopted to ensure their viability well into the next century.

Again, I support this legislation. However, I would urge my colleagues on the Banking Committee to take these issues into consideration should this matter go into conference.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO), distinguished ranking member of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me this time.

I commend the chairman and ranking member, the subcommittee chair, the gentlewoman from New Jersey (Mrs. ROUKEMA) and others, the gentleman from Pennsylvania (Mr. KANJORSKI), and the gentleman from Ohio (Mr. LATOURETTE), for their work in terms of bringing and shaping the package that we have before us. I think this is a bill that the Members should overwhelmingly record their vote in support of.

The fact is that this remedies the court decision of about a month ago that had been a long time considered by the courts in terms of the field of membership for credit unions. The definitions in the law really have not been substantively adjusted since 1934. After some over 60 years, it is appropriate to recognize in the law the changing complexion of our society and our economy and the nature of mergers, acquisitions and divestiture that often has occurred with regard to various employee and other association groups that had been organized as credit unions. It is only common sense to recognize that this evolution would cause and eclipse the 1934 law upon which credit unions rely for the base of membership.

This importantly not just remedies the Supreme Court case, but sets a policy path and guidance for the future by strengthening the definitions of such groupings and probably averting future court cases that have recently been rendered by the Supreme Court. It greatly strengthens, this bill strengthens the Credit Union Administration. It provides additional safety and soundness, and it very importantly provides a social responsibility. The reason that we, of course, have financial institutions, including banks, credit unions and thrifts and others, is, of course, to serve the people we represent.

Some 20 years ago we set in place something called the Community Reinvestment Act. This puts in place the Community Reinvestment Act that fits and is tailored to the needs of the credit union. I urge Members to support and record their vote in favor of this measure.

Mr. Speaker, I rise in support of this urgently needed legislation for current credit unions and their members who have been jeopardized by the Supreme Court's decision in February. This bill will protect the ten to twenty million credit union members that could be affected by that ruling. H.R. 1151 as reported by the Banking Committee last week will also assist future credit unions and their members by providing additional statutory direction that can immunize the credit union industry from future law suits.

As Members know, this legislative compromise came together through the work of a bipartisan working group that sorted through the various issues to present to the Banking Committee. I want to thank Chairman LEACH who brought me, Mr. LAFALCE, Mr. KANJORSKI and Members from the other side of the aisle together over the past month to forge this measure. The Banking Committee perfected this bill and we have brought the House a sound and solid compromise. We took input and advice from the interest parties, the credit unions, the banks, and the good legislative initiatives of our colleagues. The work of Mr. KANJORSKI, Mr. LATOURETTE, Mr. LAFALCE, Mr. BARRETT, Mr. KENNEDY, Mr. FROST, Mr. BAKER, Mr. EHRLICH and others is reflected in this bill before the House today.

Mr. Speaker, we need to modernize the credit union field of membership definitions which do not fit the socio-economic reality of the 1990's. The merger/divestiture phenomena of corporate America has changed the landscape and has had an unusual and special effect upon credit unions bound by the "common bond" and "field of membership" law. This has conversely forced divestitures, mergers or closings of credit unions. Federal credit union law needs to accommodate and respond to this reality. Credit union law needs to be modernized, addressing the membership base of credit unions because they would not be able to sustain a membership base and reasonable services under the strict interpretation of a 1934 federal credit union law.

By creating a new mechanism for adding so-called select employee groups, basically allowing multiple common-bond credit unions, we are revamping and facilitating the federal credit union law and empowering credit unions to adapt to the 1990's market place. The bill provides clear direction to the National Credit Union Administration (NCUA) including a 3,000 field of membership guideline and a reasonable proximity test. It also affords the regulator with flexibility to accommodate groups that may not meet this test but that would find it difficult to form a single-bond credit union of their own.

H.R. 1151 now has a Community Reinvestment Act-like test that I am optimistic credit unions can meet. This policy and requirement will benefit our communities and economy. Credit unions can and should meet the needs of credit union members of modest means. I have urged credit unions to accept this responsibility and now I would encourage the NCUA in implementing this new CRA-like test to emphasize performance and results not paperwork. I expect that the NCUA will review and draw from the good work of other financial institutions regulators who in the last few years have revamped CRA to do just that.

We have strengthened the regulatory foundation of credit unions, the regulators and the NCUA insurance fund by adding capital and net worth requirements to be established by the National Credit Union Administration based on the guidance in this legislation. The NCUA will be empowered with prompt corrective action powers, substantially similar to those that have been established to govern the banks and thrifts. We have reinforced the share insurance fund mandating the retention of funds. Independent audits will be required for today's very large credit unions with assets in excess of $500 million.

H.R. 1151 also keeps the data flowing on member business loans and mandates special credit union qualifications for activities, maintaining a $50,000 threshold for reporting and other requirements. It does not, however, place any additional restrictions on the size or quantity of personal loans for a business purpose that a credit union can make to its members. The report called for in this measure will provide the information needed to better understand member business loans so that any action would be based on facts that justify the action.

Mr. Speaker, we need to pass this bill today so that this corrective legislation with regards to credit unions will move forward expeditiously in the Senate and make its way to the President as soon as possible. Credit unions have been faced by the same competitive pressures, changing technology, and the evolution in products and services that other financial institutions are facing. In order to meet the challenges of the 21st Century, credit union law, regulation and operation must modernize and grow responsibly. I urge my Colleagues to support H.R. 1151, the Credit Union Membership Access Act.

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. LATOURETTE), original author of this legislation, a very committed and distinguished Member.

Mr. LATOURETTE. Mr. Speaker, I thank the chairman very much for yielding time to me.

Mr. Speaker, this is a wonderful day for the 70 million Americans who belong to credit unions, including the 2.8 million members in my home State of Ohio. When the gentleman from Pennsylvania (Mr. KANJORSKI) and I began this journey a little over a year ago, I do not think we could have imagined that our simple 6-line bill designed to update a 1934 depression era statute would grow to over 30 pages and enjoy 200 cosponsors in the House, including the Speaker of the House, the gentleman from Georgia (Mr. GINGRICH).

The evolution of this legislation has everything to do with the strong grass roots campaign by the members of America's credit unions and the willingness of leadership on both sides of the Committee on Banking and Financial Services to work with the issue and develop a compromise that takes into account the concerns of many Members and many interests.

I especially want to thank and recognize the efforts of the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Minnesota (Mr. VENTO). Without their involvement following the Supreme Court decision and their willingness to work long hours and to talk through these issues, we would not be on the floor today.

I also want to make an observation that working with a member from the other side of the aisle, as I have had a chance to do with the gentleman from Pennsylvania (Mr. KANJORSKI) for the last year, is something that I would recommend to all my friends. This experience has given me the chance to realize what a fine man and representative the gentleman from Pennsylvania (Mr. KANJORSKI) is and how lucky his constituents in Pennsylvania are that they have him representing their interests in the House.

This effort would also not have been possible without the support and encouragement of Speaker GINGRICH. Quite frankly, his cosponsorship of this bill greatly accelerated its pace and jump started the support of many Members. His willingness to be out front on this issue should be applauded.

Mr. Speaker, why is it important for credit unions to be allowed to expand as they have for the last 16 years? The need was certainly illustrated to me in a letter that I received from a constituent, Betty Yelochen of Mayfield Village. Ms. Yelochen has been a member of Clark General Federal Credit Union for over 40 years and has worked as its manager the last 19 years.

She writes about her credit union:

> Our original sponsor company, Clark Controller Co., went out of business a number of years ago. In order to survive, the credit union took in a number of mergers. When the policy was adopted in 1982 permitting multiple groups, we took in a number of smaller companies that couldn't support a credit union on their own. Our credit union is small, only $1.7 million in assets and approximately 1,300 members. All of my financing has been handled by our credit union. Clark General Federal Credit Union offers personalized service with minimal fees.

It is as simple as this, Mr. Speaker. As Members have died, they have been replaced by Members from small companies, some of which join in increments of as few as four employees at a time. Additionally, in the 16 years following the relaxation of membership rules, Clark General Federal Credit has taken in a few smaller companies and credit unions including the Curtis Employees Credit Union of Eastlake, Ohio, which was on the brink of collapse after a protracted labor strike by Curtis employees.

About 230 Curtis employees now belong to Clark General. Most members of Clark General Credit Union are elderly and have been members for 40 years or more. Betty Yelochen says it is kind of like home. It is run on a shoestring, and we are so reserved it is unreal. Still even this small credit union wants to remain viable, and to do so it has to be able to add new members and new services which H.R. 1151 permits it to do.

It is important to note that this credit union has no aspirations of offering home mortgages or even second mortgages. Heck, they would be thrilled if they could just have a drive-through window or an ATM machine.

This particular credit union exists largely because of its low-cost loans that it can provide to members and its low delinquency rate. It is doing the same things well today that it did for 50 years.

Mr. Speaker, H.R. 1151 ensures credit union access to America's millions and millions of small businesses. This hard-working, prosperous and inventive work force will now have the ability to choose where they can conduct their financial dealings. Had the Congress let the Supreme Court ruling stand and prevented new employee groups, each with its own common bond, from joining credit unions, we would have been harming a huge chunk of America's work force.

Remember, Mr. Speaker, our country's 22 million small businesses employ more than 50 percent of the private work force, generate more than half of the Nation's gross domestic product, and are the principle source of new jobs. When President Clinton announced plans to reinvent the Federal Government he indicated the goal was "customer service equal to the best in business."

Mr. Speaker, many credit union members believe this is precisely what they get today from their credit union, the best customer service in the business.

Mr. Speaker, H.R. 1151 should not be considered pro credit union or antibank. Instead, it should be viewed as it was intended, pro consumer and pro competition, both of which are good things. I urge Members to pass this bill.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. KANJORSKI), primary Democratic author of the original version of H.R. 1151, and certainly the primary promoter of a cure for the problem created by the Supreme Court decision.

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Mr. KANJORSKI. Mr. Speaker, this is a great day for the House of Representatives. I just want to take a moment because I am one of the Members that have had the opportunity to serve in this House not only as a Member of Congress but as a page. So my history goes back to the 83rd Congress, and I have watched so many great and fine people come through this tradition and this institution and go on to our highest office.

But today is a fine day; and our former friend and colleague, Bill Emerson, would have been pleased to be here today because he had the same intuition as I have about this fine institution.

We had a problem yesterday with the attachment, and we saw the chairman of the Committee on Rules take appropriate and good action in the best spirit of bipartisanship. We saw the chairman of the Committee on Banking and Financial Services reach out and create a task force to work on this bill. We have seen the ranking member of the full committee and the ranking member of the subcommittee on our side go through extra efforts to make certain that the task force was made up of all people and all issues and interest groups in the committee.

We took it through the process of the committee. And although this is a contentious issue and was in the beginning because some people felt there had to be winners and losers, as my friend, and now he is my friend, the gentleman from Ohio (Mr. LATOURETTE), just said, there are not any winners and losers here; it is just good, solid legislation by a House of Representatives that on April 1, April Fools Day, are going to prove they are not fools, that they are real legislators on both sides of the aisle. This is one of our finest hours, in my opinion.

What this bill covers, we have heard all the discussion. It stops bleeding that would have killed the credit union movement in this country. It creates a framework under which they can exist and continue to grow and serve their membership and serve America. It does not unfairly compete with other financial institutions in our system but allows consumers free choice and protection.

Most importantly, it reaches out to the new jobs and new businesses of small business that they, too, could be credit union members. It does for 70 million Americans something that, if this action were not taken today, would have been a death knell for their interests and their movement.

It has 207 bipartisan sponsors on the Republican side of the aisle, on the Democratic side of the aisle. It has brought together the support of consumers groups across America, the Consumer Federation of America and Consumers Union. It will maintain the existence and growth of the credit union movement and will not unduly interfere with the banks in any way.

Mr. Speaker, in the spirit of bipartisanship today, I want to thank everybody that has taken part, particularly my new and great friend, the gentleman from Ohio (Mr. LATOURETTE), for this year comes to an end when we can send through the House of Representatives one of our most responsible financial services legislation, send it on to the Senate with the finest recommendation, and recommend to the President of the United States that he signs into law this resolution as soon as possible.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the Committee on Rules, who has been a staunch and consistent supporter of the credit union movement.

Mr. SOLOMON. Mr. Speaker, rising in support of this legislation, let me heap praise on the sponsor, the gentleman from Ohio (Mr. LATOURETTE), for his counsel in introducing and dragging and pulling this legislation to the floor today. Many people in the very beginning said it could not be done, and my colleague did it with perseverance.

And I commend the gentleman from Iowa (Mr. LEACH), chairman of the committee, and, of course, my good friend, the gentleman from Pennsylvania (Mr. KANJORSKI), because they also were strong supporters of this legislation.

From the very beginning, Mr. Speaker, I always believed that a nation in the private sector and government at all levels must do all they can to encourage increased savings by the American people; and credit unions are a viable, dependable, and stable financial group that contribute so much to the economy, the health of our country and its people in making it easier for the American people to save and invest. And that is what keeps this economy chugging along.

Credit unions are oriented to people rather than profits. We should always keep that in mind. The average credit union is small, just $23 million in assets, less than a tenth the size of the average bank. That is less than the single largest U.S. bank, all of the credit unions together, less than the single largest U.S. banking company.

Mr. Speaker, this is a battle between rich bankers and working Americans. America's banking institutions are waging a war against credit unions, and let us not ever forget it, and let us not cover it up on this floor. These banks want credit unions out, including my good friends, the bankers in Glens Falls, New York.

Both in court and in Congress, banks are trying to stamp out credit union competition and deny millions of American consumers access to affordable credit union financial services. This bill addresses the critically important question of credit union membership, which has already been outlined by the gentleman that spoke before me.

Mr. Speaker, in my congressional district in upstate New York, there are 200,000 credit union members; and there are an average of 163,000 credit union members in every congressional district in America.

Mr. Speaker, credit union members are so worried about this legislation because they are the owners themselves; and that is why they are there, to serve the people.

I thank the gentleman for yielding me the time. Let us pass this legislation and get it over to the Senate.

Mr. LAFALCE. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished Democratic Whip.

Mr. BONIOR. Mr. Speaker, the word "love" I reserve for very special occasions. I love my wife. I love my children. I love my family. I love my colleagues. But I am here this afternoon to say that I love my credit union.

And the reason I love my credit union is because, of all the financial institutions or all the business institutions that I have had to deal with in my life, the credit union has provided me with the best service at the fairest rate within the sense of community. And the reason it will do so well on this floor today is because it provides that kind of service.

I got my washing machine, my dryer, my car, my kids' education all from my credit union. And they did it with style, they did it with grace, they did it with good rates, and they did it within the sense of community, as I said.

I want to commend my colleagues, the gentleman from New York (Mr. LAFALCE), the gentleman from Iowa (Mr. LEACH), the gentleman from Ohio (Mr. LATOURETTE), and the gentleman from Pennsylvania (Mr. KANJORSKI), for taking the lead on this.

This is a very good bill. It is a responsible bill. It has updated the law that relates to credit unions, which has not been updated for almost 50 years now; and it does it in a way that will allow credit unions to continue to grow and will not jeopardize the 70 million members who would be jeopardized by the Supreme Court ruling, the narrow Supreme Court ruling that we had come down recently.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the chairman for yielding me the time.

I am an original cosponsor of 1151. But the original bill never came to the committee. It was quickly substituted with another bill, which I think is seriously weakened from the original bill that we had. So I would like to let all those 207 Members who are cosponsors that are not voting on the bill that they signed their name onto know that there are two major changes that have occurred.

One is that the multiple common-bond position of 1151 has been removed. Now it is restrictive. And the other thing is there has been a lot of regulations added, and I think that we should consider long-term economic consequences and political consequences of opening up the door to regulations and also what it means down the road as far as insurance goes.

For instance, it was bragged upon, the bill was bragged upon because the regulations of safety and soundness was good. We have had a lot of regulation, for safety and soundness for banks and savings and loan, and yet the FDIC and FSLIC had to be bailed out. The insurance deposit for credit unions was started by private money, no government subsidies, and has never been bailed out. So now we are going to overlook the credit unions and make sure they are safer and sound.

I think it is the wrong direction that we are going. I think the whole notion that we are going to have the Community Reinvestment Act applied to the credit unions is going in the wrong direction. This is a form of credit allocation and, actually, long term, will weaken the credit unions.

I would like to speak up for the credit unions and say this bill has been weakened to such a degree that they have opened up the doors, and down the road they are going to be treated like the banks, and down the road they will probably receive the taxation that banks have.

I resent the idea that the competitors and the small banks, who do not like the competition of the credit unions, they say, well, let us tax them and regulate them. So, in a way, we have accommodated the banks by adding the regulations onto the credit unions.

I do not think this is going in the right direction, and we should seriously consider a no vote on this legislation.

Mr. LaFALCE. Mr. Speaker, I yield 1½ minutes to the gentleman from Vermont (Mr. SANDERS).

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

Let me begin by doing something that I very rarely do, and that is concur with the remarks of my friend, the gentleman from New York (Mr. SOLOMON). We should not be naive and not understand that the largest banks in this country have done everything that they could to prevent the passage of this legislation.

Mr. Speaker, as an original cosponsor of H.R. 1151, I am proud to be on the floor to offer my strong support for this legislation and for its passage today. At a time of increasing bank fees, increasing ATM fees, increasing credit card fees, increasing minimum balance requirements, and the loss of many locally-owned banks to large multi-billion-dollar corporate institutions, credit unions today are more important than they have ever been.

H.R. 1151 will go a long way toward ensuring the long-term viability of credit unions, of allowing credit unions to expand rather than to contract and wither away, which is clearly the goal of many large banks.

Mr. Speaker, I make no apologies for being a strong supporter of credit unions. I want to see credit unions grow. Because they are good for the State of Vermont, and they are good for America. Congress chartered credit unions not only to help people of modest means but to give ordinary Americans a not-for-profit cooperative alternative to for-profit banks.

If we do not act today, the Supreme Court decision would be extremely harmful to tens of thousands of Vermonters and millions of Americans. Let us pass this legislation.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to my wonderful friend and distinguished colleague, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

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

Mr. Speaker, I rise in strong support of H.R. 1151, the Credit Union Membership Act. I commend the distinguished gentleman from Iowa (Mr. LEACH), chairman of the Committee on Banking and Financial Services; the gentleman from Pennsylvania (Mr. KANJORSKI); the gentleman from New York (Mr. LAFALCE); and the gentleman from Ohio (Mr. LATOURETTE); for their cosponsorship of this important measure.

This legislation was introduced in response to a recent Supreme Court decision where the Court, in a narrow interpretation of the Federal Credit Union Act of 1934, invalidated the International Credit Union Administration's policy permitting multiple-group memberships.

H.R. 1151 redefines the 1934 law to provide for three types of common-bond requirements for Federal credit unions: single common bond, multiple common bond, community credit unions. It also provides regulations pertaining to assets and reserve requirements which will serve as additional protections for our consumers.

We recognize that this bill is not popular with the banking industry, which claims that credit unions have an unfair competitive advantage since they do not pay Federal taxes on their earnings. However, the record discloses that credit unions do not damage banks or cheat taxpayers and provides a worthy service.

Historically, the primary reason behind Federal regulators' support for multi-employer credit unions was to try to prevent individual small credit unions from going under when membership dropped due to corporate downsizing. Had those credit unions failed, the cost of their cleanup would have hit the taxpayers the same way the savings and loans failures hit our Nation.

Mr. Speaker, the simple fact remains that credit unions do play an important role in our Nation's financial environment. They allow consumers the early opportunity to open small accounts without experiencing prohibitive fees or burdensome restrictions.

In closing, let me say that while the Supreme Court may have used a narrow interpretation of this 1934 law in making its recent ruling, Congress does have the constitutional right to change

laws, if needed, should it believe the court acted in error; and I believe that is the case today.

Accordingly, I urge my colleagues to join us in supporting this worthy legislation.

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Mr. LAFALCE. Mr. Speaker, I yield 1 minute to the distinguished freshman gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, it is a privilege to come today in strong support of H.R. 1151. One of the top largest banks is in my district. I support banks. But I also support credit unions and the 300,000 members in my district who are members of the credit union.

I want to commend the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) and our ranking members. This is the way true legislation should pass and work in this Congress, in a bipartisan way, for the betterment of our American citizens. And this bill just does that.

It is important that as we discuss this bill and as we vote affirmatively for it, that, remember, we are in a large financial market. The world is global. Credit unions account for 2 percent of the financial market, and banks and other securities take care of the rest of it. It is a good bill. H.R. 1151, as was mentioned, is pro-consumer, pro-competition, and I strongly support it.

Mr. LEACH. Mr. Speaker, may I ask how much time is remaining on each side?

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Iowa (Mr. LEACH) has 1½ minutes remaining, and the gentleman from New York (Mr. LAFALCE) has 9 minutes remaining.

Mr. LEACH. Mr. Speaker, this side would like to reserve its time until the conclusion.

Mr. LAFALCE. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to begin by affiliating myself with the remarks made by my dear colleague, the gentleman from Pennsylvania (Mr. KANJORSKI). Both sides have come together in what is truly a fine moment of bipartisanship and what is really right for the country.

I will tell my colleagues, use our region of the country as an example. Back in the days when the steel industry was booming and the railroads were strong and the manufacturing section was strong, these credit unions were begun for the employees, many times tens of thousands of them who worked in those companies.

We have gone through a kind of a deindustrialization of this Nation. Many of those steel plants and the railroad operations do not even exist anymore, have been severely shrunk down. But other industries have been spawned out.

Really, this bill today, if it is approved by the House, preserves credit union membership for current members, and it is going to preserve the opportunity for membership for many people across Pennsylvania and across other parts of the country which have had to merge and combine in order to survive.

The credit union, as I said before, serve one manufacturer. What we are doing today is clarifying what is a common bond. This is good legislation. This legislation will clarify the law. It will allow multiple common bond groups to join together. It is the right thing to do.

The banks truly have nothing to fear because, as many people here know, 89 percent of the people who belong to credit unions also do business with the banks. So I would recommend an "aye" vote.

Mr. LAFALCE. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I rise today to ask my colleagues, what could be better for this country than a financial institution run and organized by its members, members who feel comfortable saving and investing for their futures at their institution, their credit union.

H.R. 1151 is about guaranteeing choice, choice for consumers who want low cost, higher returns, and convenience. Nonprofit credit unions are mostly employer-sponsored, employee-run. But to be financially viable, each credit union needs about 500 members.

My district is filled with small employers. We need to protect these employers' and these employees' rights to create and participate in credit unions with broader membership bases. Credit unions came into being to provide financial service for the everyday worker. H.R. 1151 ensures that these workers' rights will not be tampered with.

Mr. Speaker, all of the gentlemen in the House who have worked on this have been thanked. I want to thank the thousands and tens of thousands of credit union members around the country who got politically involved, talked to their Congress people, wrote letters to their newspaper, got on the talk shows. The credit union members around this country did an incredible job educating the Members of Congress. That effort will be rewarded with a vote today.

Mr. LAFALCE. Mr. Speaker, I yield 1 minute to a previous speaker, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the chairman and the gentleman from New York (Mr. LAFALCE) for yielding me this time.

I just wanted to make a comment because there is some misunderstanding about some of the positions of various organizations. Clearly, the suit that resulted in the Supreme Court decision was a product of the banking associations.

Quite frankly, I think, since the decision, there has been a recognition by the banking organizations to, in fact, look for a remedy to this field of membership issue. I think it would be unfair not to report that they had every intention that there be a grandfathered provision. In fact, without the participation both by the various groups, the coalition of bankers, and credit unions, and others, I do not think we would be where we are today.

So while it is true that they had sought many other changes as is applicable to the charter of credit unions to Federal law, the fact is that they did make a positive contribution.

I know that they have reservations about the bill we are acting on, but nevertheless I think that they were positive participants, certainly in the court case and certainly in the remedy that is being put forth today.

Mr. LAFALCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, what a great day for democracy. I thank the ranking member, and I thank the chairman very much for allowing us to have a stand-alone vote on H.R. 1151.

Credit unions represent democracy at work. Credit unions provide its members with higher savings rates, lower loan rates, and less fees. As well, they provide those who have not had access to credit a friendly atmosphere in which to seek credit.

Credit unions were originally chartered to be a kind of economic ballast for working people. This H.R. 1151 does provide constraints; we accept that. It provides choices; we accept that. But at the same time, it gives opportunity to more than 70 million people in America to belong to their credit unions and allows them to grow.

Yes, this legislation also provides that credit unions will not discriminate against loans to low and modest income members. It makes everyone a part of the family. This legislation allows us to work alongside of our banking friends in the banking industry and to ensure that credit unions are, in fact, part of the financial structure of America.

I support H.R. 1151. Let us vote for it. Let us vote for democracy.

Mr. Speaker, I rise to support the Credit Union Membership Access Act under suspension of the rules today. A Houston entrepreneur has written to say that "As a business owner, I consider credit union membership to be one of the most important benefits that I offer my employees." Moreover, I have received numerous letters stating that supporting H.R. 1151 means preserving consumers' freedom to choose where they borrow money or

invest their savings. Credit unions are critical to ordinary Americans, and I am proud to be a member of the Congressional Federal Credit Union.

H.R. 1151 represents landmark legislation for federal credit unions and for their members. I am pleased to say that I have been a cosponsor of the Credit Union Membership Access Act, sponsored by Representatives STEVEN LATOURETTE and PAUL KANJORSKI, since July of 1997. Total cosponsorship of H.R. 1151 now stands at 206, including the Speaker of the House and Chairman of the Rules Committee.

Today, we are setting a good example of policy-making by separating H.R. 1151 from the financial services overhaul plan (H.R. 10). I feel I can speak for many members of this body when I say that the two pieces of legislation deserve to be considered separately. In short, H.R. 1151 is significant legislation to all credit unions, and it is proper that we treat it as a "stand-alone" bill.

It has been said that credit unions represent democracy at work. Credit Unions are about people helping people. Credit unions are present in every neighborhood in America. In the 18th Congressional District of Texas, there are over 328,000 individuals who belong to credit unions. These figures are a powerful reminder of the work we have laid out before us today. Above all, credit unions are not-for-profit institutions, built by the American people themselves. Credit unions must be preserved.

Indeed, credit union members benefit by receiving higher savings rates, lower loan rates and less fees on financial transactions than if they did business with a bank. However, bankers across the country, both large and small, have enjoyed record growth and profits. Collectively they grew by $300 billion in 1997 alone. The credit union industry's total assets were only $350 billion by comparison.

Credit unions were originally chartered to be a kind of economic ballast for working class people, as well as for persons with modest to low incomes. Preserving our constituents' rights to participate in a credit union of their choice is in keeping with a long tradition of American history.

The current dispute evolved from a policy adopted in 1982 by the federal regulator for credit unions, the National Credit Union Administration (NCUA). In 1982, the NCUA issued an interpretive ruling and policy statement which provided flexibility to the field of membership requirements for federal credit unions (FCU). Credit union charters are granted on the basis of a "common bond." The common bond for establishing a credit union may be occupational, associational, or community. This requirement (found in the Federal Credit Union Act of 1934) determines the field of membership and is unique among depository financial institutions.

The NCUA's interpretation permitted membership in a company's credit union could allow another company's to join its credit union, but only if the potential number of new credit union members did not exceed 3,000.

In other words, H.R. 1151 virtually codifies the 1982 National Credit Union Association's (NCUA) interpretive ruling and policy statement which provided flexibility to the field of membership requirements for federal credit unions (FCU). The NCUA's interpretation permits membership in a FCU to consist of more than one distinct group so long as each group has its own "common bond," plus only a group with fewer than 3,000 members shall be eligible to be included in the field of membership of a credit union.

The bill also would prevent credit unions from discriminating when considering loans to low- and modest-income members, a provision similar to the Community Reinvestment Act of 1977 which applies banks and savings institutions. In addition, credit unions would be required to meet many of the "safety and soundness" capital requirements as banks. The bill would also require the Federal Reserve to pay interest on the "sterile reserves" banks are required to keep at the Fed. I believe we can still continue to work with our banks on these issues.

Mr. Speaker, I urge my colleagues to stand up for the FCU to consist of more than one distinct group so long as each group has its own common bond. The NCUA's action was taken in response to changing economic conditions and as part of an industry commitment to meet the needs of individuals seeking credit union service.

In 1990, the American Bankers Association and several small North Carolina banks filed a lawsuit contesting the NCUA's approval of multiple group field of membership expansion for the AT&T Family Federal Credit Union. In July 1996, The U.S. Court of Appeals for D.C. overturned a lower court's decision and ruled that "all members of a federal credit union must share one common bond." Currently, under the terms of several subsequent orders, FCUs cannot add new groups to their fields of membership but the institutions are permitted to enroll new members into those established groups already being served. The U.S. Supreme Court decided to take up the credit union case in February. An opinion was rendered on February 25, 1998 that seemed to favor the banking industry.

In an attempt to protect the interests of credit unions, the Credit Union Membership Access Act (H.R. 1151) was introduced March 20, 1997, with an additional sixteen original cosponsors. The bill's aim is to make clear that credit unions may serve multiple customers; H.R. 1151 is distinctly about consumer choice. In its original version, H.R. 1151 amended the Federal Credit Union Act to say "the membership of any Federal credit union shall be limited to 1 or more groups each of which have (within such group) a common bond."

Today, more than 70 million Americans belong to credit unions, and industry officials have estimated that the Supreme Court's decision will jeopardize 20 million of them. The legislation the committee approved last week would allow all 20 million members to keep their accounts, but it would set limits on credit union expansion. For instance, one freedom and consumer choice of 70 million Americans. I urge my colleagues to support H.R. 1151, the Credit Union Membership Access Act.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume. I am shortly going to yield back the balance of my time. Before I do, I just want to say some closing remarks.

Again, it has been a pleasure working with the Chairman and the Members from both sides of the aisle. The staff that really worked as one staff in crafting this bill, is something we did on the IMF bill also. It is something that I hope we can do in the next several weeks and months on financial modernization. I look forward to doing that in a very similar collegial fashion.

With respect to credit unions, I am proud to be a member of a credit union and a thrift and a bank and some securities accounts, et cetera, and have some insurance accounts also. These are all wonderful approaches to financial services. We need to enhance competition, and we need to protect and promote consumer interests in all financial services legislation.

Within the confines of the credit union bill, we have to preserve the best of the past going forward into the future. I think that is what we have done in this bill.

Credit unions are very, very special. They are usually relatively small. They are a place where we should know just about everybody. So they are confined, generally speaking, to a rather local area. Everybody who is a member is usually in close proximity to everyone else. It is where we and people with whom we have a common bond can save. It is where we can go for the basic essentials of life, the purchase of a home, a small loan, a loan for a car, leasing, financing, et cetera. This bill preserves the integrity of the credit union concept.

Mr. VENTO. Mr. Speaker, will the gentleman yield to me?

Mr. LAFALCE. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I appreciate the gentleman yielding. I came from a credit union family. My father ran a credit union. But, nevertheless, I understand their role in terms of they fill a very special place.

I was glad the gentleman mentioned the financial modernization. I want to recognize the leadership, first of all, for pulling the rule off the floor and preventing any polarization with regard to that important issue. Many of us have worked on it for a decade. As I said to my chairman and chairwoman, its demise, its death is greatly exaggerated. I think after Easter, those of us that claim a Christian affiliation do believe in resurrection, and we hope that we can vote on it.

I am pleased that the leadership saw fit to give us the opportunity to vote on this important bill today, and want to publicly and on the floor thank the leadership for that and for the gentleman from Iowa (Mr. LEACH) and others that have gone ahead with this.

I think it is important that Members be able to record a vote in favor of this. And I thank the gentleman from New York (Mr. LAFALCE), the ranking member and my friend, for yielding.

Mr. LAFALCE. Mr. Speaker, I see that the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the House Committee on Rules, has returned to the floor on this important bill. And I look forward to working with the chairman on financial modernization.

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

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

Mr. Speaker, first, let me thank my two good friends for their thoughtful words. As chairman of the Committee on Banking and Financial Services, I support a strong and competitive financial service sector. We need solid and viable banks, solid and viable saving and loans, insurance companies, mutual funds, securities firms, and credit unions.

What is best for the American people is competition, choice. This bill ensures a stable future for a solid industry, one that deserves our respect because it has served the public so well.

In huge letters in the basement of a credit union in Iowa City, Iowa is a quote from one of my State's heroes, a man a named Nile Kinnick. It was 3 years after Nile Kinnick won the Heisman Trophy in the few days before his death in World War II as a pilot that he wrote a letter home in which he said "people must come before profits."

That is what the credit union movement is all about. That is why I believe this House, despite angst from competitors, is obligated to give the benefit of doubt to the credit union movement. I would urge all my colleagues to support this bill.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I would like to take this opportunity to support H.R. 1151, the "Credit Union Membership Access Act."

I have long been a strong supporter of credit unions. Credit unions are an important alternative source of credit in our diverse financial marketplace. Credit unions also represent the concept of voluntary, non-profit membership.

This legislation resolves an ambiguity in credit union membership rights that has been raised by the recent Supreme Court decision. We need to act quickly to resolve this ambiguity.

At the same time, this legislation seeks to address important questions of competitive balance and fairness between credit unions on the one hand and banks and thrifts on the other.

I particularly want to take this opportunity to talk about an important provision in H.R. 1151—the provision setting out credit union community reinvestment obligations. With the enactment of this provision, we will be reaffirming an important principle: a financial institution which enjoys the benefits of federal deposit insurance has an affirmative obligation to meet the credit needs of the entire community or field of membership which it is chartered to serve, including neighborhoods and individuals of low- and moderate-income. With the enactment of H.R. 1151 in its current form, we will be extending this obligation, currently imposed on federally insured banks and thrifts, to federally insured credit unions.

Specifically, H.R. 1151 requires all credit unions nationwide to provide affordable services to all individuals, including "low- and moderate-income individuals", within their field of membership. It further requires all credit unions organized on the basis of community, neighborhood, or rural district to meet the credit and service needs of the entire community which they are chartered to serve.

As with the implementation of the Community Reinvestment Act for banks and thrifts, the bill requires the credit union regulator, the NCUA, to evaluate credit unions in meeting these obligations, and requires the public release of those evaluations. Finally, the bill requires the NCUA to take remedial action against credit unions which fail to meet these obligations.

A community reinvestment requirement for banks and thrifts has been in effect since the passage of the CRA law in 1977. Despite early concerns by the banks, CRA has proven to be a tremendous success. To date, banks have made CRA commitments of $400 billion in low-income and minority neighborhoods.

So many of the banks which originally opposed CRA now support it, recognizing that low-income lending can be a new source of profits. And, the banking regulators acknowledge that community lending does not negatively affect safety and soundness.

During the course of debate and markup on H.R. 1151, it was debated whether a community reinvestment standard was necessary for credit unions, since by definition they are chartered to serve their members. While it is true that the majority of credit unions ably and responsibly serve low-income and minority members, there was also committee testimony that some credit unions did not have such a sterling record.

The great benefit of requiring the credit union regulator to evaluate credit unions' record of community reinvestment is that we will no longer have to guess which credit unions are and which are not serving the credit and service needs of their entire field of membership. Credit unions which are meeting those needs will have no problem with this requirement. Those that are not merit the scrutiny that this provision will give.

A community reinvestment standard for credit unions has been in existence for 16 years in Massachusetts. The record there is that such a standard is both necessary and effective. CRA exams for Massachusetts credit unions have demonstrated that there were a number of institutions that did not have a good record. However, over time, with the scrutiny of this process, the community lending record of Massachusetts credit unions has improved. Quite simply, this requirement works.

Now, it is time to extend this requirement nationally to all federally insured credit unions. As we move into conference with the Senate, I urge members to support the community reinvestment provisions in H.R. 1151, and to fight the efforts of the enemies of community reinvestment who may try to strip out or water down these provisions.

I urge adoption of H.R. 1151 in its present form.

Mr. PAUL. Mr. Speaker, since I was the first one in this Congress to step forward and introduce legislation affirming the NCUA's position allowing multiple common bonds for credit unions and signed on as a cosponsor of H.R. 1151 as originally written, I feel that I am in a disagreement among friends. I must oppose this bill because of the new regulations it imposes on credit unions and does nothing to address the legitimate concerns of the banks.

While I strongly support the expansion of the field of membership for credit unions, the new regulations imposed upon them demonstrate a decision to follow the wrong path to "level the playing field" with banks and other financial institutions. A better approach would have been to lead the Congress towards less taxes and less regulation. H.R. 1151, The Credit Union Membership Access Act, as amended by the committee, follows a path of more regulations and leads toward higher taxes on credit unions while the Financial Freedom Act, H.R. 1121, which I introduced a year ago, lowers taxes and regulations on banks. While H.R. 1151 does not impose new, direct taxes on credit unions, I fear that that day is just around the corner.

The NCUSIF was the only deposit insurance fund started without any federal seed money and the credit unions never came to Washington for a taxpayer-funded bailout. In fact, allowing multiple common bonds for credit unions enhanced their safety and soundness. This bill will add new "safety and soundness" and CRA-like regulations on credit unions. These regulations will add a burdensome regulatory cost. This cost will be passed on to the consumer in the form of higher fees, higher interest rates and less service. It is the marginal consumer who will lose the most when this bill becomes law.

The estimated, aggregate cost of bank regulation (noninterest expenses) on commercial banks was $125.9 billion in 1991, according to The Cost of Bank Regulation: A Review of the Evidence, Board of Governors of the Federal Reserve System (Staff Study 171 by Gregory Elliehausen, April 1998). It reports that studies estimate that this figure amounts to 12 percent to 13 percent of noninterest expenses. These estimates only include a fraction of the "most burdensome" regulations that govern the industry, it adds, "The total cost of all regulations can only be larger."

These regulations, under which the credit unions will now suffer a greater burden with the passage of this bill, impose a disproportionate burden on smaller institutions. These increased, and unfairly imposed, regulations will stifle the possibility of new entrants into the financial sector and contribute to a consolidation and fewer market participants of the industry. As the introduction of new entrants into the market becomes more costly, smaller institutions will face a marginally increased burden and will be more likely to consolidate. "The basic conclusion is similar for all of the studies of economies of scale: Average compliance costs for regulations are substantially greater for banks at low levels of output than for banks at moderate or high levels of output," the Staff Study concludes.

Smaller banks face the highest compliance cost in relation to total assets, equity capital and net income before taxes, reveals Regulatory Burden: The Cost to Community Banks,

a study prepared for the Independent Bankers Association of America by Grant Thornton, January 1993. CRA compliance costs for small banks was $1 billion and 14.4 million employee hours in 1991. For each $1 million in assets, banks under $30 million in assets incur almost three times the compliance cost of banks between $30–65 million in assets. This regulation almost quadruples costs on smaller institutions to almost four times when compared to banks over $65 million in assets. These findings are consistent for both equity capital and net income measurements, according to the report.

The IBAA study identifies the Community Reinvestment Act as the most burdensome regulation with the estimated cost of complying with CRA exceeding the next most burdensome regulation by approximately $448 million or 77%. Respondents to the IBAA study rated the CRA as the least beneficial and useful of the thirteen regulatory areas surveyed. In short, this bill takes the most costly and least beneficial and useful regulation on banks and adds a similar, new regulation on credit unions. Reducing the most costly, and least beneficial and useful regulation on the banks would have been a better approach.

In addition to all of the problems associated with the obligations and requirements that the government regulations impose on the productive, private sectors of the economy, the regulations amount to a government credit allocation scheme. As Ludwig von Mises explained well in the Theory of Money and Credit in 1912, governmental credit allocation is a misdirection of credit which leads to malinvestment and contributes to an artificial boom and bust cycle. Nobel laureate Frederick A. Hayek and Murray Rothbard expounded on this idea.

The unintended consequences of the passage of this bill, as written, will be to stifle the formation on new credit unions, consolidate current credit unions into larger ones better able to internalize the cost of the additional regulations, and lower productivity and economic growth due to the misallocation of credit. This increased burden must ultimately be passed on to the consumer. The increased costs on credit unions this bill imposes will lead to a reduction of access to credit unions, higher fees and higher rates. These provisions are anti-consumer. The marginal consumers, those who currently can only receive a loan from a credit union without the burden of CRA, are the ones who will suffer under the provision of this bill. I hope that the bill can be improved as the process continues and lead to less regulations and other taxes on banks rather than more regulations and other taxes on credit unions.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of H.R. 1151, the Credit Union Membership Access Act, and I urge my colleagues to vote in favor of the bill today.

Development of this bill is the product of long and hard work, not only by the House Committee on Banking which has brought the bill to the House floor, but by millions of individual members of credit unions across the country who let Congress know of the importance of the Supreme Court decision on this matter earlier, and of the need to move H.R. 1151 as a result of that decision.

The legislation we are considering today is a compromise that ends a dispute largely between credit unions and the nation's banks. Federal regulators had interpreted federal law to allow multiple common bond memberships, and one result was a rapid increase in credit union membership. The increase in credit union membership came at a time when there was an expansion in the scope and type of services they had traditionally provided members, resulting in competition with commercial banks, thrift institutions and other financial services. Congress is now in the process of redefining the nature of all financial institutions so it is timely that we make a specific decision on the nature and scope of credit unions and the services they provide. And I believe enactment of H.R. 1151 is essential for competition with the new types of financial institutions now becoming a reality with the distinctions ending between banks, insurance firms, securities and commercial businesses. This bill is about making sure consumers have a choice, today and in the future.

With a population of 1.3 million people, Hawaii has more than 550,000 credit union members in 113 affiliated credit unions. Hawaii's traditional cultural values have resulted in one of the strongest credit union movements in America. Many first generation immigrants brought with them a system called tanomoshi. Workers and families in sugar cane and pineapple plantations in Hawaii pooled savings from which loans were provided for emergencies or more often for one family to start a business. When the business prospered, the funds would be repaid to the group and it would revolve to another family. In this way, much of the business, middle class in Hawaii developed from its plantation agriculture economy. The reality is that we had credit unions in Hawaii long before the mainland. It was simply called tanomoshi instead of credit unions. This is a grass-roots democratic movement built on the foundation of self-help and group identity.

H.R. 1151 allows current credit union members to continue their membership. New membership groups must have less than 3,000 common bond members at the time of joining, and groups will be within reasonable proximity to the credit union. However, there are circumstances when even these restrictions can be waived. It is important to credit union members as well as to their competitors that depositor insurance provisions be strengthened under the bill. It would also require that "persons of modest means" within each credit union membership field be served.

Mr. Speaker, I believe H.R. 1151 is a solid, reasonable and responsible compromise. We must have a healthy and vigorous credit union movement in the 21st Century to meet the needs of individuals as well as the need of the nation for a diverse, competitive financial industry.

Ms. KILPATRICK. Mr. Speaker, I rise today in strong support of H.R. 1151, the Credit Union Membership Access Act. This bill would overturn the February 25, 1998 decision rendered by the Supreme Court in the National Credit Union Administration v. First National Bank and Trust, a decision that would have severely restricted the ability of credit unions to grow and expand. In essence, the Supreme Court said that the National Credit Union Administration (NCUA) illegally allowed credit unions to expand beyond their original base of membership. His legislation allows credit union members who were added under NCUA's policy to remain with their credit union, and expounds upon the definition of "common bond." This bill is a victory for poor people, for low-income families, for working-class people, and for consumers. I would also like to add that I am greatly pleased that the collective wisdom of the Congress prevailed in deleting this legislation from the larger, sweeping omnibus financial services reauthorization bill yesterday. We can all say, in a truly bi-partisan manner, that we are finally getting to the work that truly matters to American taxpayers throughout our great nation.

Of course, I support the banks in the 15th Congressional District and in our nation. I also support our credit unions, and I have been a member of a credit union for a long, long time. Banks and credit unions have operated side-by-side since the first credit union was founded in Manchester, New Hampshire in 1909. In our nation, we have over 12,000 credit unions serving over 70 million people. Close to 300,000 members of credit unions reside in my Congressional District. Credit unions are nonprofit, cooperative financial institutions owned and run by its members. These democratically controlled organizations provide their members with a safe place to save and borrow at reasonable rates. In order to become a member of a credit union, you must be eligible for membership. This legislation will allow each individual credit union to continue to decide whom it will serve.

A recent article in The Washington Post compared recent fees among several areas banks and one credit union. In practically every instance, the credit union's fee, rates or borrowing terms were more favorable to those of banks. In this era of bank consolidation and fewer bank branch offices, community development credit unions fill a special void. These credit unions primarily serve low-income members in distressed and financially underserved areas, and help fill the financial needs and dreams of poor and working-class people and families.

Again, I want to applaud the hard work of Chairman JIM LEACH and my leader, Ranking Minority Member JOHN LAFALCE, for their dedication and effort in getting this bill to the floor under a fair and truly bi-partisan manner. This legislation illustrates what Congress can do if Members have the opportunity to work in a truly fair, just and bi-partisan manner. As we move toward the next millennium and a global economy, banks and credit

unions will have no choice but to work together to ensure the fiscal health of all of our constituents, businesses, and corporations, and I look forward to working with credit unions and banks to that very goal. Thank you for your time.

Mr. KUCINICH. Mr. Speaker, I was happy today to cast my vote for H.R. 1151, the Credit Union Membership Access Act. I was happier still that the majority of the House of Representatives voted for H.R. 1151 as well.

Credit unions are the banks of working people: Credit unions do not charge exorbitant bank fees; they do not have excessive account minimums. They make low interest loans, mainly to their members in the communities in which they live. Credit unions are run by their members, who have a voice in the operation and policies of their credit union.

Small businesses depend on credit unions for those reasons because offering credit union membership as a benefit to prospective employees is a benefit that workers value.

Credit unions are very small compared with banks. The average credit union has less than $28 million in assets—less than 1/16th the assets of the average bank. The two largest U.S. banks (Chase and Citibank) combined have more assets than all 12,047 credit unions combined. Furthermore, banks today control nearly every dollar in savings (93 percent) and in loans (94 percent) in the United States. With nearly complete market dominance, banks have also chalked up record profits in recent years, posting an all-time record last year of $52 billion, much of which is due to the many new fees they are charging small consumers.

But the banks were not satisfied, and in spite of their overwhelming market dominance and record profits, they lobbied to squash credit unions. In view of their power, it is historically significant that Congress did not serve today as a handmaiden to market power—credit unions and their 70 million members prevailed. So did an important, if embattled, democratic tradition in America—the non-profit, member-run and member-controlled financial institution.

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of the Credit Union Membership Access Act (H.R. 1151). This legislation will reverse the February 25, 1998, Supreme Court ruling (AT&T Family Federal Credit Union et al. v. First National Bank & Trust Co.) which sent shockwaves through this Nation's 70 million credit union members.

That decision threatened the future and financial safety of our Nation's credit unions. The 51st District in California, which I represent, is served by more than 230 different credit unions with more than 305,000 members. By passing this legislation, we will ensure that not a single credit union member will lose their choice of financial service provider.

This legislation affirms the commitment of this Republican Congress to keep a healthy, competitive financial service industry in America. I call on all my colleagues to join me in support of credit union members and to vote for H.R. 1151.

Mr. WALSH. Mr. Speaker, I rise today in strong support of H.R. 1151, the Credit Union Membership Access Act. I am proud to have been an original cosponsor of this important legislation.

My vote is a continuation of longstanding personal backing for credit unions in general. I believe they provide an invaluable service to working men and women—a service which is both convenient and comfortable.

Credit unions are familiar places which in many cases don't offer a full range of banking services but nevertheless do provide basic financial assistance—whether it be pocket money or a small unsecured loan.

After the U.S. Court of Appeals for the District of Columbia overturned a credit union decision in July of 1996, many of us in Congress realized the need for legislation to protect credit union members. Today's vote is the culmination of our efforts.

By passing this legislation, we allow Americans to choose the institution in which they put their money. By promoting continued operation of credit unions in a sound and reasonable manner, we spur competition and encourage savings. By supporting credit unions in this manner, we demonstrate our faith in the wisdom of working people.

On behalf of my constituents in Central New York who will benefit from this consumer protection law, I want to thank the House for today's passage.

Ms. WATERS. Mr. Speaker, there has been much discussion recently about credit unions. I submit for the RECORD recent remarks by Norman D'Amours, the chairman of the National Credit Union Administration, in which he discusses the proper role of the credit union movement.

THE FUTURE OF CREDIT UNIONISM

(By Norman E. D'Amours)

Good morning. It is always a pleasure and an honor to appear before so many dedicated credit union movement representatives. I thank Chairman Buck Levins and President Dan Mica and all of you for the opportunity to do so.

It is also a pleasure to report that once again credit unions had an outstanding year and their financial performance continues to be magnificent.

Both the NCUA and credit unions were closely examined by the U.S. Treasury Department last year and both emerged with their colors flying high. You can all be very proud of the success, strength, and safety of credit unions across the country.

Although all of the statistical measurements are very positive and highly encouraging, we do face some serious challenges. For instance, you have heard much importuning from NCUA and others about the critical need to become Year 2000 compliant. It is difficult to overstate the importance of this issue and it requires our maximum attention. It is also difficult to overstate the importance of successfully responding to the bankers' attacks on our field of membership policies. You have heard, and will continue to hear, extensive discussions of these problems from me and others.

But today, I want to talk about what I think is a more serious problem facing credit unions. It is more serious because it affects your ability to maintain the essential character of credit unionism in the United States of America. In my view, credit unionism in the U.S. seems to be drifting toward becoming a not-for-profit banking sector. We have seen this happen in other countries where credit unions have become little more than member-controlled financial institutions. Institutions that are virtually indistinguishable from mutual banks.

Some in the credit union movement have advised me that this drift toward a banklike structure has already gone too far to be stopped. I don't believe that. It is not too late to stop this drift, but it will not be easy to do so. Changing course will require an honest acknowledgement of the problem. Stubborn denial serves no productive purpose. A thoughful decision is needed.

I believe credit unions of all sizes and of differing memberships need to decide whether they wish to remain involved in the historical, philosophical and statutory mission of reaching out to people of small means. Whatever their own size, structure or membership characteristics, credit unions need to decide whether they wish to remain involved in the cooperative effort to reach out to empower the economically underserved. Indeed, whether they wish to continue operating in a cooperative atmosphere.

It does not appear that these questions are being sufficiently acknowledged, debated, or discussed in the grassroots credit union movement. And in my view, it is unlikely that will happen until credit union volunteers reclaim their historic responsibilities and unambiguously reassert their role as full participants in the setting of credit union policy. Unpaid volunteers must demand a stronger voice in setting the direction of the credit union movement. This is necessary because in some instances professionals have taken a command of the movement that has effectively usurped the role that was intended for volunteers.

The founders of this movement thought it absolutely essential that unpaid volunteers should set the tone. Friedrich Raiffeisen believed that volunteerism constituted ". . . one of the most important principles observed by Credit Unions."

Alphonse Desjardins agreed that the principle of volunteer participation was critical to credit unionism. He worked to spread credit unionism and served his credit union as president without taking any remuneration from the time he organized the credit union with a handful of dime and dollar deposits until he died in 1920, at which time its assets exceeded $1 million. Edward Filene and Roy Bergengren shared these views of volunteers.

Certainly, no one is suggesting that competent and professional managers are not vital to credit union operations. They surely are. The point is that credit union founders understood the system needed a decision-making function as untainted as possible by self-interest and the drive for profit or personal enrichment. They knew that the

course of economic decision-making will necessarily be different if the decision-makers have a financial stake in the outcome, be it profit or pay.

It is surprising to observe how far we've strayed from this principle. While credit union directors are still volunteers who act unselfishly and take their responsibilities to heart, and we thank God for them, it is not uncommon to find professionals in control of policy. This is especially true in the big decision-making processes that affect the overall direction of the national credit union movement. These processes tend to be controlled by some trade group and other professionals with not nearly enough meaningful input from true volunteers.

Let me be clear. I do not intend in any way to demean the importance and value of professionals to credit unions. I know that professionals both in trade groups and in credit unions are crucial to the economic success of credit unions and the movement. I know that thousands of them are as deeply imbued with the wonderful spirit of credit unionism as are volunteers. I've personally met many of them and admired their operations in both large and small credit unions.

But professionals in the credit union world should not dominate policymaking to the virtual exclusion of volunteers. Credit unions deserve a system that includes strong and focused volunteer participation at the national and state decision-making levels. Such participation is needed to help set the system's objectives and help keep it on track. Unfortunately, that is not the way it seems to be working today. Instead, it appears that national or statewide decision-making in the movement today is almost totally professionalized. Just consider that there is not a single true volunteer serving on the CUNA Board, whereas a quota has been reserved to guarantee trade group professionals 25 percent of the membership on that board. When one considers that the credit union movement is overwhelmingly populated by volunteers, one must be amazed not only at this obvious lack of volunteer participation, but also at the failure of the democratic processes that should protect against such representational distortions.

Ruth Witzeling, a long time correspondent for CUNA's Center for Professional Development, said it well a few years ago: "Volunteers are one of our greatest strengths, one of the greatest and most visible manifestations of how credit unions are different." She is right, and the credit union founders were right. And that means it is the responsibility of the volunteers working closely with professionals to bring back into balance the structure of the credit union movement.

More volunteer involvement could mean a greater emphasis on the social mission of credit unions. It is amazing how much subtle and not so subtle resistance can be provoked in certain quarters simply by pointing out the social mission to which credit unions were dedicated by their founders, their history, and by federal statute. There should be no resistance to this defining principle.

Indeed, the fact is that credit unions are successfully doing exactly that sort of work today. Although for some reason they are not bragging about it nearly as much as they should.

Alphonse Desjardins warned his contemporaries against "the error of thinking and doing only dry business, forgetting the most important . . . social and educational aspect of credit unions." Edward Filene and Roy Bergengren also stressed the importance of the social mission of credit unions. Clearly these founders had something in mind beyond providing the best high tech financial system available and earning good salaries for themselves. And it was this core belief that found expression in the Federal Credit Union Act's reference to serving "people of small means."

I know from experience that a credit union regulator who speaks out about this social mission of credit unions will be criticized by some in the movement for going beyond the narrow concern of the safety and soundness of credit unions. Of course, such criticisms conveniently overlook the fact that credit unions, by statutory directive, have a specific social mandate to serve people of small means. To go beyond what Desjardins called "dry business."

And isn't it strange that while such attitudes exist within the credit union system, we hear the Comptroller of the Currency, leaders at the Federal Reserve System, and others in the banking world urging their constituents to become more active in serving inner cities and the underserved? Yet I am not aware that the banking sector has criticized their regulators for such importuning comments. And remember those regulators do not have the statutory social mandate that Congress has imposed upon the NCUA.

It is regrettable that credit unions and their trade groups are frequently not perceived as being in the leadership of modern efforts to empower those who are financially underserved. Isn't that the function of credit unions? Why do some credit union people seem unwilling to warmly embrace this social element of credit union philosophy?

I know that most of you are accomplishing that social mission. You are and you should be very proud of that. But there is much more that could be done by the credit union movement to reach out to the people who are financially underserved in order to help them bring themselves into the financial mainstream. It is not enough to demonize and attack bankers for their fees or for a lack of commitment to the underserved. It is what credit unions are doing that should be stressed, not what others are not doing.

If credit unions lose sight of their social mission they will become indistinguishable from the not-for-profit banking sector. And that will cause credit unions to lose the support they now receive from consumer groups, from the U.S. Congress, and from the American public. That will, in time, bring about taxation and bank-like regulation which will further accelerate their transmutation into not-for-profit banks.

If the credit union movement wishes to intentionally become more bank-like, more free market competitive, and down play its social mission, that is a course it has a right to take. A not-for-profit member owned banking system has a value that is well worth defending. But that decision should be a consciously deliberated one. It should not be the product of drift. In a truly democratic movement, those who disagree with such a course should have an opportunity to say "no" even if they are a minority. Those who disagree should have an opportunity to express their opposition to becoming a not-for-profit banking sector.

Nor should anyone hesitate to raise these questions. Over the history of credit unionism, many prominent leaders have worried and spoken out about losing sight of purpose. Alphonse Desjardins, as we have seen, warned about falling into the error of doing only "dry business."

Ralph Swoboda, a recent CUNA President who helped launch the renewal process, said that the real threat he saw to the credit union movement ". . . despite all the rosy numbers and the good growth, [is] the deterioration of commitment to credit union ideals and philosophy."

Al Williams, who was a good friend of mine and a former beloved chairman of CUNA and whom this conference is honoring, said in a speech only ten years ago that "Perhaps we've lost sight of our purpose . . . it's time for us to rededicate ourselves to the ideas that created the credit union movement in the first place. We can grow and pile asset upon asset, but if we forget who we are and why we're here, we will have failed."

One year later in 1989, a 45 year credit union organizer and leader named Donald J. McKinnon said he thought credit unions were headed toward their "last phase" because: "They have not kept purpose constant".

Some credit union leaders have complained to me that by quoting from our founders and early leaders, as I often do, I tend to freeze us in a horse and buggy financial world. Well the quotes I've just used really aren't ancient history. But I could have gone back nearly 2000 years to the New Testament. In Mark 8:36, it is said "What shall it profit a man if he gains the whole world yet lose his own soul." You simply must not allow credit unionism to lose its soul.

If credit unions do not preserve their social mission of empowerment, what financial sector will be fully committed to giving all of America's citizens a fair chance to meaningfully participate in the American economic system? What financial system will dedicate itself to providing all Americans with a fair chance at becoming the masters of their own economic destinies? What financial institutions will reach out to liberate people of small means from the depressing burdens of unmanageable debt?

And we have another problem today that goes to the soul of credit unionism, our field of membership policies.

Field of membership policies present yet another area where critical choices must be made.

Few would disagree that one of the most vexing problems confronting credit unions today is the rapid expansion of community chartering and the overlapping of occupational and associational credit unions.

The bankers' early success in the At&T Family case and the resulting court injunction have driven this issue to a preeminence that has caused a division both on the NCUA Board and among credit unions. Some would like this question avoided in order to dodge the resulting controversy. That would be a mistake. If this question of overlaps is not thoughtfully resolved, we run a risk of causing serious damage to the basic cooperative nature of credit unionism and accelerating its metamorphosis into a not-for-profit banking system.

I understand and respect that there are some who sincerely believe that competition among credit unions is good for the credit union member and therefore should not be restrained. While there is certainly some validity to that argument, it tends to downplay the fact that credit unions are quintessentially cooperatives. They are cooperatives both in their internal structures and in their inter-credit union operations. Unrestrained competition is by definition the antithesis of cooperation. After all, the legitimate objective of free market competition is to destroy competitors and steal their customers.

Certainly a mild level of competition is not harmful, but unrestrained free market

competition among credit unions is destructive and might encourage predatory practices. That would make it very difficult if not impossible for credit unions large or small to maintain the trust needed to effectively pool their assets, liquidity, operational skills and expertise. The breakdown of this inter-credit union trust and cooperation and the opening of unrestrained free market competition could especially hurt small and mid-sized credit unions. It could result in the cherry-picking of their more affluent members and a loss of mentoring and other benefits. An important effect of this could be the drying up of the liquidity pools smaller credit unions need access to in order to meet the needs of their members of small means.

And there is yet another vexing question lurking in the background with regard to this issue of overlaps and unrestrained free market competition. If community expansions will permit the capturing of overlapped occupational or associational credit union members on the basis of a member's right to the best level of services available, then why should not charter applications by new or existing occupational or associational credit unions be allowed to identify the exact same membership field as an existing credit union, so long as their purpose is to provide better or more services to the members of the existing credit union? Is that where you want to go? This possibility is not a frivolous one. It is supported by the exact same logic that has recently caused a change in our approach to overlaps. And the NCUA Board has recently been denying exclusionary clauses even when the involved credit unions mutually and voluntarily agree to the exclusionary clause.

If credit union field of membership overlap and exclusionary policies are going to be driven by the single goal of improving the quality and quantity of member services, then we must prepare for a bank-like survival of the fittest culture.

In my view, the key ingredient needed for a proper resolution of these and other issues is a greater involvement by volunteers. The credit union movement has become much too thoroughly professionalized. Much too driven by economic interests and the profit of individuals. Volunteers need to reassert their proper roles and authority.

How can this be done? Clearly, one possible means to that end is through volunteer organization. The object could be to give volunteers an equal voice by creating active, well funded organizations of credit union volunteers at the state and/or national levels. Professionals who believe in the social mission of credit unions and who are willing to work in full partnership with volunteers would be recruited and retained.

Or perhaps true volunteers should insist on having a strong voice on the boards of all credit union trade groups. Any groups or associations of professionals that might exist independently might be required to interface with boards on which volunteers have a strong voice.

Moreover, volunteers should insist on significantly increasing the amount of education and training they have access to. Volunteer education and training has not been given the overall attention it deserves. That maybe the result of volunteers not being sufficiently involved in the decision-making of trade groups that should be better focused on this issue.

Those of you volunteers and professionals who can see over the horizon and who wish to avoid the bank-like destiny that has befallen credit union movements in other countries need to ponder these issues. I raise them today only to stir discussion and collegial cooperative action, not hostility. If the credit union system needs to correct its course, someone must act. These are decisions that should be made thoughtfully and deliberately. Whatever the ultimate fate of credit unions will be, it should be the product of a conscious choice not aimless drift. And volunteers must have an important voice in making that choice.

Your conference theme this year makes clear your belief that the credit union movement has the ability to mold its own future. It is not too late to make the choices that will allow you to keep purpose constant. But the hour of decision is at hand. The right course, I believe, can only be charted with the collective wisdom and a proper partnership of both volunteers and professionals working together.

To do nothing means a continued drift away from your founding principles. How will you choose?

Mr. QUINN. Mr. Speaker, I want to speak today about a great American success story. I am referring to our nation's credit unions. Credit unions are far different from banks. Credit unions are democratically owned and primarily engaged in consumer loans. It is this simplicity that is the secret to their success. Credit unions aren't in business to buy banks, or sell insurance, or acquire commercial affiliates. More importantly, credit unions are not-for-profit. All revenues are funneled back into its members in the form of low-cost loans.

I am a very proud sponsor of the Credit Union Membership Access Act. This bill will preserve credit unions in their current status. Credit unions will be able to continue to expand their membership outside the original group, as long as new members share a common bond with each other. This bill will stop the incessant attacks by bankers and protect all current credit union members.

The many differences between credit unions and banks are what make credit unions so valuable. Even bankers admit that there is a certain percentage of the population that can't be served by banks. Low wage workers often times can't afford high bank fees or loan rates. Without credit unions, these people would be forced to turn to check-cashers, pawnbrokers and loan sharks.

I know that in my district of Buffalo and Western New York, thousands of people rely on credit unions for their financial needs. I have constituents tell me all the time how much they love their credit union. Many claim that they wouldn't have been able to afford their home or the loan to start a new business without their credit union. It is clear to me that credit unions are critically important for thousands of Americans. I urge Congress to continue to allow credit unions to play a role in their lives now and in the future.

Mrs. CAPPS. Mr. Speaker, I rise today in support of H.R. 1151, the Credit Union Membership Access Act. This bill would overturn a recent Supreme Court decision that would decimate the credit union industry and deprive consumers across this country of a vital banking service.

Credit unions are an incredibly important segment of our financial services industry. They provide low-cost, convenient banking services for some 70 million Americans, including over 120,000 members in my district on the Central Coast of California. As a member of a credit union myself, I can attest to the value of these important institutions to our communities, large and small.

Mr. Speaker, since the Supreme Court decision last month credit union members in my district have written or called my office by the hundreds to express their very real concern that the Congress act quickly on this legislation. And today the House has answered that call.

My husband was an early cosponsor of H.R. 1151 and I made sure that one of my first actions was to put my support behind this legislation as well. I am very pleased that the House has brought this legislation to the floor and I hope that the Senate will act quickly so we can put our constituents' fears to rest.

Mr. LAFALCE. Mr. Speaker, February's Supreme Court decision presented the Congress with a difficult policy decision—whether to uphold the original intent of the 60-year-old Federal Credit Union Act, and possibly deprive up to 20 million Americans of their credit union membership, or expand the scope of the Act to authorize credit unions to serve a broader segment of the American public in competition with other financial institutions.

While it is clear that a majority in Congress, and the public generally, have rejected this first option, the alternative presents a far more difficult policy question—How do we permit credit unions to expand their membership and compete broadly in the marketplace while justifying their special treatment and tax exemption to competing financial institutions and to taxpayers?

The Banking Committee took on this broader policy question, proceeding on a collegial and nonpartisan basis to craft a compromise bill that addresses not only the issues raised by the Court, but many other issues as well. The bill incorporates basic principles of a proposal which I circulated in November to encourage discussion of a compromise on the field of membership issue. But it also does much more.

First and foremost, it protects the membership of every current credit union member and every group within a credit union. It would also permit common bond credit unions to continue to expand their field of membership by including new occupation and association-based groups. This expansion is limited, however—first by requiring the creation of new, separate common-bond credit unions wherever feasible and, second, by requiring that smaller groups be included within another credit union that is located in the same general area as the group—thereby reinforcing a broader geographic "common bond."

The bill would also limit the size of new common bond groups that can be included within an existing credit union to no more than 3,000 persons. While I would have preferred a smaller limit, possibly only 1,000 persons, I supported this compromise with the understanding that the requirements to charter separate credit unions and to include groups within local credit unions would be strictly implemented by NCUA.

This latter requirement—to include new groups only within credit unions that are located in reasonable proximity to the group—is extremely important in reinforcing the crucial

concept of a common bond among credit union members. While many credit unions need to go beyond their original membership group to grow and to continue to provide affordable financial services, it is the Committee's view that other groups that reside, work and regularly interact with one another in close geographic proximity are more likely to share a common sense of identity, a common sense of affinity and, thus, a broader "geographic" common bond.

This should not mean, however, that a credit union can incorporate every group in sight or expand over broad regions. It was my intent in offering this provision to the bill that NCUA give a conservative interpretation to the terms "reasonable proximity", allowing credit unions located in a larger city to incorporate new groups located in nearby sections of that city. It should not permit, for example in my congressional district, a credit union located in one city, such as Rochester, to include common bond groups located in another city, such as Buffalo. And credit unions located in smaller cities or towns, like Lockport or Niagara Falls in my district, should be permitted to incorporate new groups within or in the vicinity of those jurisdictions.

H.R. 1151 also reinforces and strengthens the credit unions' mission to serve people of modest means. It defines, for the first time, the credit unions' obligation to meet the financial services needs of persons of modest means, and establishes a regulatory structure for monitoring and evaluating compliance.

In addition, the bill resolves a number of other controversial credit union issues. It requires NCUA to issue regulations defining permissible membership and boundaries for community credit unions. It freezes current NCUA policy on business lending, allowing time for the Banking Committee to study the issue. And it provides a framework of safety and soundness regulation for credit unions that is comparable to that for banks and thrift institutions.

Mr. Speaker, the bill is clearly a compromise. There are some provisions that are not as strong as I would have liked; there are others I would not have included. But that is the art of compromise. H.R. 1151 is not only a fair compromise, it is good public policy.

I believe this legislation is a winner for everyone. It's a clear winner for the credit unions, since it resolves the issues raised by the Supreme Court and earlier court decisions. It's a winner for the banks, since it addresses several controversial NCUA practices and policies. And, most important, it's a clear winner for America's consumers.

I urge my House colleagues to suspend the rules and pass H.R. 1151 by a unanimous vote.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in support of H.R. 1151, the Credit Union Membership Access Act and the millions of Americans who are members of Federal credit unions. Access to financial services and opportunity is important to low and moderate income communities like the one I represent. H.R. 1151 ensures that the greatest number of people can enjoy the benefits offered by the credit union system. I urge all of you to support this important legislation.

Credit unions are the main source of capital in many communities. In New York more than 3 million people rely on credit unions and the credit union system for their basic financial services. The hopes and dreams of families from the Lower East Side of Manhattan to Greenpoint in Brooklyn are built with the help of their local credit union. H.R. 1151 allows those hopes and dreams to be realized.

Federally chartered credit unions date back to the Depression when the financial services industry was not able to make small loans to workers. Whether it is buying a new house or sending children to college, credit unions are still often able to meet their customers' needs at a lower cost than other financial services institutions. In fact, millions of customers are still attracted to credit unions because of low fees and good rates on loans and savings. Consumers must continue to have that viable choice.

Yet, after a Supreme Court ruling that narrowed the field of credit union membership, the fate of thousands of members hangs in the balance. Only by clarifying the definition of the membership provisions of the Federal Credit Union Act, can we ensure that all credit unions continue to serve their customers. Join me in passing the Credit Union Membership Access Act and make sure that we provide all people the right to choose their financial services institution.

On behalf of New York's 700 credit unions and their 3.5 million members I urge all of you to support H.R. 1151, the Credit Union Membership Access Act.

Mr. ROYCE. Mr. Speaker, since their establishment in the early 1990s, credit unions have played a critical role in our economy by providing their members with a source of affordable credit. The value of credit unions is evidenced by the millions of American consumers who have selected them as their financial institution of choice.

This ability to choose was recently challenged by a narrow 5–4 Supreme Court decision, which jeopardizes the current membership status of millions of credit union members, and the right of all consumers to choose their financial institution.

I am committed to preserve and protect this right, which is why I am a cosponsor of H.R. 1151, the "Credit Union Membership Access Act." I am pleased that this legislation was favorably reported out of the Banking Committee, of which I am a member, on March 26, 1998. I continue to support this legislation and urge my colleagues to vote for financial passage of H.R. 1151 when it is considered by the House of Representatives today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 1151, as amended.

The question was taken.

Mr. FILNER. 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 411, nays 8, not voting 11, as follows:

[Roll No. 92]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar

Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—8

Bachus
Barton
Gillmor
Hostettler
Paul
Paxon
Schaefer, Dan
Watkins

NOT VOTING—11

Cannon
Condit
Gonzalez
Jefferson
Kennedy (MA)
Klug
Payne
Rangel
Royce
Smith (OR)
Waters

□ 1336

Mr. PAXON and Mr. BARTON of Texas changed their vote from "yea" to "nay."

Messrs. DOYLE, HEFNER, CHRISTENSEN and MEEHAN changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONDIT. Mr. Speaker, I was unavoidably detained for roll call vote 92, The Credit Union Membership Access Act. Had I been present, I would have voted yea. I would ask that this be reflected in the RECORD in the appropriate section.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1151, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

LAYING ON THE TABLE HOUSE RESOLUTION 309 AND HOUSE RESOLUTION 403

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that House Resolution 309, dealing with the rule on fast track, and House Resolution 403, dealing with the rule on the bank reform bill, be laid on the table.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from New York?

There was no objection.

BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

The SPEAKER pro tempore. Pursuant to House Resolution 405 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the consideration of the bill, H.R. 2400.

□ 1340

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. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with Mr. HASTINGS of Washington 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) and the gentleman from Minnesota (Mr. OBERSTAR) each will control one hour, and the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) will each control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Chairman, today we bring to the floor of the House historic legislation, legislation to rebuild America so that we have a 21st Century transportation system. In the 21st Century, from Seattle to Miami, from New York to California, America is growing and prospering, but our infrastructure is crumbling.

There are two fundamental principles in the bill we bring to the floor today. The first is to put the trust back in the Transportation Trust Funds. It is to restore honesty in budgeting.

Every time an American drives up to the gas pump and pays his or her 18.4-cent gas tax for every gallon of gas, that money goes into the Highway Trust Fund and Americans have the right to believe that the money in the trust fund is going to be spent to improve transportation.

In fact, that is the way it was, until in the mid-1960's President Johnson got the idea that by not spending the money, he could help fund the Vietnam War.

Indeed, it was Eisenhower and the Congress which made a Contract with America, and that contract was you pay your gas tax, and that money is spent to improve highways. Unfortunately, in the past several years, we have had a fraud perpetrated on the American people. It has not happened. We have had a bait and switch. You pay your gas tax, but the money in the trust fund does not get spent. To the tune, there is $23 billion in that Highway Trust Fund today.

Let me share with Members something that a very well-known American said when he was Governor of a State just a few years ago. He said this on television: "The Congress took that money from us under a solemn contract to turn right around and give it back to the States to be spent on roads and highways. Instead, they are hoarding that money up there, and the only reason is to make the Federal deficit look smaller than it is. It is just wrong. It is wrong as it can be, and we ought to stop it. It is in violation of the solemn contract the national government has to the people who pay the tax." Governor Bill Clinton.

So I say now to the Clinton Administration, join us. Keep your word. Help us unlock the trust fund so that money can go where it is supposed to go, to improve America's transportation infrastructure.

We swallowed hard in the committee to get where we are today on a couple of very, very important compromises. We agreed that from this point forward, we would not count the interest in the trust fund.

Over the life of this bill, that means $15 billion in debt reduction for our country. And we swallowed hard and said that approximately $10 billion of the $23 billion in the balance will be returned.

□ 1345

Put those two figures together and you get about $25 billion in reduced debt for the Federal Government, an amount which approximates the increase in spending that this bill proposes. We only spend the revenue coming into this Trust Fund from this

point forward. We only spend the money paid for by the American people in the gas tax and the related transportation taxes. Indeed, the projection is we come in over the 6-year period about $3 billion under the revenue coming in.

I would be quick to say, if there is no need to spend this money, we certainly should not spend it, nor should we let it accumulate. We should reduce the taxes.

So that brings me to, really, the second fundamental principle: That is, what are the needs for investment in infrastructure for America? I suggest that the needs are very clear; indeed, they are overwhelming. Twenty-seven percent of the highways in America are in poor condition. The average American is stuck 26 hours out of every year in traffic. That does not really tell the whole story. The average American living in one of our big cities is stuck in traffic, bumper-to-bumper traffic, over 50 hours in a year, more than a workweek in a year.

Indeed, on our highways, 42,000 Americans are killed every year. Of that 42,000, 9,000 are kids killed on our highways. The experts tell us that 30 percent of highway fatalities are caused by bad roads. That is 12,000 Americans of the 42,000 being killed on our highways. Indeed, it is about 2,700 kids being killed on our highways as a result of bad roads. That is more than a commercial airplane crashing every day. What outrage we would have in this country if we had an airplane going down every day.

In addition to those fatalities, 3.5 million Americans are injured on our highways every year. Get this. For every baby born in America today, six out of every ten babies born will be injured in an automobile accident during his lifetime, some of them more than once, if we do not change these accident rates.

We can change them. In fact, something I do not talk about very much, but it is appropriate today, I think. Seventeen years ago I had my neck broken in an automobile accident. I was a passenger in a head-on collision. I had my seatbelt on. They tell me I would have been a dead duck if I did not. But I am one of the lucky ones. They put three pins in my neck and a bone out of my hip, and I am okay. I am here. I am alive. I am lucky. But 42,000 Americans every year are not so lucky. Nine thousand kids every year are not so lucky.

I would wager that there is hardly anybody here in the Chamber today, or in our viewing audience, who has not had a loved one or a friend who has been killed or seriously injured in an automobile accident. What is the cost of a life? We cannot really put a price tag on it, but what we do know is that with the investment made in this bill over the life of this bill, the experts tell us we can cut fatalities by 4,000 people a year. It sounds like a lot. Actually, it is less than 10 percent of the fatality rate. It is doable. But do we want to cut the number in half, 2,000 lives a year? What is the value we put on a life?

This bill will save lives. This bill will give our country a productivity boost, an economic boost. This bill will create jobs. For every $1 billion invested in highways, 42,500 jobs are created.

Where is the support for this bill? It is not just here in the Congress, although I must tell the Members how thrilled I was to see the overwhelmingly positive vote we got just a few minutes ago on the rule for this bill. If Members would listen to the naysayers, we would have thought we would have squeaked through, at best. Instead, when the vote came, it was six to one overwhelmingly in support of the rule for this bill.

Who are the supporters of this bill? It is not just us. All 50 governors have endorsed this bill. The League of Cities, the mayors have endorsed this bill. The counties have endorsed this bill. The State legislatures have endorsed this bill. Environmentalists have endorsed this bill. Safety groups have endorsed this bill. Labor, the AFL-CIO and the Chamber of Commerce, what a pair, have both endorsed this legislation. And, yes, the AAA, representing millions of the motoring public.

Why have they supported this bill? Why do we have this extraordinary, broad, bipartisan support across America? Here is what the bill does: It unlocks the Transportation Trust Fund and says, from this point forward the revenue coming into the Trust Fund can be spent on transportation improvements.

Do not believe this baloney that we somehow break the budget, that we somehow create a deficit. Not a penny can be spent if, indeed, the money is not there in the Trust Fund to be spent. Not a penny can be spent if we do not come back to this House with offsets from conference with the Senate. So it cannot bust the budget. Indeed, it can only spend the revenues flowing into the Trust Fund paid for by the motoring public.

That is not all this does. This revises the formulas for the States by which they get their money in a much fairer way. We throw out the old formula, which by the way is based in part on some 1919 statistics, if Members can believe that. We throw that aside, and we create a much fairer formula based on transportation need as well as population.

We raise the minimum allocation for each State to 95 percent, including all formula funds; and, for the first time, we include the projects in the minimum calculation. We also say that the donor States, since they are the ones putting up most of the money, the donor States get preference in discretionary grants.

Beyond that, we recognize the need for more flexibility. There are those who argue we should give the program back to the States. We believe that goes too far, but we acknowledge the States and the cities should have much more flexibility, and we put it in this bill. In this bill we provide that, in every category going back, the States and cities can shift up to 50 percent of the money in that category into any other category, based on the State or city need.

There are two modifications to that. We want to protect the environment, and so we provide that in CMAQ and enhancements the States must spend at least as much as they have been previously spending, but in the increased money, 50 percent of that can be flexed to other categories, should the States and the localities so choose.

Beyond that, we recognize the national interest. Those who talk about just give it all back to the States I think must be living in 1920 instead of 1998. Interestingly, there is a greater Federal interest today to tie our country together than there has ever been. Why? Because we have more interstate travel than we have ever had.

I love to refer to Oklahoma City as an example. Out there, you have two interstates that cross, 35 and 40. They were built to carry 60,000 vehicles a day. They are carrying 120,000 vehicles a day. But, to me, that is not the most interesting figure. To me, the most interesting figure is that 60 percent of the license plates on those vehicles are out-of-State license plates. It is not an Oklahoma problem. It is a national problem.

Up in Seattle, coming out of the great port of Seattle-Tacoma, over 50 percent of the product coming in from Asia is shipped to Chicago and east. With tongue in cheek, I said they should change the name from the Port of Seattle to the Port of Chicago, the point being it is not a Washington State problem, it is a national problem.

Across America today, 64 percent of truck traffic is interstate. There is a greater need to tie our country together to make sure that the national interest is protected, as well as State and local interest. That is why we bring this balanced bill to the floor.

We also move some general fund transportation spending into the Trust Fund. We acknowledge that it is the Transportation Trust Fund that should be spending the money, so we do that.

We also toughen up safety standards. We provide incentives to toughen the drunk driving laws. We say that .08 is important, and we provide incentives to the States to put .08 in their State laws. But we do not want to have an unfunded mandate. We hope the States will do it. We give them an incentive to do it.

On the subject of projects, which it seems the media and the opponents, few though they are, have focused so much on projects, only 5 percent of the funds in this bill go to congressional high-priority projects. Stop and think about it. Eight percent of all the money in this bill goes back to the States. Seven percent goes downtown to the Secretary of Transportation.

The last time I checked, angels in heaven did not make the decisions and are not making the decisions as to where to build highways and transit systems. It is a political process. There is nothing wrong with the States, the Governors, the legislators having 88 percent of the money to decide how it is going to be spent, or the Secretary having 7 percent of the pot.

We think it is not unreasonable, in fact, it is very reasonable, to say that the Members of Congress who have to cast the tough votes on this legislation should be able to recommend to our committee what projects are most important in their district, and we limit it to only 5 percent of the pot.

In addition to that, when we hear those saying, well, it is the same old way it used to be done, that simply is not true. We have a 14-point vetting process where these projects must meet the standard, including support from the Secretary of Transportation in their home States, or their mayors, if it is in an MPO area.

Let me emphasize that this tough 14-point vetting program was something that was actually proposed and put into effect by the gentleman from West Virginia (Mr. NICK JOE RAHALL), a Democrat. So this is bipartisan. It is something that makes a lot of sense; and, indeed, it is something that should be done.

Further, let me emphasize, when we hear people saying, well, if you eliminate the projects you save money, Mr. Speaker, we do not save a penny. The money, if there are no projects, simply goes back to the States or downtown. It will be spent, but it will either be the faceless, nameless bureaucrats downtown or in State government or the Governors or the State legislators who will be spending the money.

I do not know how many Members I have had come to me and say, for example, my State government is all Republican, and I am a Democrat. I do not get anything in my district, so I need a high-priority project. Or, conversely, my State is all Democrat; and, as a Republican, I do not get anything unless I have a high-priority project.

Who knows better what is most important in their district than the Members of Congress from that district? In fact, I would respectfully suggest there is a bit of arrogance in those who say that somehow they know better what is important in their congressional districts than Members know. Indeed, I would suggest that if Members do not know what is really important to people in their congressional district, they are not going to be here very long.

Let me emphasize that, while we have some disagreement in this bill, I have the greatest respect particularly for the gentleman from Ohio (Mr. JOHN KASICH), who is not a hypocrite and who said he does not want to see tax revenue spent on transportation.

□ 1400

I disagree with him. I disagree with him fundamentally. But he is straight. This is his position. He has a right to take that position. And he also, in the process, has not sent us letters requesting projects for his district while at the same time saying he opposes projects. He is not a hypocrite. He is an honorable person.

Mr. Chairman, I had to take the well last week and to release and put in the CONGRESSIONAL RECORD letters from several Members of Congress who are castigating the projects but who have asked for multimillion dollar projects in their own congressional districts. Now, as hard as that is for Members to believe, it is in the RECORD. It is there for Members to see.

Last week I challenged any Member to come forward and say that I had offered a project in exchange for his vote or, conversely, had threatened to take a project away if he did not vote with us. Nobody has responded to that challenge. Why? Because nobody can, because that is not the way we do business. Not only in this bill, but never in my career in the Congress have I ever made such a threat to a Member of Congress.

So it is very regrettable that the people who on the one hand seem so self-righteous also are dealing very loosely with the truth. Maybe there is a little inconsistency there that I hope one might recognize. In fact, there is a great line in the book, "The Hawaiians" which I will clean up and paraphrase, which is, "How I envy the pious. They can be such hypocrites and never even know it."

Well, the good news is we have dealt fairly with every Member in this body. I must say I was surprised to see the gentleman from Delaware, my good friend, last week holding a press conference because he does not like our bill, calling it highway robbery. He is my good friend. We serve together on the Select Committee on Intelligence. Indeed, we are members of other organizations here on the Hill.

But what short memories we seem to have. It was just last year that the Delaware delegation pushed through $2.3 billion for Amtrak. In fact it was described by some as one of the most bizarre, backhanded ways of funding a program that has ever been witnessed around here.

But I did not take the floor and call it the "great train robbery." No, I supported what they were trying to do because we were able to reform Amtrak, because Amtrak is important, not to some Members but to the gentleman from Delaware and the Members from the Northeast Corridor. Amtrak is important to them, so we supported that and we supported the reform of Amtrak.

I must tell my colleagues that the reform bill spells out that those reforms must be accomplished by June 1, or all money for Amtrak stops, ceases, zero. I must also tell my colleagues that there are indications that those reforms may not be met by June 1, which means they will have to be back here on the floor again asking for forgiveness for Amtrak legislation or there will not be any money for Amtrak.

Well, it seems to me that it might be a little more difficult next time around to get that kind of forgiveness for Amtrak. So I hope that those who sometimes seem to feel that nobody's cause but their own is worthwhile might take a little broader look at the transportation needs all across America.

The Woodrow Wilson Bridge is another case in point. A billion dollars. We read so much in the local papers about the importance of the Woodrow Wilson Bridge. Let me tell my colleagues there are over 30 interstate reconstruction projects, all of which cost more than a billion dollars. So while the Woodrow Wilson Bridge may well be important to the region here, there are other projects all across America which cost just as much on the interstate system, the highest priority system, and which are just as important to other Americans across this country.

So I hope that, again, those who seem to see nothing of virtue in anything but their own particular interest might broaden their horizons just a bit.

Mr. Chairman, my colleagues who know me best know I am not exactly a raving left-wing liberal spender. In fact the American Conservative Union gave me a 100 percent rating last year. I slipped in my NFIB rating. I only got a 97. I am not a big spender; I am a fiscal conservative. But there is a fundamental difference between spending tax dollars to build assets and pouring money down a rat hole.

Indeed, Mr. Chairman, I would say to my conservative Republican colleagues, look at the legacy of our party. It was Abraham Lincoln who in the midst of the Civil War signed the papers to create the first transcontinental railroad and who strongly supported Henry Clay's American system for capital improvements, for internal improvements.

It was Teddy Roosevelt, the Panama Canal. George Will, the wonderful columnist, wrote a column a few months ago in which he observed that some conservatives today, had those same conservatives been back there with

Teddy Roosevelt, probably would have voted against the Panama Canal. Well, I would like to think not, but it does not end with Teddy Roosevelt.

Eisenhower, the father of the interstate system. Mr. Chairman, do my colleagues know who Eisenhower's floor manager was in the United States Senate to pass the interstate system? Prescott Bush, the father of President George Bush.

To my conservative colleagues I say we have a legacy here of building America and today is the day we have the opportunity to do it. Today is the day we have the opportunity to put honesty back in budgeting. To spend only the trust fund money that is coming in. To save lives. To remove congestion and to increase productivity. The revenue exists.

Let me close by sharing with my colleagues something that Stephen Ambrose, the historian, wrote in a book that just came out recently. It is a wonderful book entitled "Citizen Soldiers." It is a book about the soldiers of America who in World War II slogged their way through Europe to win victory for our country and for the allies.

He wrote in the conclusion of his wonderful book about those World War II veterans when they came home, and here is what he said about them:

> These were the men who built modern America. They wanted to construct. They built the interstate highway system, the St. Lawrence Seaway, the suburbs so scorned by the sociologists but so successful with the people, and much more.

So let us on a bipartisan basis in this Chamber today, let us in our time be the builders of a better America as we move into a new and exciting 21st century, so that our children s children 50 years from now might be able to look back and say: See, this they did for us.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, 42 years ago in this Chamber a Democratic Congress, united with a Republican President, launched a new experiment in transportation, one that would prove to be enormously successful in improving America's mobility and expanding its economy and moving transportation from border to border and coast to coast in a way that never had been accomplished before.

Today we stand at the beginning of a new century and a new millennium. The legislation we bring to the floor today takes us beyond the vision of the interstate system and beyond the vision that was created in ISTEA in 1991 and to a new century, a new millennium, a new investment with renewed vigor in a future America.

Mr. Chairman, I compliment the gentleman from Pennsylvania (Chairman SHUSTER) on the extraordinary job he has accomplished of leading us through the thicket of conflicting issues, values, ideas, demands, interests and pressures to do the right thing for America. He traced the evolution of the transportation system, of this legislation, in a very heartfelt, deeply sensitive and deeply committed way just a moment ago. His words are a measure for all time.

What we do in this legislation is not just to continue but to extend beyond where we have been in our transportation mix of the last 42 years. Mr. Chairman, we continue the investment in America that is the fundamental driving force for this transportation sector, which is 10 percent of our gross domestic product. We continue the programs of this country that we initiated in ISTEA that have been so enormously successful. We continue the environmental stewardship. We address safety and, indeed, had we not addressed safety with the interstate highway program in 1956, we would be killing 110,000 people on America's highways today.

We provide continued equity in our transportation program for minorities for labor, for construction labor, and for the States through our distribution formula. This is a bill that is good for all America, for all time, to take us into that next century. Not a bridge of fiber optic cable, but a bridge built on concrete, asphalt, steel and goodwill and good vision and a good sense of direction for America.

Transportation means economic growth, means mobility, and it means opportunity for America. That is what this legislation is all about.

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

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI) chairman of the Subcommittee on Surface Transportation.

Mr. PETRI. Mr. Chairman, today we are considering legislation that, perhaps more than any bill we will consider this Congress, touches the lives of each and every constituent of each and every Member of this House.

Mr. Chairman, until something goes wrong, we often overlook the impact that transportation has on our daily lives. No matter who we are or where we live, we rely on an efficient and safe transportation network. Whether we live in an urban area where transit provides a way to get to and from work; whether we farm land in a rural area and need to get crops to market quickly; whether we own a business that needs to truck in materials and get finished goods out over the roads; whether we are a young mother worrying about safely driving our young children to school each day; or whether we load up the family and go down the highway on our annual family vacation in Disney World or the Grand Canyon, we need a good transportation system in the United States for daily commutes, to transport freight around the country, and to provide opportunities for tourism and for recreation.

Transportation is something that we use every day, and it provides a safe and efficient way of getting around and moving goods, and it is something that our constituents expect.

Mr. Chairman, today we have an opportunity to pass legislation that truly does provide tangible, real benefits for all Americans. Some have tried to attack the bill before us based on the funding levels and budget implications of authorizations for projects in various Members' districts. But those critics ignore one important fact: all the spending in this bill is fully supported by the gas taxes paid and collected in the Highway Trust Fund. In fact, spending is actually below trust fund revenues over the next 6 years. Spending in this bill is linked to the amount of taxes collected in the trust fund, taxes collected from the motoring public and which can be used only for transportation purposes.

Spending increases in this bill are so large in part because we are finally using the gas taxes for transportation instead of hoarding them in the trust fund to subsidize other spending. The current trust fund balance is about $23 billion. Under the budget agreement last year it would have grown to $70 billion. What is fair about that, government borrowing from the trust fund to spend on all kinds of things, adding to the national debt?

Gas taxes are user fees collected to fund transportation. They should either be used for that purpose, as BESTEA does, or the gas tax should be cut.

□ 1415

Now, some have used the term "hypocrisy" to describe this bill. Well, the true hypocrisy is taxing the American public, saying we will use those taxes only for transportation, and then not living up to our part of the bargain. That is why America has become so skeptical about Washington.

We are ending that practice in this bill. We should not lose sight of the fact that since BESTEA more fully spends the new gas taxes coming into the trust fund, we have agreed to write off a total of $9 billion of the outstanding $22 billion cash balance in the Highway Trust Fund, and we have agreed to forgo interest that would otherwise be credited to this trust fund saving over $14 billion in national indebtedness. No one has been talking about that, but it reduces the outstanding debt of the United States by over $20 billion.

We have significantly reformed distribution formulas to provide for the more equitable allocation of funds among the States. Funding formulas

are updated so that we no longer use historic shares to distribute funds, and instead we use up-to-date transportation data that more accurately reflects usage and need.

Minimum allocation for donor States is increased to 95 percent. Several other donor State funding provisions are included. A very significant reform is that for the first time projects are included in the minimum allocation calculation so States cannot be severely disadvantaged or advantaged whether they have or do not have projects.

Finally, donee States do not lose in terms of actual dollars received, but in fact increase substantially over the amounts received, over the past 6 years of ISTEA. Under BESTEA, we are able to increase funding for clean air programs. We increase by $2 billion funding for safety and safety education programs, and we have done an increase in transit funding by 43 percent.

It contains significant reforms to streamline project delivery and reduce red tape, including coordinating environmental reviews, reducing project approval requirements and eliminating programmatic responsibilities of Department of Transportation regional offices.

Mr. Chairman, passage of BESTEA today means Americans traveling on the roads will be safer. It means that we will take a step forward in sustaining and improving the economic prosperity that we as Americans are so fortunate to enjoy. And it means that we will be competitive in a global economy that relies on efficient transportation. We quite literally need good highways, bridges and public transit to keep us moving ahead into the future.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), ranking member on the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I thank the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for this time.

Mr. Chairman, I rise today in strong support of H.R. 2400, the Building Efficiency Surface Transportation and Equity Act, commonly referred to as BESTEA. First, I want to thank our chairman and ranking members for all of their hard work, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Mr. PETRI), the gentleman from West Virginia (Mr. RAHALL). They have worked together to create a strong bipartisan bill that provides the necessary funding to maintain and improve our Nation's infrastructure.

I am sure that during the debate today, a few of our colleagues will try to say that this important bill busts the Balanced Budget Act of 1997. This is simply not true. This bill is paid for out of the Highway Trust Fund. The Highway Trust Fund is supported by fuel taxes paid by motorists. Therefore, this bill is paid for each time motorists go to pay for their gasoline. BESTEA does not bust the balanced budget. BESTEA simply spends down the large unspent surplus in the Highway Trust Fund. Under this bill, dedicated gas taxes are used for their dedicated purpose, to address the transportation needs of cities and States throughout this Nation.

This is absolutely necessary because America's transportation needs are staggering. Our Nation's transportation infrastructure in many areas is crumbling and it is in urgent need of repair, mainly because we as a Nation have not invested enough to maintain and improve our transportation system. In fact, in the last 30 years transportation spending as a percentage of the Federal budget has been cut in half. Yet investing in transportation means investing in America's future.

Economic studies show that every dollar invested in the highway system yields $2.60 in economic benefit. Other countries are already investing billions in their core infrastructure. Fortunately, BESTEA does the same for America.

Mr. Chairman, as I said this morning, BESTEA is a good bipartisan bill. It will provide better, safer roads. It will provide new and improved public transportation systems. It will improve air quality by reducing traffic congestion and by promoting public transit. It will provide good jobs for middle-class Americans. It will ensure America's future as a world leader by maintaining and improving our world class surface transportation system. I strongly urge all my colleagues to vote to invest in America's future and vote in favor of H.R. 2400.

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

I almost find myself uncontrollable here in recognizing and giving 5 minutes to the Honorable John Paul Hammerschmidt, a former member of Congress and a former ranking member of our committee, the man who would be chairman if he were still here, so I want to acknowledge he is in the Chamber and wish him well.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds to join in the acknowledgment of our colleague, one of the architects of ISTEA that brings us to the floor today, and an extraordinarily distinguished Member of this House and of our committee for so very, very many years. We owe him a great debt of gratitude.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Kentucky (Mr. ROGERS) chairman of one of the important appropriations subcommittees.

Mr. ROGERS. Mr. Chairman, I thank the chairman for yielding the time and join in welcoming our friend, Mr. Hammerschmidt, back to this Chamber.

Mr. Chairman, the highway bill before us today opens doors for the Nation and the people of Kentucky. First, it unlocks the Highway Trust Fund, providing the money needed to invest in our national highway system and to boost spending in donor States like Kentucky. BESTEA gives Kentucky 90 cents back on every dollar that we send in to the trust fund as opposed to 77 cents they received under ISTEA.

Overall, Kentucky will receive on average approximately $479 million per year in highway funding. That is 70 percent more than our share over the last 5 years.

Second, it launches the I-66 project in Kentucky, making the first major dollar investment toward construction. I-66 will open up southern and eastern Kentucky to the rest of the Nation, creating thousands of jobs.

Third, monies included in the House and Senate version of this bill virtually guarantee that we will make substantial progress on the unfinished sections of the Appalachian development road system, which is vital to our region.

Of special importance is that this bill will save lives. BESTEA gives States the ability to improve the safety of many poorly designed roads and bridges. This will save hundreds of lives in Kentucky alone.

Simply put, BESTEA is the best deal for Kentucky, the best deal for donor States and the best deal for our Nation. I congratulate the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) and the other members of the committee for a great job on a great bill.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from West Virginia (Mr. RAHALL), ranking member on the Subcommittee on Surface Transportation, who has contributed so vigorously and so many dedicated, devoted hours to the shaping of this legislation.

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

I commend the gentleman as well as the gentleman from Pennsylvania (Mr. SHUSTER) and the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI), for their excellent work on this legislation. As we begin debate on this legislation, we are indeed at a crossroads in this country. We can decide whether we want to retreat from the transportation needs of the new century and fail to make the necessary investments in our highway and transit infrastructure, or we can rise to the challenge and dedicate the necessary resources to these endeavors.

Those of us who bring this legislation forth today are seeking to rise to that challenge, to keep faith with the American public, to restore integrity and restore trust back into the Highway

Trust Fund and to make the necessary investments in America. To be clear, this is not just about an investment in concrete and asphalt, but one about investment into our children, one about investment into our environment, and an investment into the very social fabric of this Nation.

This legislation involves the very standard of living we in this country wish to enjoy, and it entails the type of legacy we wish to leave to future generations, our children. Poor road pavement, outdated design standards, and the lack of safety enhancement present a very real threat to the motoring public. In parts of my district, school buses have collided with trucks for these very reasons, prematurely extinguishing the innocent lives of our younger generation. I know tragedies like this have happened elsewhere around the country.

This bill makes an investment into improving those roads and providing more safety features so that we can better ensure the well-being of our children.

Our environment, let us look at what this bill does. Congestion plagues our cities, both large and small. Air quality deteriorates as vehicles stack up behind each other with motors idling. And tempers flare erupting into road rage affecting so many parts of this country.

This bill makes an investment into improving our environment by advancing alternative means of transportation such as transit, bicycle and pedestrian pathways, and innovative new intelligent transportation systems.

Our very standard of living, let us look at what this bill does. In order to compete globally, companies are demanding production efficiency. It is estimated that more than one-half of U.S. manufacturers are using just-in-time inventory systems. This approach requires an efficient transportation system.

This legislation makes a fundamental investment into improving our transportation systems, not just highways, but transportation links that are intermodal in nature, to better ensure the smooth flow of goods, both domestic and international markets.

It has been said that ISTEA represented a revolution in how we viewed our surface transportation needs. Over the course of the last 6 years ISTEA, as implemented, has produced some fundamental changes in the Federal role in transportation. It empowered our local communities.

If ISTEA was indeed a revolution, then this bill known as BESTEA is a revelation; a revelation because it exposes the Highway Trust Fund for what it truly is, not an account to be used to mask the true size of the Federal deficit, or make our budget look brighter. Not a pot of funds to be held hostage to the whims and the caprices of our budgeteers, but rather as a trust fund, a trust fund paid into by the American motorists for the express purpose of receiving a better return in building our road and bridges in this country.

I urge adoption of this entire bill. I think it is what the American public wants. It is what our children and future generations want.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I think it is important to recognize the tremendous steps the committee is taking to significantly to improve donor States rate of return in this bill. BESTEA distributes funds equitably among the States by reforming the highway funding formulas so that they are based upon relevant transportation factors.

Specifically, there are provisions in this bill which will guarantee that no State will fall below a 90 percent return on its contributions to the Highway Trust Fund. In addition, the committee repealed the penalty on discretionary grants for States that receive minimum allocation funding. While BESTEA is not perfect, Mr. Chairman, it certainly goes a long way to address the critical need of donor States, and I hope we can continue to work together to that end.

This bill is not only about saving lives, it is about being honest with the American people. Many Members in the Chamber today will claim that this is a budget buster. I am a fiscal conservative, Mr. Chairman. This charge is simply not true.

When Congress set up the Highway Trust Fund, it created a contract with the American people by instituting a gas tax with the promise that these taxes would only be used for transportation improvements. When these taxes are used to mask the size of the deficit or to increase welfare spending or foreign aid, the contract is broken and American lives are put at risk. Using the gas tax for other social spending is wrong and dishonest.

We must, in fact, spend these taxes on what we promised we would spend them on. It is an honesty question and it is time to be honest with the American people. If we are not going to expend these monies for the purpose that was intended, then let us repeal the tax.

Mr. Chairman, it is time to spend the Highway Trust Fund where it is supposed to be spent: Improving roads and enhancing the safety of the American motorists who use those roads.

□ 1430

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. BORSKI), the ranking member on our Subcommittee on Water Resources and Environment.

Mr. BORSKI. Mr. Chairman, let me first thank the distinguished gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

I also want to commend and congratulate both he and our distinguished Chairman for bringing this truly bipartisan and truly historic bill to the floor of the House of Representatives. I also want to commend the gentleman from Wisconsin (Mr. PETRI) and, of course, our ranking member on the subcommittee, the gentleman from West Virginia (Mr. RAHALL).

Mr. Chairman, I think it is important to understand that this is not just a highway bill. By establishing funding levels that are fiscally sound, it provides necessary resources to meet America's diverse transportation infrastructure needs.

BESTEA maintains the enhancement and CMAQ provisions set forth in ISTEA. It provides for an equitable distribution of funds among States, it improves safety on our highways, provides flexibility for States and local areas, and it benefits urban and rural America.

Mr. Chairman, it is important to point out that these varied and critical goals can only be met because of a provision in the bill that calls for phasing in spending the 4.3 cents fuel tax recently returned to the Trust Fund and taking the Trust Fund, itself, off budget beginning in 1999.

The monies that are actually spent on our country's infrastructure have been consistently and substantially less than what is collected. To call this money a dedicated tax and then disregard its intended use is a fraud. Clearly, our country has enormous transportation infrastructure needs. We cannot afford to look the other way while revenues committed to address these needs go elsewhere or sit fallow. That money is desperately needed, and it exists in a Trust Fund. We do not need to find the money to pay for our infrastructure. We simply have to stop others from spending it for unintended purposes.

Mr. Chairman, I must tell my colleagues, as a Representative from an urban community, I am greatly encouraged by the increase in transit funding provided for in BESTEA. Ridership on computer and light rail has grown steadily and significantly. New transit starts are exploding. And as such, in each of the last 4 years of the bill, $6.4 billion is spent on transit, nearly a 50-percent increase above current funding levels.

In the current political climate of decreased Federal spending, committing such revenues speaks to the recognition of the pivotal role mass transit must play if we are to best utilize our resources, transportation and otherwise.

Perhaps the best illustration of the innumerable benefits investments in our Nation's infrastructure and, more specifically, in transit can yield is

found in the welfare-to-work provisions of the bill. This critically important program helps restore our cities and return our people to productive use by providing them with the ability to physically get to where the jobs are.

People in my city of Philadelphia know all too well that, as companies abandon our cities for the suburbs, they take their jobs and opportunities with them, leaving unemployed city dwellers. In fact, two-thirds of all new jobs created are in the suburbs. Furthermore, less than 6 percent of families receiving benefits from the Temporary Assistance for Needy Family program own cars. This means that 94 percent must rely on transit systems to get them to work.

Mr. Chairman, I rise today to offer my wholehearted support for H.R. 2400, the Building Efficient Surface Transportation and Equity Act of 1997. Let me first congratulate Chairman SHUSTER, Ranking Member OBERSTAR, Chairman PETRI, and Ranking Member RAHALL for the truly remarkable job that they have done. Reauthorization of any bill of this magnitude is always an arduous and delicate task. But the validity of some of the inherently competing interests associated with this program, and the need for those interests to be both acknowledged and reconciled, created a monumental assignment for those charged with the reauthorization of ISTEA. What they bring to the floor today surpasses any reasonable expectations held by those of us all too familiar with the scope and complexity of the bill. In BESTEA, the enormous needs of our nation's infrastructure have been addressed, while maintaining the integrity of the program itself. The result is a bipartisan product the Transportation and Infrastructure Committee, and the whole House, should be proud to endorse. Finally, with this bill, we can do what we have promised every American that we would do when we asked them to pay into the Highway Trust Fund at the gas pump—adequately build and maintain our nation's crumbling infrastructure.

This is not just a highway bill. By establishing funding levels that are fiscally sound it provides the necessary resources to meet America's diverse infrastructure needs. BESTEA maintains the enhancement and CMAQ provisions set forth in ISTEA. It provides for an equitable distribution of funds among states, improves safety on our highways, focuses on national priorities, streamlines program delivery, and reinvents the DOT. The bill provides flexibility for states and local areas, benefits urban and rural America and supports technology development needed as we enter the 21st century.

Mr. Chairman, it is important to point out that these varied and critical goals can only be met because of a provision in the bill that calls for phasing-in spending the 4.3 cents fuel tax recently returned to the Trust fund and taking the Trust fund, itself, off-budget, beginning in 1999. When Congress established the Highway Trust Fund in 1956, it was a deliberate policy decision to impose a user fee funding mechanism and a trust fund, rather than continuing to support transportation infrastructure programs out of general revenues. The Highway Trust fund ensured that the money was collected from those benefitting from the improvements by taxing gasoline, diesel and special fuels as well as heavy trucks and tires. By creating a trust fund, Congress was presumably guaranteeing a promise to those contributing to the fund that the money would be dedicated to transportation infrastructure improvements. This promise has blatantly been ignored for far too long. The monies that are actually spent on our country's infrastructure are consistently, and substantially, less than what is collected. As a result, an enormous surplus has been allowed to accumulate in the Trust Fund, much to the delight of our Nation's bookkeepers. This practice of locking up billions of dollars in treasury notes that should rightfully be stimulating our economy has been likened to a shell game, and amounts to nothing more than fraud on the taxpayer. To call this money a dedicated tax and then disregard its intended use is fraudulent. I can tell you as a sixteen year veteran of the Transportation and Infrastructure Committee that our nation's infrastructure can no longer afford to pay the price for dishonest bookkeeping.

The Department of Transportation estimates that simply maintaining current conditions on our highway, bridge, and transit systems will require annual investments of $57 billion, an increase of 41%. These conditions are indisputably unacceptable and unsafe. In my home state of Pennsylvania for example, more than 70% of our roads were rated fair to poor. Over 40% of our bridges were deemed deficient. These statistics are not inconsequential. Inadequate roads and bridges are a factor in traffic accidents that result annually in over 12,000 highway deaths nationwide. Metropolitan congestion alone costs our nation more than $40 million annually.

Transit needs are at least as critical. One-third of rail maintenance yards, stations, and bridges, and almost one-half of transit buildings are still in poor or fair condition. Rolling stock needs immediate replacement as the average fleet age for all classes of bus and paratransit vehicles has exceeded the useful life of the vehicles. Additionally, 51% of rural buses are overage and more than 9,000 urban buses need immediate replacement. According to the DOT, to improve the condition of our nation's infrastructure to optimal levels would require annual investments of $80 billion. Clearly, our country has enormous needs. We cannot afford to look the other way while revenues committed to address these needs go elsewhere or sit fallow. Perhaps, if our nation's roads and bridges weren't crumbling we could indulge our colleagues as they continued to steal money dedicated to infrastructure so that they could claim, and take credit for, a balanced budget. But we can't. That money is desperately needed, and it exists in the trust fund. We don't need to find the money to pay for our infrastructure, we simply have to stop others from spending it for unintended purposes. If that results in a budget that is not balanced, I would suggest that my colleagues who serve on the appropriate committee should take a closer look and find offsets that would make up for the money they planned to divert from this user fee.

Mr. Chairman, I must tell you that, as a Representative from an urban community, I am greatly encouraged by the increase in transit funding provided for in BESTEA. Ridership on commuter and light rail has grown steadily and significantly. New transit starts are exploding. In fact, our committee received over 150 requests for these types of projects just this year, totaling over $25 billion. As such, in each of the last four years of the bill, $6.4 billion is spent on transit, nearly a fifty percent increase above current funding levels. In the current political climate of decreased federal spending, committing such revenue speaks to the recognition of the pivotal role mass transit must play if we are to best utilize our resources—transportation and otherwise.

Perhaps the best illustration of the innumerable benefits investment in our nation's infrastructure—and more specifically, in transit, can yield, is found in the Welfare-to-Work provision of the bill. This critically important program helps restore our cities—and return our people—to productive use, by providing them with the ability to physically get to where the jobs are. People in my city of Philadelphia know all too well that, as companies abandon our cities for the suburbs, they take their jobs and opportunities with them, leaving unemployed city dwellers. In fact, two-thirds of all new jobs created are in the suburbs. Furthermore, research by the U.S. Department of Transportation found that less than 6% of families receiving benefits from the Temporary Assistance for Needy Families program own cars. This means that 94% must rely on transit systems to get them to work. In the past, those of us who represent cities have watched, with great frustration, the impact on our community as these companies leave for the suburbs. We have focused a great deal of energy on convincing companies to stay in or come to our city. While this is important, it is not always possible and, perhaps in our zealousness, we have not recognized the benefits of any other alternatives. If a company can or will not stay in the city, there is still an enormous economic benefit to be had, should people be able to commute out to the suburbs. This is the impetus behind the welfare-to-work program. And we have seen it work in cities like Chicago. Suburban Job-Link, working with Chicago's PACE bus company, began serving the needs of unemployed Chicago residents in 1971. The program has proven to yield economic rewards. For every 1,000 workers employed at suburban manufacturing jobs, $25 million in pay and benefits annually flow back into inner-city neighborhoods.

Mr. Chairman, again, I would like to applaud the leadership of our committee for their truly remarkable and historic accomplishment. A year ago, it seemed a nearly impossible task to meet the very real, diverse, and often competing needs of our nation's infrastructure. But Chairman SHUSTER and Ranking Member OBERSTAR held firm to their principles, arguing tirelessly that integrity be restored to the Trust Fund. It is with admiration that I acknowledge their achievement and without any hesitation that I offer my support for the BESTEA bill. This bipartisan effort and product represents the very best our committee has to offer, and reinforces both the pleasure and pride with which I have served on it for the past sixteen years.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Chairman, I would like to take this opportunity to congratulate the Chairman on an outstanding bill and ask if the Chairman will enter into a colloquy?

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, I will be pleased to.

Mr. METCALF. Mr. Chairman, as the Chairman has noted, the volume of international trade passing through Washington State's ports has snarled traffic at dozens of at-grade rail-highway crossing in the Puget Sound region. As the Chairman knows, public and private interests have come together to propose a series of grade-crossing projects and port-access projects that we refer to as the "fast corridor" program.

Does the Chairman agree that section 115 of the bill, the National Corridor Planning and Development Program, was designed to help projects like the fast corridor?

Mr. SHUSTER. Mr. Chairman, reclaiming my time, I would certainly agree with the gentleman. I have seen the problem firsthand there.

As the gentleman from Washington has observed, I have first-hand knowledge of the special mobility problems in the Puget Sound region. The Fast Corridor Program was developed to address that problem.

Section 136 of the bill designates the "Everett-Tacoma Fast Corridor" as a "high-priority corridor." With this designation, the fast corridor would be eligible for funding under section 115, as you have already pointed out.

Section 115 was designed with projects like the fast corridor in mind and I am certain that it would be an ideal candidate.

I commend the gentleman for his initiative on this matter and for the leadership he brings to transportation issues in the region.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. KIM), a distinguished member of the committee.

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

Mr. Chairman, I have heard critics saying today that we are stealing money from other programs to rebuild our highways and bridges. Now, come on. Let us be honest with the American people. The money is already there. The American people pay for it with the gas tax money.

In 1956, Congress made a simple contract with the American people that gas taxes would be used for highways and bridges. Seven years ago, Congress broke the promise and diverted gas tax money to foreign aid and other programs.

Southern Californians have paid dearly for that ever since. Southern Californians spend more time stuck in traffic than anyone else in the country.

And there is another argument. I am tired of hearing this bill is full of pork. It is not about pork. It is about saving people's lives. Every year 14,000 people are killed in roads that are too narrow, too congested, or simply too dangerous for existing traffic. None of these people have to die.

In my district, there is a road known as "Blood Alley." Eight lanes of freeway are crammed into a two-lane country road when it crosses the county line. About 10 people die each year on this three-mile stretch of road because the counties do not want each other's traffic.

Our bill includes $13 million to widen this Blood Alley and save lives. Fixing Blood Alley is our responsibility. It is not pork. Our bill saves lives and restores our promise to the American people. This bill forces Washington to keep its promise and fix highways with the gas and tax money.

I urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT), the ranking member on the Subcommittee on Public Buildings and Economic Development, a valiant, vigorous member of our committee and advocate for Buy America.

Mr. TRAFICANT. Mr. Speaker, $217 billion is being invested in America, not overseas. To put some perspective on it, our trade deficits with China in the next 6 years will exceed $300 billion.

Now let us call it like it is. Everybody is talking about pork. I was called the king of pork on ISTEA because I got five bridges funded. One of those bridges collapsed last week. One of my constituents almost got killed. Thank God, no one got killed in my district. They do not call that bridge pork today.

Now let us put the hay where the goats can reach it. To all of these political purists in the Congress, here is how they would have it: We would fight to get the money for the States. The local politicians would have press conferences and announce the projects. Then they would brag how they got the money and that there was no Federal money in it. And then they will run against us. Beam me up. I do not apologize.

In 1986, I passed the amendment that increased the minimum allocation to donor States. And last year in Ohio, 28 major projects, I did not get one of them; and we are the most deserving.

I do not apologize for any damn thing. They can call me anything they want on this House floor, but if we do not take care of our district, no one is going to take care of our district. Stand up today, and you fight for your district. That is what it is about. This is not the Rotary, my colleagues.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise today in strong support of BESTEA, the Building Efficient Surface Transportation and Equity Act.

I would like to point out to all of my colleagues and to the American people that BESTEA is green tea. The reason I have attached the label of "green tea" to the bill before us this afternoon is because the legislation provides more funding to improve the quality of America's environment than any approved by this body in the last decade.

This is an environmentally sensitive and an environmentally friendly bill. And that is good for the American people, because they expect us to protect the air we breathe and the water we drink and the food we eat. Nothing is more important than that in terms of our assignment.

Green tea contains over $40 billion for the transit program, the Congestion Mitigation Air Quality program, commonly known as CMAQ; the Transportation Enhancement Program; the Recreational Trails Program; and the National Scenic Byways Program.

The gentleman from Pennsylvania (Mr. SHUSTER), the Chairman, and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, are to be applauded for their obvious concerns about America's transportation policy and how they have incorporated a sensitivity to the environment in this measure.

In fact, the environmental community strongly endorses BESTEA. Let me repeat this point. The environmental community strongly endorses BESTEA because they, too, know it is green tea. The Environmental Defense Fund, the League of American Bicyclists, the National Trust of Historic Preservation, the National Parks and Conservation Association, the Natural Resources Defense Council, the Rails to Trails Program, Scenic America and the Sierra Club all strongly support BESTEA because they, too, know it is green tea.

Green tea provides nearly $4 billion for the transportation enhancement program. This program provides needed funding to communities to build bicycle and pedestrian facilities and renovate historic transportation facilities. Green tea provides nearly $10 billion for the Congestion and Mitigation Air Quality Program over a 6-year period.

This is a good bill. It deserves support. It has earned the support of the environmental community.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT), the distinguished ranking member of the Subcommittee on Coast Guard and Maritime Transportation.

Mr. CLEMENT. Mr. Chairman, my colleagues, this is a great day for all of us when it comes to transportation and the future of transportation needs. We know what they are doing in Europe,

we know what they are doing in Asia, we know what they are doing in other countries around the world when it comes to infrastructure; and we are falling further and further behind.

As one of the so-called donor States, I do know that we have been underserved, short-changed in the past. And I am pleased to hear what the gentleman from Pennsylvania (Mr. SHUSTER) said so well and so eloquently a while ago, that this outdated formula goes back all the way to 1991 and now it is time, because of the shifts in population, that we need to realize that we need to make some major adjustments in the formula in order to be fair to all States involved. This is a great day. I strongly support this transportation bill. It is truly in our best interest.

Mr. Chairman, at this time, I would like to have a colloquy with the Chairman on a matter.

I would like to thank the Chairman for his willingness to extend the Coast Guard's boating safety program in H.R. 2400. Mr. Chairman, H.R. 2400 also extends the transfer of the gasoline tax attributable to motorboats from the Highway Trust Fund to the Boating Safety Account. Does this mean that the Boating Safety Account will have the same budgetary treatment as the Highway Trust Fund in section 701 since this is a disbursement from the Highway Trust Fund?

Mr. SHUSTER. Mr. Chairman, if the gentleman would yield, the gentleman from Tennessee is correct. Since the Boating Safety Account receives its money from the Trust Fund, it would have the same budgetary treatment as the Highway Trust Fund under section 101.

Mr. CLEMENT. Mr. Chairman, let us all get behind this most important transportation bill for the 21st century. We need it, and we need it now.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in strong support of H.R. 2400, this outstanding bipartisan measure to reauthorize our Federal surface transportation programs. A great deal of credit goes to the leadership of our Chairman, the gentleman from Pennsylvania (Mr. SHUSTER); the gentleman from Minnesota (Mr. OBERSTAR); and members of staff.

We have far too many roads, bridges, and transit systems which have been neglected and have fallen into disrepair. They are leading to highway fatalities, congestion, in addition to wasted time, energy and money. We must restore the trust of the American people and spend the federal gas taxes they already pay to restore our Nation's infrastructure.

Take roads such as Route 309 in Pennsylvania, right in my district, where the accident rate is double that of the statewide average. We can stop these deaths by making sure we pass BESTEA. Save our roads, improve mass transit, job creation and environmental preservation. That is what this bill is all about.

The transportation needs of the country are at stake, and we need to take care of what is best for our constituents. I urge all my colleagues here in this room and those listening to please vote "yes" on BESTEA. This is the best investment in America, the best investment in our communities, and the best investment for our people.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), the voice of our Nation's capital in this body.

□ 1445

Ms. NORTON. Mr. Chairman, I thank the gentleman for his generosity in yielding.

Mr. Chairman, I have come to the floor to take head-on this notion that transportation and infrastructure money in today's America is pork. This is displaced rhetoric from prior decades before our infrastructure declined dangerously.

There are two ingredients that make the United States a world class power. One is human capital. The other is our infrastructure. We cannot maintain our place in the world if we continue to allow our infrastructure to rot.

Go to India. Enormous investment in human capital, but not in infrastructure, and so they are exporting their human capital, sending their people, their technicians and their scientists, around the world. A great power must have balanced investment.

I am still a tenured law professor at Georgetown. Human capital advantage, I understand. That is why I support education so strongly. But neither must we lose the huge advantage infrastructure gives us in world markets.

Instead of maintaining that advantage, we have been disinvesting in our infrastructure. There is no excuse for continuing to do so, because this bill is fully paid for out of transportation trust funds. Nor are the earmarked projects pork. Each and every one of mine came from my transportation department, prioritized for vital projects for the economy of my city.

Yet, the Washington Post this morning, under a headline about, "Record Pork" goes on to say the following: "Among these earmarked projects are $24 million to replace the crumbling 61-year-old Missisquoi Bay Bridge in northwestern Vermont, which local officials described as an accident waiting to happen." If that is so, how could it be pork?

Mr. Chairman, this is not pork. This is steak. If we want to continue to be a prime rib country, we better pass this bill quick.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. Chairman, when the President talks about building a bridge to the 21st Century, this is the bill that lays the infrastructure that makes that bridge a reality. This bill saves and creates well-paying American jobs by making sure we have the means to efficiently move the goods and products we produce.

But transportation is not just about moving goods and people from one place to another. It is about economic opportunity, new business, expanding commerce, a cleaner environment, safety for our children, and a higher quality of life.

Better infrastructure means more time with our families. How many hours do we waste sitting in traffic because our roads are inadequate. Too many, Mr. Chairman. Too many. This is the bill that does something about that.

Mass transit and road improvements may not be glamorous work, but it is important work. The success of almost everything else we do depends on our transit and infrastructure. At a time when most of our major trading competitors are making large investments in new infrastructure, we cannot afford to lag behind.

The solution we need is a national one. Our commerce is no longer confined or constrained to national, much less State boundaries, so our system is only as strong as its weakest link.

If one State has a great system, and the next State has an outdated one, both States suffer. In the next century, we will lose crucial economic ground if we allow these gaps to remain.

Close to my home, traffic on the bridges and roads that connect New York and New Jersey is reaching the breaking point. Ironically, the reason is a good one. Our ports are bringing in businesses and jobs and trade. But if we do not improve and innovate these connections, our growth will literally be held back by our inability to handle the flow of people and goods.

So we are using ferries to get people back and forth, 6 million people annually. And by 2005, we will need ferry service for 8 million or more. By making that investment today, we are able to handle the growth of tomorrow.

This is a cost reduction measure. It saves money. Ferries do not require the construction of costly infrastructure. They reduce single occupancy vehicle use. They are more energy-efficient.

This bill was put together with creative solutions like this one in mind. Yes, it is a bill of many individual projects, but it is a national plan. The projects in the bill make up that national plan, and we deserve to be supportive of it.

I want to commend the chairman and the ranking member for their vision in putting this in before the House.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York (Mr. QUINN), an important member of our committee.

Mr. QUINN. Mr. Chairman, this is truly a historic day for the United States. H.R. 2400 is a magnificent work which addresses many transportation-related concerns of our country.

For example, section 205 contains the most comprehensive antidrinking and driving measures ever put into legislation. The bill also reauthorizes the Discretionary Bridge Program that gives our State the tools to repair and replace crumbling bridges.

It also, though, Mr. Chairman, talks about safety. If I can particularly make a point in my district, there was an accident in 1992 where a car was trying to swerve around another truck. Steel coils fell off, and people were killed. More recently, another truck carrier swerved to avoid a disabled vehicle on the same stretch of road. Just last month, six people lost their lives.

H.R. 2400 provides us with the opportunity to fix that stretch of road and other roads all across the country where safety is a concern. Can anybody in the Chamber tell the families of these victims and others that these are unnecessary projects? Can anybody tell the New York State Thruway Authority that this is not a worthy project or a pork project?

Mr. Chairman, this is a good bill. It deserves our attention, and it deserves passage today.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. CLYBURN).

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

Mr. Chairman, I rise today in strong support of H.R. 2400. I want to begin by thanking my Chairman, the gentleman from Pennsylvania (Mr. SHUSTER), and my ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for their leadership and tenacity in bringing this bill to the floor today.

The Building Efficient Surface Transportation and Equity Act of 1998 is desperately needed and a long time coming.

Mr. Chairman, I suggest there is not a single Member of this House who cannot appreciate the tremendous needs of this Nation's infrastructure. I know there are Members who will vote against this measure, and I fully appreciate the sincerity of their convictions. But I believe they are being a wee bit shortsighted.

Transportation is the engine driving this Nation's economy. To the extent transportation fails, our economy fails. We cannot ignore these needs any longer.

Mr. Chairman, this bill is important for other reasons as well. There are areas of this country which have unique needs, and this bill addresses those needs. There are areas for which, for whatever reason, have historically been shortchanged in the distribution of trust fund revenue. H.R. 2400 brings fairness to this process, and I strongly support it.

Mr. Chairman, we have heard a lot of rhetoric and histrionics about demonstration projects. A great many headlines of today highlight this frenzy. But I take a different view. I came to Washington to represent the people of South Carolina's Sixth District. I was eager to request funding for projects my district needs. But I resent the implication from anyone who thinks otherwise. My requests represent the views of the local officials of the towns and communities I represent.

Finally, Mr. Chairman, I want to address the provision of this bill which provides for opportunity for owners of small businesses to participate in the American dream. The DBE program is not a set-aside program, nor is it a quota. It sets reasonable goals for full participation in a highly competitive process, and I believe this bill, with all it contains, deserves passage.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from South Dakota (Mr. THUNE), a very important member of our committee.

Mr. THUNE. Mr. Chairman, I appreciate the opportunity to speak today in support of H.R. 2400, the Building Efficient Surface Transportation Equity Act. There has been a lot of talk about the budget issues surrounding the highway bill, but there are some things that I think that people are forgetting to mention.

First of all, the fact that the American people have already paid for this bill. We paid for it this morning. We filled our cars; came to work. We will pay for it this evening on the way home when we stop at the gas station to top off the tank.

It makes no sense to impose a national highway gas tax, collect the money from this tax, then use that money to fund wasteful Washington spending. That is exactly what has been happening here for years.

Finally, thanks to the work of the gentleman from Pennsylvania (Mr. SHUSTER) and others, we are doing the right thing, and we are returning honesty to the budgeting process by using the motor fuels tax for the purpose for which it was created, intended, and that is the Highway Trust Fund.

I want to credit the chairman again for the work that he has done in seeing that we spend more fuel taxes on roads, bridges, and highways in keeping our promise to the American people. It returns honesty to the budgeting process, and it forces Washington to keep its word on transportation funding. For that reason, I urge my colleagues to support H.R. 2400.

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

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

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. STARK) each will control 15 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. Mr. Chairman, I am pleased to yield myself such time as I may consume.

Mr. Chairman, I bring to the attention of the House the provisions of title XI, the revenue title H.R. 2400.

The revenue title provides the necessary financing for our Nation's surface transportation needs by extending for 6 years current law excise taxes on gasoline, diesel, and other transportation taxes which flow into the Highway Trust Fund.

By continuing the dedication of these monies to the Highway Trust Fund, we fulfill the expectations of the American people as the highway user charges they pay are reinvested in our country's infrastructure.

Furthermore, I am pleased to inform my colleague that the Ways and Means revenue title would transfer 6.8 cents per gallon tax on motorboat gasoline from the general fund to the Aquatic Resources Trust Fund. This is very, very important to those who use boats and the fishermen, because the money spent out of that fund enhances boater safety and protects the environment for millions of Americans who fish in the great outdoors.

In addition, title XI would repeal the 4.3 cents per gallon tax on railroad diesel fuel, which now goes to the general fund. I believe that the Nation's railroads have been unfairly penalized with a tax which has no relationship to railroads or to transportation. This will tend to level the playing field between the way that we tax various forms of transportation.

Finally, the Committee on Ways and Means revenue title would repeal after the year 2000 the excise tax on truck tires and tread rubber, which is generally perceived as a nuisance by truckers and the IRS.

I believe that this is a good package that addresses our Nation's critical transportation needs while providing appropriate tax relief. I urge support for the Committee on Ways and Means revenue title.

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

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

Mr. Chairman, I rise to praise the work that the committee has done on H.R. 2400 and to thank the gentleman from Texas (Mr. ARCHER), chairman, for the work that the Committee on Ways and Means did, be it ever such a small part of an otherwise Herculean undertaking.

The 6-year extension of the Highway Trust Fund will provide much-needed infrastructure, maintenance, and expansion for this country's economic future. It does an important job. It will create jobs, ease bottlenecks, and will help the traffic flow in the Bay area of California, which is of particular local interest to me, as the gentleman from Texas (Mr. ARCHER) has explained.

It is paid for in a variety of ways. But I have one small reservation with the bill. That redounds not to the leadership of the committee of jurisdiction, but I am afraid to the leadership, budget leadership on the other side of the aisle, and that is that the bill is not paid for.

I would be a much happier and more enthusiastic supporter if I knew that other items were off the table. I am led to understand that the 24 or $25 billion shortfall in this bill is not going to be taken out of veterans programs. Well, great for old veterans like me.

□ 1500

But I would like some assurance that that will not leave children at risk, and that will not mean that the $24 or 5 billion is going to come out of education, or that is not going to come out of programs to improve public safety or housing for the homeless. There are many programs in this country that will be competing for that $24 billion, and I would be much more comfortable and feel that we were doing the more responsible job if the leadership of this House had told us just exactly how they intend to come up with that shortfall.

I do not like legislating in the blind, and it is very nice to tell my constituents that I am bringing home all kinds of worthy projects to the San Francisco Bay area and to the East Bay. I am afraid that perhaps later this summer I am going to have to deliver the bad news, which is how we are going to pay for this wonderful Easter present.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR).

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

There was no objection.

Mr. ARCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. THUNE) for a colloquy.

Mr. THUNE. Mr. Chairman, I would like to thank the gentleman from Texas (Mr. ARCHER), the distinguished chairman of the Committee on Ways and Means, for yielding to me for a question.

I have worked closely with the chairman for several months to amend H.R. 2400, and would like to thank him for his willingness to work with me and our colleagues from other States who are not served by Amtrak. Those States include Alaska, Hawaii, Maine, Oklahoma and Wyoming. What I would like to have offered in amendment, the gentleman from Texas expressed, in conversations we have had, his concerns about doing so.

As my colleague knows, I attempted to attach the same amendment to H.R. 2477, the Amtrak Privatization and Reform Act, but ran into jurisdictional and revenue questions at that time. The provision would amend the Taxpayer Relief Act of 1997 relating to tax refunds for the National Railroad Passenger Corporation, Amtrak. Therefore, a revenue estimate of the amendment was necessary prior to enactment. At my request, the Joint Committee on Taxation conducted a revenue estimate of the amendment and determined it would have no revenue impact.

The 1997 tax provisions specifically would provide Amtrak with access to $2.3 billion. Of that $2.3 billion, the law also sets aside a portion of the fund for non-Amtrak States. However, the allowable uses are very limited. In fact, the law would allow those funds to be used only for intercity passenger rail service and for intercity bus services.

While my State, the State of South Dakota, does not have intercity passenger rail service, the State has been clear in stating that it would put available funds to use for intercity bus service. In fact, the State already is putting some of those funds to use. All the same, the State would like to have more flexibility in how it uses those funds.

For that reason I drafted an amendment that would allow non-Amtrak States to use the funds for other transportation priorities such as State-owned rail operations, rural transit and transit services for the elderly and disabled, rural air service, and highway-rail grade crossing projects. These are common sense and necessary uses. In fact, the Senate earlier saw the value of this amendment, and during consideration of Senate Bill 1173 adopted a similar amendment.

I nonetheless appreciate the concerns expressed by the gentleman from Texas regarding authorizing jurisdiction of the amendment. At the same time I understand the gentleman from Texas would not object to this provision in conference. Is my understanding correct?

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

Mr. THUNE. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Chairman, let me say to the gentleman from South Dakota that it is not normal procedure for us to announce a negotiating position on the floor of the House where there is a difference between a Senate provision and a House provision. Let me simply say that we will try to work this out equitably in the conference, that I have talked with the gentleman from South Dakota a number of times about this and I personally do not have any objection to his request, and I think it is appropriate and we will do the best that we can in the conference.

Mr. THUNE. Mr. Chairman, I thank the gentleman from Texas (Mr. ARCHER), and would say that for States that do not have rail passenger service, each of these transportation needs are appropriate and important alternatives to rail passenger service. The amendment in my view represents sound, common sense policy that simply allows non-Amtrak States to make the best, most worthwhile use of the funds that are provided for transportation needs.

Mr. Chairman, I thank the gentleman from Texas for his hard work and commitment to work with me to address the concerns of my State of South Dakota and the other States that are not served by Amtrak. He, our colleagues in the House, the taxpayers of this Nation should have every assurance that the funds provided to non-Amtrak States will address important transportation needs in each of those States.

And I also add that I would like to thank the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure, for his assistance. He expressed his support of this measure in the past, and as a result, both he and his staff on the Committee on Transportation and Infrastructure have been extremely helpful in this effort to see that these funds are put to the best possible use. I would like to say as well that I thank the gentlewoman from Wyoming (Mrs. CUBIN) for her support and assistance, as well as support from the gentleman from Alaska (Mr. YOUNG) and the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Hawaii (Mrs. MINK).

Mr. ARCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. MCCRERY), a respected member of the Committee on Ways and Means, for a colloquy.

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

Mr. Chairman, as I review the tax portion of the bill that we are voting on today, I note that we are considering the elimination of the 4.3 cent per gallon deficit reduction tax on railroad fuel. As you know, Mr. Chairman, this tax was imposed on the railroad industry in a 1993 reconciliation act, and it was put as well on other modes of transportation, including the inland barge industry.

As we head toward the conference on this bill, Mr. Chairman, I would appreciate it if the gentleman would work with me and others to explore the extension of this repeal to the barge industry, to make sure that we maintain

a level playing field between competing modes of transportation. It is my understanding that the tax on inland barge traffic generates a rather modest contribution to the Treasury, and paying for it is not going to be extremely costly.

Mr. Chairman, I yield to the gentleman from Georgia (Mr. COLLINS) for a comment from another member of our committee and the former chairman of the Transportation Task Force of the Committee on Ways and Means.

Mr. COLLINS. Mr. Chairman, I would like to offer comments in support of the gentleman from Louisiana. Last year members of the Transportation Task Force studied the waterway tax and trust fund structure with regard to equity. In light of the fact the current tax that applies to waterway uses has generated a surplus to the trust fund, and since the legislation before us today will eliminate the deficit reduction tax as it applies to the rail industry, I join in the request that we work toward an equitable elimination of the deficit reduction tax as it applies to the barge industry.

Mr. McCRERY. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I yield to the gentleman from Texas (Mr. ARCHER) chairman of the committee.

Mr. ARCHER. Mr. Chairman, I appreciate the important role that the barge industry plays in the economies both of Louisiana and Texas and other States in this country, and I appreciate the comments from the chairman of the Transportation Task Force, our colleague from Georgia. Accordingly, I will be pleased to work with my colleagues, subject to budgetary constraints of course, to ensure that we maintain tax equity among the various modes of transportation, and I thank my colleague for bringing this up and asserting this point.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the Committee on Transportation and Infrastructure.

The CHAIRMAN pro tempore (Mr. UPTON). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), a very vigorous advocate for transportation and a distinguished member of our committee.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Minnesota for the time.

Mr. Chairman, I have heard a few Members come to the floor and seen some press accounts that there is too much in this bill. Now the question will be, too much? Is it that we are meeting and overfulfilling the transportation and infrastructure needs in the United States? No, not at all. In fact, this bill will still leave us with a $30 billion per year deficit in transportation, $16 billion for highways and $14 billion for transit, 254,000 miles of pavement in poor condition, one out of three highway bridges structurally deficient or obsolete, one out of every two transit yard stations and bridges for mass transit in poor condition.

In my own State we need an additional $244 million a year to meet our needs for preservation and maintenance and $351 million for capital improvements. It is not too much in terms of the needs of the country.

Now is it too much in terms of what we have to pay for transportation? No. In fact this bill will not spend all the money which the American people are paying in taxes dedicated to transportation. Every time an American drives to the pump they pay 18.4 cents a gallon gas tax, and this bill, as good as it is, as robust as it is, will only spend about 14 to 15 cents of that tax, and the rest will go elsewhere in the Federal budget. It will go to deficit reduction, or it will go to pay for secret programs at the CIA, or over to the Pentagon or somewhere else, maybe for tax cuts for the wealthy.

That is not why Americans pay a gas tax, and there should be no diversion of the gas tax money until every infrastructure need of this country is met and up to date. So it is not too much to ask that we fulfill the needs, and it is not too much to ask that we spend every penny of that dedicated regressive tax on the transportation needs of this country.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. POSHARD), a distinguished member of our committee.

Mr. POSHARD. Mr. Chairman, I thank the gentleman from Minnesota for yielding this time to me.

Mr. Chairman, I would like to reference some parts of this bill that perhaps other Members have not spoken about. In addition to the core programs of ISTEA, BESTEA offers two other important programs that I think are extremely important. The high risk road safety construction program will give States incentives to address their worst safety problems, and the high cost interstate rehabilitation program will provide additional funds for major projects that are extremely important in cost in our interstate system. Moreover, BESTEA permits continued flexibility to allow for a productive relationship between all levels of government when it comes to transportation spending.

Another important provision in this bill is language that would benefit rural areas by guaranteeing relief for Illinois farmers from Department of Transportation regulations concerning the local transport of agricultural materials, including pesticides, fertilizers and fuel. States have traditionally been allowed to set their own exceptions to Federal regulations for these farming necessities when involved in farm-to-farm, field-to-farm and retail-to-farm activities.

□ 1515

However, Federal standards proposed in 1996 would force farmers to comply with costly and burdensome documentation rules meant for over-the-road trucks that regularly haul hazardous materials on a regular basis.

The language in BESTEA allows States to retain the ability to regulate these matters on a regular basis. This will save farmers and retailers hundreds of thousands of dollars in compliance costs and save valuable time for our farm community. I greatly appreciate the efforts of my colleagues, the gentleman from Illinois (Mr. EWING), the gentleman from Michigan (Mr. BARCIA), and the gentleman from Indiana (Mr. BUYER), who join me for fighting for inclusion of this language.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota, the ranking member (Mr. OBERSTAR), for their tireless efforts on behalf of this legislation. I think the passage of BESTEA will benefit the entire Nation and ensure that the transportation needs of America are met, and I am proud to have been a part of this historic process.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Montana, (Mr. HILL).

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

Mr. Chairman, I want to applaud the chairman for his efforts with regard to this bill. I support the chairman's efforts to take the Highway Trust Fund off budget and share his commitment to infrastructure. Unfortunately, I cannot support this bill and that is because it is not fair to Montana and Western States.

Mr. Chairman, Montanans pay the highest gas taxes in the Nation, 27.5 cents per gallon. In fact, on a per capita basis, they pay the highest State gas taxes, and are fourth in the Nation in how much they pay in Federal gas taxes. We have 31,950 lane miles of roads in Montana. That is 1.5 percent of the Nation's roads, and we are trying to pay for it with three-tenths of 1 percent of the population.

This bill is unfair to Montana because it reduces the funding formula for Montana by about 26 percent while increasing the formula for the funding in most States by factors of 40 to 50 percent. In addition, it reduces the funding for places like Montana that have high portions of Federal lands by changing that formula, and, even worse, the congestion mitigation air quality changes also hurt Montana.

I would urge the chairman to join with the Senate in adopting the Senate versions of the bill. Enough is enough.

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

Mr. Chairman, I would like to respond to my good friend from Montana and point out that Montana gets back $1.35 for every dollar it sends into the trust fund from this bill, and, indeed, there are only four States out of the 50 States which get a better return. I do not begrudge that money to Montana.

I understand it is a rural State, has a low population, but I think Montana does extremely well, and I think everybody should understand that.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania, (Mr. MASCARA), the gentleman from the Mon Valley.

Mr. MASCARA. Mr. Chairman, I thank the ranking member from Minnesota for yielding me time.

Mr. Chairman, I would like to thank the gentleman from Pennsylvania (BUD SHUSTER), our committee chairman; the gentleman from Minnesota (JIM OBERSTAR), the ranking member, as well as our leaders from the Subcommittee on Surface Transportation, the gentleman from California (TOM PETRI) and the gentleman from West Virginia (NICK RAHALL), for their strong leadership in bringing this legislation to the floor.

Without their firm bipartisan resolve, none of this would have been possible. As a former local official deeply committed to economic development projects, I truly appreciate the significance of this transportation bill.

America's economy depends heavily on the interstate highway system. For example, nearly $6 trillion worth of goods are transported over our Nation's highways, yet we are allowing our roads to deteriorate. Over the past 25 years, road use has grown more than 15 times the highway capacity.

This has left many of our roads and bridges in need of serious repair. In fact, the Department of Transportation has determined that 12,000 accidents occur each year as a result of poor highway conditions. Thirty percent end up in fatalities.

Furthermore, 59 percent of all roads and 31 percent of all bridges in America are in need of repair, or are structurally deficient. We must begin investing now to improve the quality and safety of our roads. BESTEA will allow us to make these improvements, providing funding for highway projects across America, such as the Mon-Fayette Expressway in my district, but we must begin now. We cannot delay completion of this bill, because many States have already begun their road building projects. If we do not finish our job here, States could lose an entire construction season.

I urge all Members to join me in support of this bill to fix our Nation's interstates, to improve highway safety, to promote economic development in our communities, and, as all of you have said, to build America.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I rise today in strong support of H.R. 2400. This bill has been falsely accused of many things, but perhaps the most egregious falsehood is that this bill signals an end to the Republican revolution. Nothing could be further from the truth.

When Republicans took control of Congress, we promised to change the way we do business. We made a Contract with America and followed through on it. BESTEA fulfills another contract by ending the practice of misusing gas tax revenues.

For every gallon of gas we put in our tanks, we pay 18.3 cents to the Federal Government. Frankly, that is a pretty high rate of taxation. But we pay the tax because the revenues are supposed to be used so we do not have to sit in traffic, incur the wrath of crumbling roads, damage our cars or lose a friend to unsafe highways.

The tax is a contract between American motorists and the Federal Government, but for many years now Congress has simply failed to live up to our part of the contract.

BESTEA fulfills our deal with the American taxpayer. It spends the gas tax revenue on roads and takes the Highway Trust Fund off budget, ending the practice of spending the revenues on nonhighway-related needs.

This bill also restores faith to taxpayers in States like Florida who have been forced to fund the infrastructure priorities of other States, receiving only 77 cents on every dollar citizens in Florida pay. Under BESTEA, States will get at least 90 cents of every dollar allocated by formula, a tremendous improvement.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER), who has fought for these gains and listened to the concerns of States like Florida. Today we have a chance to vote for honest budgeting, funding equity, economic growth and safer highways. I encourage my colleagues to do the same.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from West Virginia (Mr. RAHALL) for their leadership, and the gentleman from Pennsylvania (Chairman SHUSTER) for his courage and steadfastness throughout this struggle, which has been an inspiration to all of us on both sides of the aisle.

We thank the gentleman and his staff, and the staff of the gentleman from Minnesota (Mr. OBERSTAR). They have had to deal with a lot of issues, and they worked hard for a long period of time. We thank them profusely.

Mr. Chairman, I rise on behalf of the people of California's 50th Congressional District in strong support of BESTEA, because BESTEA is best for jobs. My constituents have many interests, but their most important ones can be summarized in three words: Jobs, jobs, jobs. Jobs, so they can support themselves and their families; jobs, so they can raise and educate their kids; jobs, so they can contribute to our community; jobs, so they can enjoy their recreation; and jobs, so they can provide for their retirement.

This legislation addresses these concerns in an equitable manner, renews important transportation programs and creates these much-needed jobs.

Contrary to all the hype and hysteria, this bill is not a budget buster. It restores the truth in the budgeting process by accessing the Nation's Transportation Trust Funds.

As everyone has said before me, this bill will restore the trust the American people place in their trust funds. This is an investment in our infrastructure. It is desperately needed. We have created the strongest economy in the world through our transportation infrastructure, and this continues that policy and guarantees our future. It provides us with the opportunity to again demonstrate that we have an investment policy on a national scale. We must take this opportunity now.

Mr. Chairman, I will vote for my constituents' interests and vote for BESTEA. I encourage my colleagues to do likewise. Remember, it is about jobs, jobs, jobs.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I want to thank the gentleman for the terrific job he has done on this bill. It is not about pork, it is not about politics, but it is about saving lives. Since I come from a rural area that does not have a four-lane highway all the way across it, I am particularly pleased that we will be able to make significant improvements in our infrastructure.

I am also very pleased that the bill includes a significant increase in funding for the Highway Bridge Program and does promote the innovative seismic retrofit technologies such as carbon fiber composites for bridges located in regions like mine, which lie along the New Madrid Fault, and which potentially faces catastrophic infrastructure damage due to earthquakes.

I am also pleased that this bill includes a provision that expresses the sense of Congress that offsets to the spending in the bill should not be derived through any change in Veterans Administration programs or benefits.

Just as this bill reaffirms our commitment to the American public to use their gas tax dollars to ensure safe highways, roads and bridges, we also must reaffirm our commitment to our Nation's veterans.

Now, while I believe this bill is a tremendous step forward, I do want to say I am extremely dismayed that the ethanol tax incentive is not extended in the bill, Mr. Chairman. This incentive is a vital boost to farm income, decreases our dependence on foreign oil, provides consumers with a cleaner burning fuel and creates good jobs.

Ethanol is a proven industry that benefits our local farmers in southeast Missouri and others around the country. It provides clear advantages to the broader American public, and the tax incentives should be extended. I strongly urge that during the conference negotiations on H.R. 2400, the House adopt the Senate language which authorizes the ethanol tax incentive through the year 2007.

With that said, I fully support this legislation, and commend the chairman for the terrific job he has done.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER), the distinguished voice of the great outdoors and of livable cities.

Mr. BLUMENAUER. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, there has been much talk about America's future and fiscal stability in the course of this debate. I rise to support H.R. 2400 because it gives the tools for America's communities to control their own destinies.

You have heard and will hear more from the gentleman from Pennsylvania (Chairman SHUSTER), and the gentleman from Minnesota (Mr. OBERSTAR), and others about how this bill is good for the safety of the American public, how it provides important resources to improve vital transit programs. It is good for the environment, for rail passengers and freight. It is good for bicyclists. It is good for the motoring public, because it promotes the free flow of a balanced transportation system and, for those people who do drive their cars, makes it safer for them, more convenient, less congested.

But I want to focus, if I could, on what difference this bill makes by making America's citizens and their local governments full partners in our transportation system, because BESTEA gives the tools for livable communities to stop sprawl and revitalize existing communities.

Every year we spend billions of dollars dealing with the symptoms of dysfunctional communities. The Congress spends money on economic development, on crime, on education that is largely attempting to deal with what has happened after communities go over the brink.

What is critical about BESTEA and the resources that are directed is that it gives communities unprecedented abilities to manage those resources in conjunction with State and local communities to strengthen them before they deteriorate.

I posit, Mr. Chairman, that any careful analysis of the economic benefit that we will derive as a Nation revitalizing these central cities, preventing the deterioration of the first ring of suburbs and so on throughout the metropolitan areas, conservatively it is going to return far more money than any modest increase.

□ 1530

When we couple that with the economic benefits from cleaner air, less congestion, and a wide range of important economic infrastructure investments for the next century, I think any short-term increase in funding is going to be dwarfed. BESTEA is good for the fiscal health of America. It is good for the health of American communities.

I, too, add my thanks to the bipartisan leadership of this committee that has given this Congress the most important environmental legislation we are going to see for the remainder of this century and on into the next millennium.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Virginia (Mr. DAVIS), a valued member of our committee.

Mr. DAVIS of Virginia. Mr. Chairman, I would like to point out some of the provisions in section 140 of the bill entitled "Quality through competition."

As I understand the provisions, it reflects the following important points:

First, it is going to provide for substantial savings to States by providing for a single, consistent rule for the administration and accounting of costs for engineering and design contracts that are funded with Federal-aid highway funds.

Second, it acknowledges and permits the use of the expedited process in the existing FAR, which is applicable to qualifications-based selection procedures for architect, engineering, and related services of smaller projects which fall below the threshold of $100,000.

Third, by using the term "simplified acquisition procedures," it does not change or authorize the avoidance of the contract administration and audit requirements specified in the section.

Fourth, this section provides no authority for a contracting authority to waive the requirements of the contract administration or single audit provisions provided in this section.

Mr. Chairman, I would ask the gentleman from Pennsylvania, is my understanding correct?

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

Mr. DAVIS of Virginia. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the gentleman is absolutely correct in his observation of the effects of section 140 of the bill.

Mr. DAVIS of Virginia. Just to continue, Mr. Chairman, in support of this bill, the Trust Fund dollars are like user fees people pay at the gas pumps to come back and improve our Nation's transportation system. This bill, instead of spending Highway Trust Fund dollars collected at the gas pumps on defense or health care, deficit reduction, or some other worthy endeavor, simply spends the Trust Fund user fees for their intended use.

In local government, when I was in Fairfax County, if we had raided a trust fund and used it to spend the dollars for water or sewer or another use, we would have gone to jail; but at the Federal level it is perfectly legal to do that. But this starts to straighten that and bring some fiscal accountability to the Trust Fund dollars for our taxpayers.

Secondly, there have been some comments about demonstration projects or earmarking. In my region, Northern Virginia, over the last 25 years we have been consistently shortchanged from the State government. Money that goes through Richmond does not come back to Northern Virginia in any way, shape or form to our proportion of highway use, population, vehicle miles or anything else. Yet we have the greatest need for transportation dollars. We have historically been shortchanged by the State.

This legislation contains over $10 million for the completion of the Fairfax County Parkway through Reston, $25 million for road widening of Route 123, $10 million for the Virginia Railway Express, a transit alternative down the 95 corridor.

These projects are not my projects, they are not political projects, they were requested and coordinated with the local governments in that region, who knew that if they had to wait for Richmond to deliver, they may be waiting a decade. We are putting them out on top.

I applaud the Chairman and the Ranking Member, the gentleman from Minnesota (Mr. JIM OBERSTAR), for addressing these needs for our region, which has had traffic jams and is probably the traffic jam capital of the country. This legislation will go a long way to alleviate that.

I strongly support this measure and ask my colleagues to support it.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I am delighted to

stand in favor of BESTEA today. I owe a lot of gratitude to our leaders on this committee, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), and the rest.

This bill provides resources to meet America's infrastructure needs, not frivolous, but needs that have been expressed by persons throughout this Nation, and not just by Members here, but all the people that we represent.

This bill provides an unprecedented commitment to improve safety on America's highways and to help reduce the 40,000 annual deaths from motor vehicles. It improves the safety for commercial motor vehicles. The Motor Carrier Safety Assistance Program has been refined to focus on performance-based goals, and funding for this program has been significantly increased. That is important. It strengthens and emphasizes our Federal commitment to the national systems of transportation that facilitate interstate travel.

Being from Texas, a border State, it creates a new border infrastructure program to ensure that needs from NAFTA-related trade and safety issues are addressed. These are very important components for the State of Texas and for our Nation.

It significantly increases funding for the Congestion Mitigation and Air Quality Program, while making some minor adjustments to the program's eligibility. All of these areas help the entire Nation, but especially does it help Texas, a very large State with lots of people with lots of cars that they hate to give up. There are elements of this bill that will address that area.

Not only is it a big State, it is one of the fastest-growing States. We have so many people on the highways every day and on our streets and roads getting to work. It is this bill that addresses those issues and helps to solve our problem. It is our responsibility as legislators to make sure that our transportation system is as safe and accessible as possible.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Texas (Mr. DELAY), the Majority Whip.

Mr. DELAY. Mr. Chairman, I am very pleased to finally get this bill to the floor. I rise in support of this bill. If the Nation's infrastructure is its circulatory system, then BESTEA keeps our Nation very healthy.

I commend the Chairman and the Ranking Member for their yeoman efforts in putting this bill together; and, in particular, I would like to thank the Chairman for addressing the concerns of our Nation's donor States, whose taxpayers for years have been shortchanged when it comes to meeting their transportation needs.

For nearly 2 years, I have lamented the lack of fairness and logic when it comes to how transportation dollars are allocated. Based on such outdated factors as the 1980 census, States like Texas have been receiving an average return of 76 cents on the dollar. As a result, only one out of every three projects of critical need has been able to be met in my own State of Texas. So I introduced the bill called Step 21 to streamline the transportation program and bring equity to funding formulas.

While I did not get as much as I wanted in this bill in the way of streamlining, I am very pleased to note that BESTEA incorporates many of our formula recommendations. The most important element is that BESTEA guarantees States the 95 percent minimal allocation on all formula programs and highway projects, which works out to about a 90 percent minimum return.

I am also extremely pleased with the creation of a national corridor program in this bill. This means we are finally on the road to completing I–69, a multi-State trade corridor of national and international significance, extending from Michigan's border with Canada all the way through Texas, where it connects to the Mexican highway system. I–69 corridor States are vital to international trade, as they carry 52 percent of the U.S. truck-borne trade with Mexico and 33 percent of U.S. truck-borne trade with Canada.

Another issue I am deeply involved in is in the Disadvantaged Business Enterprise Program, which has been at the center of a lawsuit affecting the transit agency in my district, Houston Metro. Metro was prohibited from implementing its DBE program by Federal court order, and for some 18 months FTA cut off Federal funds that it had pledged to Metro as part of a full funding grant agreement. Metro was caught between two branches of the Federal Government. I am very pleased that this committee has recognized this problem and taken care of it.

In conclusion, I just urge the committee to maintain these provisions in conference. I know it is tough being in conference with the Senate, but, in particular, it is vital that the conference report include a guaranteed rate of return that is no less than those included in this House bill. Donor States will not stand for another 6 years of funding inequity.

I once again congratulate the Chairman and the Ranking Member, and say, just quickly, a job well done.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds.

I would say to the distinguished Majority Whip that I can assure him that we will stand, on a bipartisan basis, in support of the principles that we have crafted so vigorously and, as the gentleman pointed out, so astutely in this legislation. We appreciate his support.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BARCIA).

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

It is a pleasure to offer a few remarks in support of this tremendous transportation bill, and I want to compliment all of our distinguished members in the Chamber who worked on drafting what I believe is to be a very equitable and reasonable bill regarding transportation spending at the Federal level for the next 6 years.

Mr. Chairman, I rise today in support of H.R. 2400 and urge my colleagues to make a strong showing in support of this landmark legislation. This bill means a lot to the citizens of my Fifth District of Michigan, to our State, and to the Nation as a whole.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Wisconsin (Mr. PETRI) and the ranking minority members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from West Virginia (Mr. RAHALL), for their leadership on this critical issue.

Mr. Chairman, I want to focus on two aspects of the legislation which have drawn unwarranted criticism. First, the budgetary effects of the bill have been completely misrepresented.

Some claim to be outraged at the levels of spending in this bill. I would suggest, Mr. Chairman, that the American people should be outraged that this bill represents an increase at all. Our government has for far too long ignored the future health of our economy by disinvesting in our infrastructure.

The safe and efficient movement of goods and people makes this country great and our economy strong. But over the past 2 decades, we have fallen far behind our global competitors in our commitment to our transportation system.

This bill is about tax fairness. To my Democratic colleagues, I say, they are concerned about tax cuts which benefit the wealthy members of our society. This bill is a tax return to our Nation's working families. Those who use our transportation system pay for our transportation system, but it is not fair to withhold those taxes to mask spending in other areas.

The Congress has not followed through on its promise to use those taxes exclusively for transportation. Instead, the money in the Trust Fund has been allowed to grow while our citizens' repair bills rise. That is inexcusable. This bill will reverse that practice.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the Chairman for yielding time to me, and I commend him and the Ranking Member on this legislation and, in particular, for including funds for the widening of U.S. Highway 192.

Mr. Chairman, U.S. Highway 192 is a dangerous two-lane road that connects the south Orlando-Kissimmee-St. Cloud area with the coastal communities of Palm Bay and Melbourne, communities of about 250,000 combined.

I became interested in the widening of this road when a physician colleague of mine lost his wife on this road when a truck crossed the midline and she was killed. Ever since then, my wife will not allow me to drive on this road with her at any time.

Just last week, a truck crossed the midline. The driver was killed, closing the road, a major highway connecting two major areas in Florida, closing the road for a week because of herbicide that was spilled all over the road.

Widening U.S. 192 is not pork. Widening U.S. 192 will save lives. Closing a road for a week because of a midline crossing accident involving a truck hurts our economies. It will save lives. It will be good for our communities. It will be good for the economy.

I challenge those who would call this pork to come to my district and talk to the people who have to travel on this road, a road that should have been widened 10 years ago.

Again, I thank both the Chairman and the Ranking Member.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from Los Angeles, California (Ms. MILLENDER-MCDONALD), the voice of Southern California.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, over the last 2 years I have heard a lot of talk about building bridges to the 21st century. Let us talk about building roads and bridges for America's future, real roads and real bridges that are traveled on by real Americans. BESTEA builds those roads and builds those bridges and provides the infrastructure that will allow our Nation to move into the 21st century.

I come from the most populous State in the Nation, the great State of California, with 32 million people, 25 million registered vehicles, and moves 30 percent of our Nation's freight traffic on our highways. Clearly, we have the most traveled roads and bridges of any State represented in this House and contribute more in gas taxes to the Highway Trust Fund.

As one of the cochairs of the California ISTEA Task Force, I, along with its founder, my friend, the gentleman from California (Mr. JAY KIM), held a number of hearings throughout our great State. In those hearings our State and local elected officials, municipal planning organizations and citizens at large told us one thing: Pass BESTEA. It is a good bill for California, and we all know that what is good for California is good for the Nation.

Transportation provides substantial economic benefit to our country. According to the study by the Department of Transportation, 42,000 jobs are created for every $1 billion we invest in highways, transit, and bridges.

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How can we expect to compete in today's global economy without a world class highway and transit system?

I would like to congratulate both my chairman and my ranking member on doing a yeoman's job on bringing this bipartisan bill to the floor. I will urge colleagues on both sides of the aisle to dismiss the empty rhetoric about demonstration projects and focus on our Nation's infrastructure needs to compete in this global economy. Let us move America.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman from Pennsylvania (Chairman SHUSTER) for yielding me this time.

Mr. Chairman, I wish to speak about honesty and integrity, and this bill is a bill of integrity. I have been concerned, unhappy, and upset for almost 30 years now, since transportation funding was placed on budget, surpluses were allowed to accumulate, and the money was used to shield the size of the national deficit from the American taxpayers. That is wrong, and I am pleased that this bill ends that practice.

Mr. Chairman, the money that the public pays for gas taxes, under this bill will be used for the purpose for which it was intended, and that is transportation funding. No longer will it be used to disguise the size of the deficit.

Some people have called this bill a budget buster. If it were a budget buster, then we should reduce the tax.

But, Mr. Chairman, there is a good reason it is not a budget buster. Section 1001 makes it very clear that if the expenditures in this bill exceed the budget guidelines, spending will have to be cut back or offsets will have to be found, and we will take care of that through the budget process.

One other important issue of equity. I come from a donor State. That is a polite way of saying that Michigan has contributed more to road funding in this country than it has received back. In fact, under ISTEA, 76 cents of every dollar we sent to Washington came back to Michigan. Under this bill we will be treated much better. This bill achieves equity in funding, equity in taxation, and is an honest bill that serves the people well.

Mr. Chairman, I urge my colleagues to vote for the bill.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia (Mr. WISE), the ranking member of our Subcommittee on Railroads and a strong advocate for transportation.

Mr. WISE. Mr. Chairman, I want to thank very much, and I think the country owes a vote of thanks, to the gentleman from Pennsylvania (Chairman SHUSTER) for his tireless efforts to bring this bill to the floor, as well as to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for all he has done and for the bipartisan effort, Republicans and Democrats working together. This is going to be the major economic growth package that passes this Congress this year. And, indeed, it is going to be one of the most significant growth packages to pass the Congress in many a year.

It does not do all that it could or should, but it sure does a lot and begins to redress an imbalance that has been there for many years: the fact that we are not investing significantly and not investing enough in our infrastructure.

Mr. Chairman, some have called this, yes, a budget buster, and so I look at the $4 billion to $5 billion to maybe $6 billion over what was projected initially per year that this could cost. I estimate that that is roughly .003 of the total Federal budget in a year, and my guess is that we are going to be able to find that money some place pretty quickly, particularly because this bill brings about the economic growth that we need to make sure that the economy keeps growing.

There is an imbalance that needs to be corrected. Fifty-nine percent of the roads in this country need work of some significant amount. Thirty-one percent nationally of all bridges, 47 percent in my State, are in some way structurally deficient or functionally obsolete. Think about that: One out of three bridges that we cross is functionally obsolete or structurally deficient. This bill begins to address that.

Mr. Chairman, it begins to finally invest in our infrastructure. I do not mind standing in line behind orange barrels in rush hour if the orange barrel is about construction. I hate it when they are just about ordinary maintenance and nothing is being improved to speed commerce and the flow of traffic.

Mr. Chairman, this is the kind of bill that we all want to be supporting. This is a bill that grows America. This is a bill that leads to a lot of other things that we want our country to be.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. PEASE).

Mr. PEASE. Mr. Chairman, I rise in support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act. America's roads, bridges and related infrastructure are in critical need of repair. Heightened congestion and the deterioration of many of our major highways, bridges and roads can and must be repaired.

Many hours have been spent by many people on this bill. I commend the efforts of the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Wisconsin (Mr. PETRI), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), the Indiana delegation, the Governor of Indiana, and others both in the public and private sectors throughout my congressional district, the Seventh of Indiana, for their part in making this bill a reality. Through their hard work, H.R. 2400 is a fairer bill for Indiana and other donor States.

When Congress started the Highway Trust Fund, a gas tax was instituted and a promise was made to Hoosiers and all Americans that the dollars in this trust fund would be used for transportation improvements. I believe this promise must be kept.

I also believe it would be wrong for me to return to Indiana for the district work period without doing everything in my power do ensure that this bill is fairly considered and adopted. Thousands of jobs in Indiana and across America are at stake.

Mr. Chairman, with this bill we take a giant step toward that objective and toward fairness in the distribution of taxpayer dollars. I urge my colleagues to support this tremendously important legislation.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SANDLIN), a very valuable member of our committee.

Mr. SANDLIN. Mr. Chairman, first let me say "thank you" to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, and to the leadership on both sides of the aisle.

Mr. Chairman, I rise in strong support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act. This bill is the single most important piece of legislation that this Congress has considered this year.

For too long the infrastructure has taken a back seat in this country while the hard-earned dollars of our constituents have been used and paid into the trust fund for the highways and we have used it to mask the size of the deficit. With BESTEA we can say no more. No more.

Mr. Chairman, our constituents pay the gas tax with the expectation that the money they pay will be spent to improve and enhance the roads on which they drive. BESTEA meets their expectation. For the first time in 29 years, the Highway Trust Fund will be moved off budget. This important provision ensures these funds are used for their original purpose, to repair and rebuild our Nation's roads and highways.

Our transportation system is in dire need of improvement and new construction to meet the needs of the traveling public and business in the future. Today more than ever we must begin the modernization of our roads and bridges if we are to be able to handle our increasing traffic.

Today, some will argue that BESTEA busts the budget. This argument is clearly a weak attempt to make political points, and it is an argument that is easily dismantled. All the new spending in BESTEA is more than paid for by gas taxes. In fact, over the next 6 years the Highway Trust Fund will collect about $2 billion more in taxes than it will pay under BESTEA.

While I share the belief that the House should have completed its budget negotiations prior to consideration of the bill, I do not believe that local communities should be punished for this body's inaction. Passing this bill now so our States can continue to receive transportation funds is the right thing to do.

Mr. Chairman, I am especially pleased that BESTEA has improved upon our current illogical funding formulas. Under the current formula, Texas receives approximately 77 cents for each dollar that we contribute to the Highway Trust Fund. Thanks to the efforts of the leadership on both sides of the aisle in this committee, BESTEA includes important language to guarantee that Texas and other donor States receive at least 90 cents.

Finally, for those who would argue that this bill is "pork," I would say that any bill that creates tens of thousands of new jobs and increases investments in the economy is not pork in my book. Indeed, according to a 1993 CRS report, for every dollar spent building new highways, the economy is estimated to rise by about $2.43. For every $1 billion of new highway construction spending, employment is estimated to rise by 24,300 workers.

Mr. Chairman, we have put off the needs of our Nation's infrastructure long enough. This is good for our constituents and good for the economy. I urge my colleagues to join me in supporting this important legislation.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. UPTON), my good friend.

Mr. UPTON. Mr. Chairman, a couple of weeks ago Lake Champlain was added as a sixth Great Lake over in the Senate, and it was added primarily to take money away from the Sea Grant College Fund. There are many of us here that thought it was highway robbery and are delighted that the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New York (Mr. SOLOMON), as well as Mr. ABRAHAM and Mr. LEAHY in the Senate, agreed to language that removed it from the Great Lakes status.

Mr. Chairman, I want to commend our two Michigan Members for their work on this highway bill, the gentleman from Michigan (Mr. BARCIA) and the gentleman from Michigan (Mr. EHLERS). For many years we have been a donor State, and as one that believes in trust funds, we ought to use the money in the trust funds for the purposes that they were intended for, whether it is the Coast Guard or the Airport Trust Fund and certainly the Highway Trust Fund.

I have said from the beginning that the money that we pay needs to be used as it was intended instead of financing other parts of the government. Either spend the money on our roads or give it back to us in reducing our gas tax. This bill ensures that our gas tax dollars go from the pump to the pavement. This is a good bill.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), a vigorous advocate for transportation and a valuable member of our committee.

Mr. PASCRELL. Mr. Chairman, there is one overriding fact in here that I would like to stress, if I may, to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, who have done such a marvelous job. This bill, this legislation would spend $18 billion less than the Federal Government will collect in highway user taxes, not including the interest, over the next 3 years. Over the next 6-year life of the legislation we are about to vote on, it will spend $12 billion less than highway tax receipts.

The facts are clear, Mr. Chairman, that there is within our domain the facility to pay for what we are voting on here today. New Jersey is a perfect example of a State that will be helped. It ranks fiftieth of all the States in the Union in terms of return on our tax dollar, the very basis of Federalism upon which the Constitution was written.

This legislation is going to help us correct the major deficiencies we have in 44 percent of our bridges. Who will we turn to when another bridge is shut down in New Jersey? In just a short 6 years, there have been 230,000 new jobs in New Jersey as a result of the original transportation legislation, which my predecessor, Bob Roe, of good memory, was able to bring to this floor many, many times. We need a little history here once in a while to keep us on track.

So, Mr. Chairman, we thank you for allowing us the time here today. This is critical legislation. Let us get on with it and get it passed to help America.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER), my good friend.

Mr. BEREUTER. Mr. Chairman, I rise in strong support of H.R. 2400. I commend the distinguished gentleman from Pennsylvania (Chairman SHUSTER) and the distinguished gentleman

from Minnesota (Mr. OBERSTAR), as well as the distinguished chairman (Mr. PETRI) and the distinguished ranking member (Mr. RAHALL) of the Subcommittee on Surface Transportation, for their extraordinary work.

Mr. Chairman, I think this legislation lives up to its name. It will improve the lives of all Americans by helping to create a more efficient and safer highway system. I am pleased we are restoring integrity to the trust fund.

Finally, we are returning to the principles that were established by President Dwight D. Eisenhower for the Highway Trust Fund. When Americans pay their Federal gasoline tax at the gas pump, they have every right to expect that their money actually will be used for transportation and not diverted to other purposes. Those funds do not belong to OMB or the House Budget Committee. They belong to the American people who pay those gasoline taxes to be used for transportation, primarily highway construction and maintenance.

Mr. Chairman, this bill ensures that the taxes paid at the gas pump will go toward constructing and improving our Nation's highways. Our infrastructure is in desperate need of additional resources. The gentleman from West Virginia a few minutes ago told us of the situation with the country's obsolete bridges, functionally and structurally deficient. This bill addresses these and other crying needs in our infrastructure. I urge my colleagues to support this outstanding and, I would say, very responsible legislation.

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Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. JOHNSON), representative of Green Bay.

Mr. JOHNSON of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me the time. I rise today in strong support of this bipartisan historic investment, and I repeat the word "investment," in our Nation's infrastructure and transportation. I also join many others today who salute not only the chairman, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, for their leadership, but also the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI) and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for great leadership on this bill.

For too many years when the people of northeast Wisconsin fueled their cars, they watched the numbers on the pumps turn and they watched their fair share of the gas taxes we all pay at the pump to travel to Washington only to be rerouted to another State. Our State saw only 87 cents in transportation funding for every dollar paid at the pump. Now, with the passage of BESTEA, this approach, Wisconsin will know fairness and equity.

This transportation bill guarantees Wisconsin at least 95 cents on the dollar, and we may even see much more than that. In total, Wisconsin hopes to see a 60 percent increase in Federal transportation dollars. More importantly, the next time the people of northeast Wisconsin are at the gas pumps, they will know they are investing in Wisconsin's future and the safety of our highways.

I am pleased to see this priority on safety. Safe roads save lives. Under this bill, northeast Wisconsin will see $40 million to improve Highway 41, bloody Highway 29 and Highway 10. It is an investment that we can be proud of, and I join in the praise of the chairman and the members of this committee that have brought this to the floor today.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise today in strong support of H.R. 2400. By funding important transportation projects, H.R. 2400 paves the way to economic growth. This bill is the right way to move our Nation forward by providing safer roads for our citizens. It puts trust back into the Highway Trust Fund. It helps restore fairness and equity to donor States like my own State of Texas, whose citizens pay more in gasoline taxes to Washington than they get back.

It is forward-thinking legislation that addresses our Nation's evolving transportation and roadway safety needs as we advance in the 21st Century. Mr. Chairman, transportation is more than just planes, trains and automobiles. It is also about people, progress and public safety. Transportation is the only item that physically links our Nation together, and the American public has accepted Federal user taxes to pay the cost of keeping our Nation's highways and bridges sound.

As a strong proponent of a balanced budget, I believe it is dishonest to tax the American public for the express purpose of improving our Nation's highways only to have the Federal Government redirect some of the taxes in the Highway Trust Fund to pay for other spending. H.R. 2400 provides fairness by introducing much greater funding equity to donor States and to the Federal highway funding formula. Like under current law, my home State of Texas receives only 76 cents back for every dollar in Federal fuel taxes that are sent to Washington. This bill will give 90 cents back for every dollar funded. I support H.R. 2400.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. LAMPSON), a valuable member of this committee.

Mr. LAMPSON. Mr. Chairman, as the only Houston area member of the House Committee on Transportation and Infrastructure, I am pleased to have played a role in moving the BESTEA out of committee and to this floor. I applaud the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL) for the fine work that the big four produced.

BESTEA sets funding formulas to determine percentages for States to receive Federal Highway Trust Fund monies. Texas, for the past 6 years, has received only 77 cents for every dollar we pay into the trust fund. Our needs are too great to give our dollars to other States. This new legislation will make a significant increase in Texas' share of highway funds and bring us closer to equity.

For over two decades, Congress and the White House have used unobligated funds in the four transportation trust funds to make the Federal deficit look smaller. It is a sham that has kept billions of dollars locked up in Treasury notes that should be in our economy matching local and State transportation dollars continuing the process of building this country. There are plenty of uses for any funds that we can secure.

I also do not need to tell this House how important improving infrastructure is to promoting economic growth. Over the last 6 years, this Nation has dedicated $155 billion to its transportation infrastructure. Compare that to the $2.1 trillion spent by Germany and the $3.2 trillion spent by Japan over a decade to develop their respective transportation networks.

Our national transportation economy in 1994 accounted for 10.8 percent of our gross domestic product, employing over 3.2 million Americans, but at the same time congestion on our highways has risen to such a level that traffic costs American businesses $40 billion a year.

Americans waste 1.6 million hours every day sitting in traffic. We cannot allow our Nation's transportation infrastructure to erode any further. Our highways and railways must be shored up to keep transportation costs as low as possible for the sake of commerce. For the sake of our economy, now is the proper time to act. If we allow the situation to get worse, we will have to make a choice down the road to expand or repair. I do not believe that is a choice we can make. Let us pass H.R. 2400.

As the only Houston-area member of the House Transportation and Infrastructure Committee, I am pleased to have played a role in moving the Building Efficient Surface Transportation and Equity Act, or BESTEA, out of Committee and to this Floor. I applaud Chairman SHUSTER, Ranking Member OBERSTAR,

Chairman PETRI and Congressman RAHALL for the fine work the "Big Four" produced.

BESTEA sets funding formulas to determine percentages for states to receive federal highway trust fund monies. Texas, for the past six years, has received only 77 cents for every dollar we pay into the trust fund. Our needs are too great to give our dollars to other states. This new legislation will make a significant increase in Texas' share at highway funds and bring us closer to equity.

The House Transportation and Infrastructure Committee has taken steps to significantly improve donor states' rate-of-return by including the $9.3 billion High Priority Projects category within the Minimum Allocation program. While BESTEA currently includes a 90% rate-of-return, I am of the hope that as the process continues, donor states will see a 95% rate-of-return on 100% of the funds distributed to the states.

For over two decades Congress and the White House have used unobligated funds in the four transportation trust funds to make the federal deficit look smaller. It is a sham that has kept billions of dollars locked up in Treasury notes that should be in our economy, matching local and state transportation dollars, continuing the process of building this country. There are plenty of uses for any funds we can secure. I also don't need to tell this House how important improving infrastructure is to promoting economic growth.

Over the last six years, this nation dedicated $155 billion to restoring its transportation infrastructure. Compare that to the $2.1 trillion spent by Germany and $3.2 trillion spent by Japan over a decade to develop their respective transportation networks. Our national transportation economy in 1994 accounted for 10.8 percent of our Gross Domestic Product, employing over 3.2 million Americans. But at the same time, congestion on our highways has risen to such a level that traffic costs American businesses $40 billion each year. Americans waste 1.6 million hours every day sitting in traffic.

We cannot allow our nation's transportation infrastructure to erode any further. Our highways and railways must be shored up to keep transportation costs as low as possible for the sake of commerce. Our products compete on a worldwide basis now, and products from countries with strong and efficient infrastructure will cost less on the market and allows producers to spend more on quality. That's the bottom line. For the sake of our economy, now is the proper time to act. If we allow the situation to get worse, we will have to make a choice down the road to expand or repair the existing infrastructure. That's a choice I don't believe this nation can afford to make.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. COBLE), a distinguished member of our committee.

Mr. COBLE. Mr. Chairman, I want to engage in a colloquy regarding implementation of the unified motor carrier registration system with the chairman and the ranking member.

In 1995, when the Congress enacted the ICC Termination Act, we instructed the Secretary of Transportation to establish a single, on-line Federal system for the registration of all interstate motor carriers. The purpose of the system was to enhance the monitoring of safety and insurance compliance.

We required the DOT to promulgate final rules by January 1, 1998, but little has been done to accomplish that. The State program, it seems to me, needlessly cost the industry about $90 million a year and ought to be replaced by a single national system as this body intended in 1995.

I ask the chairman or the ranking member, is there any optimism to resolve this?

Mr. Chairman, I would like to engage the bill managers in a colloquy regarding implementation of a unified motor carrier registration system.

Mr. Chairman, in 1995, when Congress enacted the Interstate Commerce Commission Termination Act, we instructed the Secretary of Transportation to establish a single, on-line federal system for the registration of all interstate motor carriers. The purpose of the system was to enhance the monitoring of safety and insurance compliance. We required DOT to promulgate final rules by January, 1998. That date has come and gone with little progress. This is largely because, I am advised, the DOT is uncertain what to do with state-operated insurance registration programs that duplicate the anticipated federal program.

This House had given DOT clear authority to replace the state programs, while providing the states with free access to the safety and insurance data contained in the federal system. Unfortunately, the House bill was amended in conference to require DOT to preserve the revenues from these fees if DOT replaces the state programs. This change greatly complicated the development of a simplified, uniform federal program.

The state programs needlessly cost the industry about $90 million annually. They should be replaced with a single, national system as this body intended in 1995.

We need to rectify this problem which has needlessly delayed implementation of the uniform, on-line federal system to cover all interstate motor carriers. (I would greatly prefer that we resolve this issue in conference on this bill. If that proves not to be possible, we must see that we resolve it in some other bill before we adjourn this year.)

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

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

Mr. SHUSTER. Mr. Chairman, I would respond to the gentleman that I agree with him. We do need corrective legislation. I want to assure him that we will continue to work with him to bring this about.

The gentleman raises a valid point.

The House passed legislation in 1995 that was amended in conference.

DOT is prevented from establishing a universal and accessible register of motor carriers for safety and insurance compliance.

We need corrective legislation, and we need it this year if possible.

We have been working with motor carriers and with the States to resolve this. I want to assure the gentleman that we will continue to work with the gentleman and the affected parties to address this issue at the earliest possible date.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding me the time.

Later today, I will offer an amendment to this bill which will expand the Access to Jobs Program. The Access to Jobs Program assists welfare recipients in making the transition from welfare to work. The amendment seeks to increase the current authorization from $42 million to $150 million. The additional $108 million authorized for this vital program does not take money from any other projects, nor does it raid the Highway Trust Fund. It is a simple authorization subject to the appropriations process. Therefore, I urge all of my colleagues to support the amendment which I will offer later today and to support this bill.

I also take the opportunity to commend and congratulate the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for their outstanding leadership in bringing this measure before us today.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the chairman for yielding me the time. I thank the chairman and ranking member for the bipartisan nature in which we have put forth this bill. I would like to say basically every time you cross a bridge, ride a train, light rail, subway, ride on a bus, commute to work, et cetera, et cetera, et cetera, who do you assume assures your safety? Well, Mr. Chairman, that is us. More accurately, that is the government. And more accurately than that, that is individuals on the House floor and the Senate side who take their role very responsibly.

I want to give one example of a problem that would be fixed by this bill, and it is Highway 113 in my district. That is a single-lane highway, and in the last 20 years, over 70 people have been tragically killed on this highway. This bill corrects that problem. I once again commend the bipartisan nature with which this bill has come forth, the ranking member and the chairman of the committee.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN), a valuable member of the committee.

Ms. BROWN of Florida. Mr. Chairman, I want to indicate my strong support for H.R. 2400 and thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for working hard on the donor State issue, and

making this day possible. As the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) said, this is money for transportation from those who use transportation and pay for it in gasoline taxes. It is a common-sense approach to funding infrastructure.

Much has been said about the high priority projects, and I just want to say that these projects ensure safe travel for millions of Americans and help stimulate the economy. As the chairman has said, sometimes money going to States does not trickle down to all parts of the State. Poor and rural communities are not always represented, and a high priority project from a Member of Congress is the only way some of these needy projects can be funded.

I also want to say that I work very closely with the local mayors, city councils and commissioners and citizens when it comes to determining necessary projects. It is a true partnership between all levels of government. This is not pork, Mr. Chairman, it is bringing the transportation infrastructure of this country up to a world class level. Safety for all Americans and good for our economy.

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

Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, Maine is currently at a critical crossroads. Projected public investment for Maine's highways and bridges fall far short of the level of funding needed to maintain the system in its current condition and address the significant backlog of needs. In bridges alone, we are looking at work that is estimated to be a shortfall of over $5 million. We are looking at the road system. We are looking at shortages of $32.2 million. Maine is a very large rural State.

The district I represent is the largest physical district east of the Mississippi. We are trying to repair the existing road work and the shortages that we have experienced through the last reauthorization which have left some pot holes along the way.

This funding measure will go to significantly repairing the damaged roads, bridges, ports and airports. I ask for Members' support. This funding that we were under, the Federal levels have not been increased and the money that would be available under this program in these alternatives will certainly go to enhancing Maine's balanced transportation network. I encourage all of the Members to support this measure and to be able to move forward on reauthorization in a timely fashion.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I rise in strong support of H.R. 2400 and the manager's amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. Chairman, I rise today in support of H.R. 2400 and the manager's amendment offered by my distinguished colleague, Mr. SHUSTER. As Co-chairman of the Congressional Native American Caucus, I want to speak briefly on the condition of roads in Indian country and on two amendments that Mr. SHUSTER has included in the manager's amendment.

There are more than 50,000 miles of roads that serve hundreds of Indian reservations throughout the United States. Indian reservation roads make up 2.63% of all existing roads eligible for ISTEA funding. However, tribes receive less than 1% of ISTEA funding for these roads.

If Indian country were to receive its full prorata share of the billions included in this bill, Indian reservations would receive $4.7 billion over six years, or $793 million per year. Mr. Chairman, when you compare this amount with the recommended funding level for Indian roads, $212 million per year in H.R. 2400 and $250 million per year in S. 1173, the recommended amount hardly seems adequate.

The condition of roads in Indian country endangers the health and safety of those living on Indian reservations and inhibits economic development. In inclement weather, over 30,000 miles of roads serving Indian reservations are impassable. Things that most of us take for granted like access to emergency services, or availability of heating fuel and groceries, are not available on many reservations for several months of the year. No business is going to locate on an Indian reservation that cannot offer a basic transportation infrastructure.

The condition of bridges on Indian reservations is even more dire. A recent survey by the Bureau of Indian Affairs counted 4,000 of these bridges and found 190 to be deficient to the point of needing replacing or undergo major repairs. The estimated cost to replace or repair bridges is more than $40 million. Under H.R. 2400 and S. 1173, the requested amount for the reservation bridge program is $9 million. While I support funding for the bridge program, this amount still falls short of addressing the need in Indian country.

Two amendments that Mr. SHUSTER includes in the manager's amendments will encourage tribes to be more self-sufficient. These amendments would allow certain tribal governments to receive transportation funds and directly administer them. They would also require that the Secretary allocate funds to tribes according to a negotiated rulemaking process.

While I agree with the idea of the current language in the manager's amendment, I disagree with the recommended process that will be used to accomplish these goals. It is my hope that when this bill goes to Conference, the conferees will agree that tribal governments should manage their funds according to the authority of Public Law 93–638, the Indian Self-Determination and Education Assistance Act of 1975.

Each year, under P.L. 93–638, the Bureau of Indian Affairs and the Indian Health Service directly transfers hundreds of millions of dollars to tribal governments so they can administer governmental services and construction projects. P.L. 93–638 provides for streamlined administrative efficiencies while preserving program and financial accountability.

In closing, I strongly urge the House conferees to support the recommended amount in S. 1173 that provides $250 million per year for the Indian Reservation Roads program, and to allow tribes to receive funds and directly administer them under P.L. 93–638.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I thank the chairman and ranking member. I rise today in support of H.R. 2400.

Think about this. In the next 5 years in central Orange County, that is Anaheim, Gardon Grove and Santa Ana, we will be spending over $5 billion in new construction and modernization. That is the private sector and that is the public sector; the public sector in our infrastructure needs for all of this new construction and modernization going on.

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It is the rising economy of Orange County. It requires local dollars, State dollars and, yes, the dollars that we from Orange County send here to be returned back to help our crumbling infrastructure. That is why I am proud to say that I am part of this responsible bipartisan initiative that was written with the support of diverse transportation communities from business to labor, contractors to environmentalists, from engineers to safety advocates and to cyclists.

These groups see that America is growing and prospering, but our transportation infrastructure is lagging behind. And this bill picks up the pace and our highways. I believe that this bill will improve America, will improve our futures. The projects included are important and very cost-effective, in particular in Orange County.

Our Nation's networks of road and transit systems are the arteries that keep the economic heart of our country beating. Without this blood supply, our country's economic body would suffer an irreversible financial heart attack. Please join me in supporting this important piece of legislation.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the Chair, how much time remains on our side?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 16½ minutes remaining. The gentleman from Pennsylvania (Mr. SHUSTER) has 5 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. SANDERS).

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

I want to congratulate the Chairman, the gentleman from Pennsylvania (Mr.

SHUSTER); and the gentleman from Minnesota (Mr. OBERSTAR), the Ranking Member; and others for the very fine work they have done on this important bill.

Mr. Chairman, the truth of the matter is that the infrastructure of the United States of America is rotting. It is falling apart right under us. And our roads, our bridges, our mass transportation, which is our rail system, our rural bus system, our bicycle paths, are in major need of repair; and it is high time that we paid attention to those needs.

In the State of Vermont, we have a major infrastructure problem which has been made worse in recent years by flooding, flooding which is occurring today in the State of Vermont, further damaging our infrastructure. All over Vermont bridges are in serious need of repair, and this bill begins to address that problem.

Sixteen million from this legislation is going to the Missisquoi Bay Bridge in Franklin County, Vermont. This bridge in the northern part of our State serves as a vital transportation link for New York, Canadian, and other New England traffic and would have been virtually impossible to rebuild without help from the Federal Government.

What we now have is a deteriorating two-lane bridge, which, in light of its high level of truck traffic, poses a significant hazard to the traveling public and is a serious deterrent to interstate and international commerce.

The State of Vermont's Agency of Transportation regarded this project as the State's highest transportation priority, and this $16 million will be a significant step forward in helping to rebuild that bridge.

Mr. Chairman, we hear about budget busting. In my view, tax breaks for the wealthy are budget busting, corporate welfare is budget busting, spending money that the military does not need is budget busting. But rebuilding the infrastructure of this country and putting our workers to work at decent-paying jobs is doing exactly the right thing. It is improving the economic well-being of this country, and it is long overdue. I congratulate our friends for the work that they have done.

Mr. SHUSTER. Mr. Chairman, I yield as much time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I would like to compliment the Chairman for his hard work. It is truly good work, a good product.

Mr. Chairman, I rise today to thank Chairman SHUSTER and Ranking Member OBERSTAR for their dedication to bringing H.R. 2400, the Building Efficient Surface Transportation and Equity Act, to the House Floor. The House Transportation and Infrastructure Committee has taken positive steps to significantly improve donor states' rate-of-return.

Indiana is and has been a donor state. For years now, Indiana has received only 77 cents for every $1 generated in federal gas tax revenues in Indiana. Now that the National Highway System has been completed, the time has arrived for Congress to bring fairness and equity back into transportation funding and spending.

BESTEA includes a 90% rate-of-return. The Senate-passed version contains a 91% rate-of-return. As the process continues, donor states continue to seek a 95% rate-of-return.

Both versions have made great strides to bringing fairness and equity to the funding. It would not only be unfair, but also an injustice for the Conference Committee to not support the great strides that both Chambers have made. I encourage Mr. SHUSTER and Mr. OBERSTAR to continue the fine work they have begun with this bill as it moves to conference.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I would like to engage in a colloquy with the Chairman of the committee.

Mr. Chairman, I thank you for the opportunity to discuss one of ISTEA's most vital safety initiatives, the rail-crossing safety program.

Last year, I testified before the Subcommittee on Surface Transportation in support of legislation which I have introduced to change the formula for ISTEA's rail-crossing safety program which allocates funds to States based on a number of rail-crossing accidents and fatalities.

Although BESTEA does not change the formula by which these funds are distributed, I do want to commend my colleague for increasing by 41 percent funds allocated to the highway rail-crossing safety program in BESTEA. As this bill moves to conference, I ask my colleague to ensure that that priority funding be maintained.

Several hundred people are killed, and thousands more injured, every year in the United States as a result of vehicle-train collisions at highway-rail grade crossings. Just last week, a resident of Lake Station, Indiana died when a train struck his car at a rail crossing without gates, marked only by stop signs.

Although BESTEA does not change the formula by which these funds are distributed, I do want to commend you for increasing, by 41%, the funds allocated to the Highway-Rail Grade Crossing Safety Program in BESTEA. As this bill moves to conference, I ask you to ensure that this priority funding is maintained.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, I would say that the gentleman has accurately pointed out the importance of this provision, and he certainly has my assurance that we will do everything we can to defend this provision, as we will with every House provision as we go to conference.

Mr. VISCLOSKY. I appreciate the gentleman's concern.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

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

Mr. Chairman, Indiana is known as the crossroad of America. It is nicknamed the crossroad of America not only because it connects the people to their communities, but because it is in central America and it connects the east to the west. This bill is an investment in Indiana's connection to its people, it is an investment to its communities, and it is an investment to the rest of America.

This bill is important because it is about public safety, it is about an investment in our economy, it is about our security. These are very, very important measures that we consider today.

People in La Porte and Michigan City and Rolling Prairie, Indiana, tell me that roads are the single most important issue to many of them; and we must spend money to repair our roads before we spend more and more and more money to repair our cars and our automobiles. This is a prudent investment.

Now, I would say, as complimentary as I am to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), they have been fair and judicious, I would encourage them to continue to be fair and judicious in conference; and as we look for offsets in conference, I strongly encourage them not to go into public education.

As shootings go up in our public schools and test scores come down, it is cutting our nose off to spite our face, it is hurting our businesses if we take money out of public education for our children.

Secondly, I want to commend the Chairmen for their addressing the donor State issue for Indiana. Indiana will get close to a billion extra dollars under the 6-year provisions of this bill because of the way the Chairmen have treated donor State issues. I hope and pray that they continue to hold to those areas and those concerns in conference with respect to Indiana.

Finally, there is some criticism about the expenditure. China will spend $1 trillion on public investment over a 3-year period. The United States will spend one-third of that over a 6-year period. We need to invest in public safety.

Mr. SHUSTER. Mr. Chairman, I yield myself 15 seconds to inform the body that, this being April 1, somebody has sent out a bogus press release from my office saying that I oppose high-priority congressional projects. I just want to make sure that everybody understands this is in the good spirit of April Fool's Day, and it is not accurate.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds to say that is

absolutely astonishing. This is April Fool's Day, but this is not the time for that sort of thing.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, the most congested and the most dangerous section of Interstate 35 anywhere between Canada and Mexico is in my hometown of Austin, Texas. Correcting the gridlock on Interstate 35 is vital not only for the central Texas economy but for everyone in this Nation that relies on this vital transportation artery. I commend the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Wisconsin (Mr. PETRI), and all of the Members that have worked so hard to produce this bill.

We have followed their example with a broad regional bipartisan coalition to build a bypass to I-35 in Texas known as State Highway 130. Our work on SH-130 demonstrates the wisdom of the Chairman's support of demonstration projects. These high-priority projects like SH-130 are a way of assuring that our priorities are addressed by both State and Federal transportation bureaucracies.

These bureaucracies are not the know-all and the be-all on planning transportation. Sometimes the bureaucratic number-crunchers forget that their actions can crunch people and can crunch neighborhoods as well as numbers.

In the case of SH-130, we have required in this bill a specific route endorsed unanimously by City Council members and commissioners as well as some State legislators. We have also specified that that money must be expended solely for the construction of that portion of SH-130 within Travis County and south of U.S. 290.

From the outset, I have supported a bypass for traffic, not a bypass of local community concerns by an unresponsive bureaucracy. Now is the time for the Texas Department of Public Transportation to apply some of the $10½ billion that it is receiving in this bill to build SH-130, build it now, build it in the right way to the east of Decker Lake in Travis County, Texas.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL), a very distinguished member of our committee.

Mr. BOSWELL. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER).

I really appreciate, being a newcomer, and inquired about coming to this committee. I knew a lot of important work was to take place there. So I inquired about the Chairman, and I inquired about the Ranking Member. I was informed and it has been proven out that they have worked together and that the committee is open. So I come as a newcomer, realizing that commerce has got to move across this country in order for us to compete, to compete with the elements of the Pacific Rim and European Union and we have got to do it.

My colleagues, I really appreciated it when they pointed out that some of this increase is giving up the interest and other aspects that they pointed out, not to repeat them. So this is a doable thing, and this country will benefit from it.

I often wonder what it would be like—the gentleman from Indiana (Mr. ROEMER) said it is the heartland, and we claim the heartland. So I will just claim the belt buckle, if I can, for Iowa. But I can imagine the embarrassment if commerce is moving back and forth across this country and they got to Iowa and we had to put up a sign that said, "Excuse me. Slow down to 35 or 40 miles an hour because we cannot repair our bridges and fill in the potholes and make those improvements."

We cannot do that. We are not 50 separate countries; we are 50 United States. So I think this is pointing that out, and it is going to help our country as a whole. Some things we just got to do to keep up. And we do not want to get behind. We are already behind, and we will never catch up if we do not keep up.

So I am very pleased to be supporting this very important thing. It is probably the most important thing we do in the entire 2 years we are in this assembly. Thank you for your efforts.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Chairman, like a lot of my colleagues today, I would like to thank both the Chairman and our Ranking Member and the Committee on Transportation and Infrastructure for the fine work on H.R. 2400. I believe it is good not only for our Nation but also for the State of Texas that I represent and also for the district and the community I represent of Houston.

BESTEA is the fairest and best bill for donor States such as Texas because it guarantees that each State receives back at least 95 percent of the amount it pays out in gasoline taxes. Transportation funds are imperative for a State as large as Texas, and we need a transportation funding bill that makes sure we receive adequate funds just to maintain the safety on our roads and highways.

As a border State, Texas is impacted by large amounts of traffic resulting from trade with Mexico. This high volume of traffic passes through I-69, which runs through the middle of my district. We must make sure that funds are included for trade corridors such as I-69 because NAFTA has so dramatically increased the traffic through Texas. Also, ISTEA originally was based on intermodal. With the Port of Houston and I-69, it makes that intermodal transportation work.

In addition, I support BESTEA because it recognizes the importance of demonstration projects to solve local transportation problems.

For 5 years, as a Member of Congress, I have worked with the Committee on Transportation and Infrastructure on a grade separation project; and I am glad to see it is in this bill. This project protects the lives of not only the residents and people who work in the Manchester community in East Houston but, again, it is the definitive reason we need demonstration projects on intermodal transportation, a grade separation over nine tracks that will be great for the business community but also for the residents there. Funding these demonstration projects such as this is long overdue and must be protected in BESTEA authorization.

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Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the Chairman and the Ranking Member for his leadership, and I thank the committee as well. I rise to support H.R. 2400.

Let me point out that, in the 18th congressional an urban district, this legislation will bring our communities together with the funding of hike and bike trails, many constituents in my district have long asked for such transportation tools.

It is also very important to note that we will be rebuilding our Nation's infrastructure, the highways, and roads so badly needed. But what is very important to the city of Houston, is the understanding that H.R. 2400 authorizes not only a Houston regional bus plan for final design and construction, and the Houston Advanced Transit program for planning activities, and preliminary engineering.

This allows Houston to look into the options of bus and/or rail. The City of Houston is the fourth largest city in the Nation, with over 1.4 million residents and, as such, must be able to explore all of the transportation options to its residents.

The City experiences frequent traffic congestion. Currently, Houston receives a certain amount for its Better Bus Program and has received such funds for approximately 6 years. Houston does not at this time receive any funds for a rail system.

My Democratic colleagues in the Houston area support this option. I hope the gentleman from Texas (Mr. ARCHER) will work with me to make sure that this option comes to the City of Houston. The City of Houston is preparing and has announced a Transportation 2000 study that will include consideration and review of options such as commuter rail and other forms of urban rail systems for Houston.

I am delighted that this bill in its wisdom will allow the City of Houston to consider the options of bus and/or rail. I believe rail is needed in our community. In fact several transportation options are needed for our city, which is the fourth largest city in the Nation. And or well, it is needed for inner city Houston. This legislation will support such options as rail to be pursued by Houston as the city may desire.

Mr. Chairman, I rise today in support of H.R. 2400 as a modernization of America's highway and transportation systems for the 21st century. This bill provides for developing the infrastructure that our economy needs to continue its miraculous growth well into the next century. Transportation is clearly a factor in the development of our economy and will be an element for our continuing economic success in this ever-changing new world order. The modernization and technological advancement of our transportation systems that are contained in this bill are essential to our nation. Mr. SHUSTER and Mr. OBERSTAR as well as all of the members of the committee should be commended for their excellent work.

Our large and complex transportation system unites us and connects even the smallest town with the rest of the world. Transportation and our highways touch every person in this country, it comprises 11 percent of our Gross Domestic Product and makes up one-fifth of the typical American household budget.

However, there are some fundamental problems with how BESTEA will be funded. The ground-breaking balanced budget agreement of last year gave us the guidelines and caps necessary to keep our spending within our means. Many of our vital social programs were asked to sacrifice their monies in the name of fiscal restraint. Now we are asked to vote on a bill that exceeds the budget caps by $26 billion.

Mr. Chairman, I am concerned as to which programs the Republicans will cut in order to make way for the $26 billion we are asked to spend today. It is imperative that these cuts will not be made by the conference committee at the expense of the disadvantaged, our children and those citizens who do not have the resources to have a lobbying group pressuring that committee.

Another troubling aspect of this bill is the possible amendment to end the Department of Transportation's Disadvantaged Business Enterprise Program. This is a program that for over two decades has been providing equal opportunities for women and minorities competing for highway and transit contracts.

Since its inception, small businesses as well as women and minority-owned construction firms are now participating in building our nation's highways. Their participation has increased from 1.9 percent in 1978 to 14.8 percent in 1996. By reaching out to and fostering new business relationships, this program has countered the effects of discrimination and good old boy networks which had been road blocks for many years.

These facts were recognized by the Senate as it voted to preserve this 15-year-old program as we should also. We all wish that we lived in a world that was free from discrimination, but we don't. But, this program is not about quotas or set-asides as some members want to characterize it. The statute only relies on flexible goals.

The program also complies completely within the "strict scrutiny" standard of the Supreme Court decision in Adarand. The Department of Transportation has recently published proposed rule changes in response to that standard. There is clearly a compelling governmental interest in redressing past discrimination in DOT-assisted contracting. Minority-owned construction firms represent about 9 percent of all such firms and receive only about 5 percent of construction receipts. The 10 percent national goal is constitutional, good policy and still necessary. BESTEA with it is unacceptable.

Mr. Chairman, I am a part of a state delegation that will be getting back less than they will be paying in our taxes. Texas will be getting more than $1.7 billion in formula distributions and over $216 million in demonstration projects with this bill. However, Texans will be getting back only about 90 cents on the dollar, but I understand the needs of the other states. For my own part, Houston will benefit from a new "Hike and Bike" path, new buses and rebuilt roads. I am also advocating a study on the use of light rail for Houston. As the fourth largest city in the country, it is appropriate that we consider light rail as a substitute for using our streets and highways.

Mr. Chairman, I support this bill with these exceptions. We need to continue the effective and efficient transportation system that this bill provides for the betterment of all Americans.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the Chair how much time remains on both sides?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 3½ minutes remaining, and the gentleman from Pennsylvania (Mr. SHUSTER) has 5 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 3½ minutes.

Mr. OBERSTAR. Mr. Chairman, this brings us to the end of a very long and productive general debate period when we have heard fulsome praise for this legislation from all sectors of this country, all spectrums of our society, from urban and suburban and exurban and rural America, from coastal and border America, from all spectrums, all aspects of the economic slices of our country.

It has been very encouraging to see the enormous outpouring of support from Members across the body for a truly visionary piece of legislation. It does, indeed, do all these things that all of our colleagues have praised the legislation for.

I have a few things of my own that are very special to me. We continue the Rails to Trails Program, continue the Bicycling and Pedestrian Walkways Program that has made it possible for more than 10 million Americans to buy bicycles, become bicyclists.

I am an avid cyclist myself. I have pedaled over 2,100 miles on the open road last year. I want to see more people using bike to commute from home to work, as is done in Chicago.

We preserve and continue the Congestion Mitigation and Air Quality Improvement Program which, in Chicago, has enabled that city with wise use and wise investment of those dollars to improve its Air Quality Index over 15 percent in the 6 years of ISTEA.

We continue the Scenic America Program with the Scenic Byways Program that was initiated in ISTEA, again stimulating the tourism travel sector of our economy, which is nearly a $400 billion sector of our economy, one that generates a $20 billion surplus balance of payments for this country, inbound tourism expenditures here over what Americans spend traveling abroad.

We will initiate in this legislation when it is finally enacted a very important part of our Welfare to Work Program that was passed in the last Congress. It is very hard to get people to jobs if they do not have the means to get there.

My middle daughter, Annie, works in Jubilee Jobs in the Adams Morgan area of Washington, D.C., trying to place people from the homeless shelters, those who have fallen from the welfare net in the Hispanic and black community of Northeast/Northwest Washington. The biggest single problem she faces with her clients is getting them to and from their job.

This innovative experimental program, pilot program, will help cities across this country do there what Chicago has done in its city with a program of welfare to work, provide means of transportation for those who need to get to the places where the jobs are located.

All in all, all told, this is the bill that the visionaries of 1956 could not have foreseen. This is a bill that the Members of this Congress who stand on their shoulders, who look into the future have said to the gentleman from Pennsylvania (Mr. SHUSTER), this bill will be an everlasting legacy of his service in this Congress. I hope he will serve many more years. But whatever those years, this will be his greatest achievement and the greatest legacy that we could leave to future generations.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I certainly thank my good friend, the gentleman from Minnesota (Mr. OBERSTAR), and all our colleagues on both sides of the aisle for making this a truly bipartisan team effort for the good of America.

In closing, I want to particularly recognize our staff, which has done such an outstanding job, particularly the Subcommittee on Surface Transportation and Committee on Budget staff,

and most of all Jack Schenendorf, the Chief of Staff of our Committee on Transportation, the largest committee in the Congress, indeed the largest committee in the history of the United States with 75 members.

Jack Schenendorf is truly a leader of extraordinary capability. Without his dedication and perseverance, intelligence and experience, the staff would not have been able to accomplish everything they did.

That staff and those who have contributed so much include Roger Nober, Debbie Gebhardt, Chris Bertram, Susan Lent, Adam Tsao, Darrell Wilson, Bill Hughes, Linda Scott, Patricia Law, and Mary Beth Will.

Certainly, the Members on the other side of the aisle equally stand shoulder to shoulder with me to recognize the staff on both sides, because, indeed, this is a joint staff working together for the betterment of our country.

Let me close by focusing on the two fundamental principles that we started out with in this debate today, the first fundamental principle being that this legislation puts the trust back in the Transportation Trust Fund. It is honest budgeting.

It says that the 18.4 cents gasoline tax that the Americans pay in the related transportation taxes, the revenue, and only that revenue, will be spent from the Trust Fund to rebuild America's infrastructure.

Indeed, there can be no deficit financing here. The money must be there. It is the most fiscally responsible kind of Federal spending we can have. We only spend the revenue that comes in. Indeed, as part of our agreement, we have agreed to forgo the interest on the balance in the Trust Fund, which means the national debt will be reduced by close to $15 billion over the life of this bill.

Beyond that, we have agreed to turn back $9 billion in the Transportation Trust Fund. So between the foregone interest and the $10 billion that we will turn back, it adds up to approximately $25 billion, a reduction in the national debt, real dollars, real reduction in the national debt. That $25 billion approximates the increased spending in this legislation.

The second fundamental principle is that we begin to meet the transportation needs of America. Our highways are in poor condition. There are 42,000 people killed on them every year, and 9,000 of those being killed are kids. In fact, of those fatalities, about 12,000 to 13,000 are attributed to bad roads, which means we will be saving lives. I am told, over the life of this bill, we will be able to reduce fatalities by about 4,000 lives a year.

Beyond that, we provide an economic stimulus, increase productivity, jobs, have tremendous support from all sectors of the country. The 50 governors, the cities, the counties, the environmentalists, safety leaders, labor, Chamber of Commerce, triple AAAs, this bill has extraordinarily broad support. It is good for America. It puts honesty in budgeting. We spend only the revenue that comes into the bill.

For all those reasons, I urge my colleagues to support this legislation that we are bringing to the floor, because we will rebuild America as we move into the 21st Century.

Mrs. MORELLA. Mr. Chairman, I would like to thank Chairmen SHUSTER and PETRI as well as Ranking Democratic Members OBERSTAR and RAHALL for their cooperation in bringing a Research Title to the floor which incorporates most of the significant research and development provisions from H.R. 860 as reported by the House Committee on Science. I believe our cooperative efforts of the past have contributed significantly to strengthening the Department of Transportation's surface transportation research and development portfolio, and I am equally convinced that our efforts during 1997 and 1998 will take these research programs to the next level.

I also appreciate the Transportation Committee's willingness to keep the dialog going in the areas in which we could not reach final agreement and their willingness to consider our few remaining concerns in the context of the upcoming conference with the Senate. I am convinced that this approach will lead to a unified House position in these negotiations and a stronger final product for the President to sign.

At this point, I would like to point out a number of the provisions of H.R. 860 which can be found in the Manager's Amendment. The provisions were crafted in a cooperative and bipartisan fashion by members of the Science Committee. First, the amendment includes H.R. 860's "Sense of Congress" that the Department of Transportation should place a high priority on addressing the Year 2000 problem in all of its computer and information systems. The amendment includes provisions from H.R. 860 to expand the Department's Research and Technology program to include: testing and evaluation of bridge, concrete and pavement structures; environmental research; human factors research; research on the use of recycled materials such as paper and plastic fiber reinforcement systems; knowledge of implementing life-cycle cost assessment; and standardized estimates of useful life for advanced materials.

Provisions from H.R. 860 are included in the amendment to commission a study by the National Academy of Sciences regarding the need for a new Strategic Highway Research Program or similar effort and to require the Department to establish a strategic planning process for surface transportation R&D. The Amendment further requires the plan to be consistent with the provisions of the Government Performance and Results Act of 1993. A surface Transportation-Environment Cooperative Research Program designed to provide State and local transportation officials with the tools and knowledge necessary to better understand the impacts of transportation decisions is also included in the amendment. Finally, the amendment includes small changes to the Intelligent Transportation Systems (ITS) provisions of the bill to expand the goals of the program and to extend the research activities of the program to include human factors research on the science of the driving process; the effects of cold climates on ITS; and magnetics.

Again, I wish to thank my colleagues on the Transportation Committee for their cooperation and I look forward to working with them in Conference. The remainder of my statement reflects the views of the Committee on Science on the legislation.

The Committee on Science, for almost twenty years, has worked closely with the Committee on Transportation and Infrastructure to craft transportation research and development authorizing legislation. Our tradition, rather than to enact separate transportation research and development legislation, has been to write our own legislation and then to work out our differences with the other Committee prior to House floor consideration of transportation measures. In 1991, Congressman Norman Mineta, who was both a member of our Committee and Chairman of the Surface Transportation Subcommittee, offered our compromise legislation during the Transportation Committee markup. This year our Committees agreed that the Managers Amendment on the House Floor would be the appropriate time to merge our work product, H.R. 860—the Surface Transportation Research and Development Act of 1997 as reported by the Committee on Science, with the bill HR 2400—the Building Efficient Surface Transportation Equity Act of 1998 which is before us today.

The Science Committee is pleased the Manager's Amendment to H.R. 2400 includes a provision from H.R. 860 expressing the sense of Congress that the Department of Transportation should give high priority to correcting the Year 2000 problem in all of its computer systems to ensure effective operation in the Year 2000 and beyond. The Department needs to develop a plan and a budget to correct the problem for its mission-critical programs. Currently, the Department has only fixed 23 percent of its mission critical systems. The Department also needs to begin consideration of contingency plans, in the event that certain systems are unable to be corrected in time. The Committee believes Congress should continue to take a leadership role in raising awareness about the issue with both government and the private sector. The potential impact on the Department's programs, if the Year 2000 problem is not corrected in an effective and timely manner, is substantial and potentially serious. It is imperative that such corrective action be taken to avert disruption to critical programs.

The Committee is pleased the Amendment includes important provisions from H.R. 860 which seeks to improve the performance of the federal investment in surface transportation research by requiring the Secretary to establish a performance-based strategic planning process consistent with the Government Performance and Results Act of 1993. The strategic planning process will address deficiencies in the current program, as identified by the General Accounting Office, Transportation Research Board, and other transportation research and development stakeholders,

by setting a strategic direction, defining national priorities, coordinating federal efforts and evaluating the impact of the federal investment in surface transportation R&D. As envisioned by the Results Act, a strategic plan will be developed and include review and comment from industry, the National Research Council and other advisory boards. The plan will be submitted to Congress within one year after enactment and updated as required by the Results Act.

H.R. 2400, as amended by the Manager's Amendment, includes language to reauthorize the Department's Highway Research and Technology (R&T) Program which is very similar to the provisions of H.R. 860. There is wide agreement on the need to allow the Department to engage in research, development and technology transfer activities designed to improve the safety, efficiency, and effectiveness of the surface transportation system. The amendment includes provisions from H.R. 860 requiring the Department to include in the advanced research program: diagnostics for the evaluation of the condition of bridge and pavement structures to enable the assessment of risks of failure, including from seismic activity, vibration and weather; environmental research which may include among other things development of environmentally safe coatings for surface transportation infrastructure; and human factors research including the prediction of the response of current and future travelers to new technologies. In addition, the Committee believes that destructive testing simulating seismic activity, vibration and weather on certain bridges and pavement structures that are in the process of being replaced offers the potential to improve methods of structure design, construction and rehabilitation.

The Amendment further requires the Department's Highway R&T Program to include a program to strengthen and expand surface transportation infrastructure research and development. The program is required to include testing to improve the life of bridge structures, including tests simulating seismic activity, vibration and weather; research on the use of recycled materials, such as paper and plastic fiber reinforcement systems; expansion of knowledge of implementing life cycle cost assessment, including establishing the appropriate analysis period and discount rates, learning how to value and properly consider user costs, determining trade-off between reconstruction and rehabilitation, and establishing methodologies for balancing higher initial costs of new technologies and improved or advanced materials against lower maintenance costs; and standardizing estimates of useful life under various conditions for advanced materials of use in surface transportation, developed in conjunction with the National Institute of Standards and Technology and other appropriate organizations.

The Committee on Science was especially interested in utilizing the R&T program to both save money and make sure that innovations penetrated the marketplace. Similarly, the Committee notes that there has been very little follow-on to the experiments to date in alternatives to low-cost bidder contracting and feels the more that can be done to increase the knowledge base associated with contracting alternatives, the easier it will be to justify innovations in highway construction. In addition, the Committee supports research on the use of recycled materials such as paper and plastic fiber reinforcement systems. Research in this area indicates that technically equivalent recycled plastics are potentially much cheaper than the expensive welded fabric, which traditionally has been added to standard concrete for crack control.

The Science Committee is pleased the Amendment includes a provision from H.R. 860 to commission a study to be conducted by the National Academy of Sciences regarding the need for a new Strategic Highway Research Program (SHRP) or similar effort. The original SHRP program has yielded over 100 pavement products that combines to save our nation over $690 million per year in highway operations and maintenance costs. The legislation directs the Secretary to work with the transportation community to study and specify the goals, purposes, needs, agenda and structure for a new SHRP program or similar effort. The study will help to ensure that the Department continues its strong partnership role with States, the Transportation Research Board and industry to move technology and innovation into common practice.

Under the State Research Program, the amendment includes a provision from H.R. 860 asking each state to report annually to the Secretary on the level of its funding for research and development provided through this program. A state may provide such information as part of existing reports that the state provides to the Secretary. This provision is not intended to require any additional reporting from the States. Its purpose is simply to provide a more accurate accounting of each state's surface transportation research and development activities. Currently, it is difficult to track research or to separate it from other permitted uses of funding under this section.

The Science Committee concurs with H.R. 2400's provisions to reauthorize the Local Technical Assistance Program (LTAP). LTAP improves access to surface transportation technology and serves as the primary channel through which innovative transportation technology and training are delivered to both urban and rural communities. The Manager's Amendment includes language from H.R. 860 to add concrete to the road and transportation areas of which the LTAP is to expand the knowledge and expertise of rural and local transportation agencies. Concrete is an area where substantial knowledge in the research community has not adequately filtered down to the working level and where universities who train the engineers and other experts involved in highway construction have a major contribution to make in solving the technology transfer problem. For instance, the Committee would like to see the development of partnerships among state Departments of Transportation, industry, and associations to address educational and training needs, to provide testing services and cooperative applied research, to demonstrate new technologies and product applications, and to link architects, engineers, and contractors to speed adoption of industry advancements for commercial benefit to the surface transportation industry, including the area of concrete management.

Other provisions from H.R. 860 have also been included in the amendment to expand LTAP's modern highway technology to include implementing life-cycle costs assessment and standardized assessments of useful life under various conditions for advanced materials. The Committee understands that one of the impediments to rapid deployment of advanced materials in local high construction projects is the difficulty of estimating the contributions these materials can make to reducing life cycle costs of roads, bridges, and other highway structures. The Committee feels a research program geared to understanding the likely useful life of these materials under a variety of conditions will decrease uncertainties associated with innovation and increase the comfort level of local officials as well as their willingness to buy new products.

The Committee is pleased H.R. 2400 includes provisions from H.R. 860 reauthorizing both The Dwight David Eisenhower Transportation Fellowship Program and the National Highway Institute. The Eisenhower Fellowship Program continues to attract qualified students to the field of transportation research to assist in developing the professional workforce necessary to face future transportation challenges. The National Highway Institute (NHI) continues to provide education and training to Federal, State and local transportation agencies in proactive effort to apply state of the art transportation technologies emanating from the Department's R&D programs. The NHI is the leading resource within the Department for providing high quality comprehensive education and training programs tailored to meet the needs of transportation professionals at all levels of the Federal, State and local government, as well as industry.

H.R. 2400's National Technology Deployment Initiative is very similar to H.R. 860's Technology Partnerships Program in that it will encourage new transportation technology partnerships between the Department and State, local, private, academic, and other entities. The Committee believes it is essential that the Department continue its strong partnership role with government and the private sector to move technology and innovation into common practice. In selecting projects under this program, the Committee supports giving preference to projects that leverage federal funds with other significant public or private resources.

The University Transportation Centers (UTC) Program is one of the few areas where the Science Committee and the Transportation Committee failed to reach complete agreement on the provisions of the legislation. The Committee recognizes the UTC Program has been shown to be an effective means of advancing transportation technology and expertise and believes that one of the program's strengths is directly related to the fact that most UTCs had to compete to participate, stimulating a high degree of continuous improvement raising the quality of the entire program. H.R. 860 requires participation in the UTC program on a peer-reviewed, competitive basis. H.R. 2400 allows all participants that received grants during Fiscal Year 1997 automatically to be awarded participation in the UTC program for Fiscal Years 1998 and 1999. However, the Science Committee is pleased

that, beginning in Fiscal Year 2000, participation in the UTC program will be based on a competitive process for most of the institutions participating in the program.

The Committee on Transportation and Infrastructure did not decide to include specific legislative authority for awarding grants to researchers at primarily undergraduate institutions which involve undergraduate students in their transportation research. These schools are a major source of professional capacity for the surface transportation industry and we feel that when these engineers are acquainted with the purposes and practice of research during their university training that they will be more sensitive to innovative ideas throughout their careers. We note that it is within the power of the Department of Transportation to increase its efforts to promote undergraduate research and we urge the Department to do so.

The Science Committee is pleased that the Manager's Amendment includes the Surface Transportation-Environment Cooperative Research Program (STECRP). This program was included to address the need for information which will assist transportation planners at the Federal, State, and local level in their efforts to design an intermodal transportation system that meets the needs of our citizens for a safe, clean environment and for access to economic goods and services.

Transportation projects must meet a wide range of criteria under a host of laws at the Federal, State, and local levels. Our state and local transportation planners are charged with the responsibility to assess the environmental and community impacts of proposed transportation projects. These assessments require more than engineering specifications and new technologies. They require information about the interrelationships between factors such as demographic change, land-use planning, and transportation system design that influence the demand for transportation. By creating the STECRP, the Committee ensures there will be a program in place to gather and disseminate this information to the individuals charged with the responsibility for making these decisions.

The Committee recognizes there is a perception by low-income and minority communities that they are disproportionately impacted by some transportation projects and that they derive fewer benefits from transportation expenditures. Federal and state laws currently require the social and economic impacts of transportation projects be assessed. The Committee feels these debates can best be resolved by doing rigorous studies designed to examine the nature of the relationship between transportation investments and community development. Research in this area, which is sometimes referred to as environmental justice, is eligible for funding under the STECRP.

The Committee recognizes that many communities have utilized funds available under the Congestion Mitigation and Air Quality Program to improve or construct pedestrian and bicycle trails. We expect that some research will be allocated to collecting information about the use of these trails that can be used to assess their effectiveness in addressing air quality and congestion problems, and to identify factors which can improve overall trail design to ensure maximum benefits are obtained through their use.

The Committee recognizes that there is a need to conduct research and development on energy use and air quality as it relates to surface transportation efficiency. Research in this area may include new and innovative fuel technologies, such as biodiesel fuel, that enables recycled and renewable resources to be used as fuel. Biodiesel fuel, a renewable fuel product made using virgin soybean oil, may potentially help the U.S. achieve cleaner air and greater energy independence.

The Committee expects the advisory board to build upon the preliminary work done by the participants in the two conferences held to identify critical transportation environmental research needs in 1991 and 1996 published in Transportation Research Board Circulars 389 and 469 in developing their recommendations. These documents identify the type of research needs this program is intended to fulfill.

The Intelligent Transportation Systems program is an area where the Committee on Science and the Committee on Transportation and Infrastructure did not have time before floor consideration to work out all of our differences. Therefore, the Committee on Science was willing to yield to the suggested text of the Transportation and Infrastructure Committee for purposes of floor consideration on the assurance that the provisions of H.R. 860 would be given due consideration as our Committees jointly conference with the Senate and work on a final version of the ITS section of this legislation.

The Committee's concerns regarding ITS are straight-forward. There are already examples of orphan ITS systems across the country paid for at taxpayer expense using protocols which are incompatible with other systems and with standards which were developed after the ITS system was deployed. There are also metropolitan areas where some of the ITS systems already installed are not compatible with others. We are concerned that this is a growing problem. The Administration's proposal for ITS takes a sharp swing towards demonstrations and implementation of ITS systems and away from research and standardization. This approach places the cart before the horse. Further haste in deployment will waste even more tax dollars. We would rather defer the deployment of systems a little while longer than ask taxpayers to pay for both initial deployment and the subsequent retrofit of these systems to permit interoperability with future systems built subsequently in conformance with national standards.

The ITS principles of the final bill should include:

The development and promulgation of the standards and protocols needed for a national ITS architecture and for compatibility of all ITS systems subsequently deployed must be made the number one priority in this program if we are to avoid widespread waste. Furthermore, the program must comply with the recently revised OMB Circular A–119 which requires all Federal agencies to make use of private sector standards developed through a voluntary consensus process whenever possible.

Deployments of ITS systems funded under this Act should be conditioned on compatibility with ITS final and provisional standards. The ITS program has instituted a model standards development program that is well underway. For the initial generations of ITS systems, it is clear which standards are needed and the Department has provided substantial assistance to standards development organizations to make sure they are developed on a priority basis. Therefore, the Committee feels that conditioning further deployments of ITS systems on their use of final and provisional standards proposed by standard development organization's subcommittees will accelerate the development process even further by making it in all parties' interest to have standards in place at the earliest possible date. If standards are not in place, funds should be spent on operational tests which will provide information needed to finalize the standards rather than on deployments which may later be incompatible with the standard.

We feel that, given the limited funds available and the importance of national deployment of ITS, that all operational tests and deployments carried out in compliance with this Act must be designed and carried out with subsequent purchasers of similar systems in mind. The government needs to use them as test beds. Operational tests need to be designed for the collection of data and the preparation of reports to permit objective evaluation of the success of the tests and the derivation of cost-benefit information and life-cycle costs that will be useful to other contemplating the purchase of similar systems. Recipients of funds for either operational tests or deployments should be asked to help increase the understanding of what skills workers must possess to successfully operate ITS systems; of what similarly situated governments should consider before commitment to purchasing an ITS system including legal, technological, and institutional barriers to deployment; and of how to improve procurement of these systems.

We also feel that a portion of ITS funding should look to future ITS systems. At least 15 percent of funding available for ITS systems should be spent on basic research or long-term research. The Committee is especially concerned that adequate emphasis be placed on human factors research, including research into the science of the driving process, to improve the operational efficiency and safety of intelligent transportation systems; research conducted on environmental, weather, and natural conditions that impact intelligent transportation systems, including effects of cold climates. We feel that ITS advanced systems will be such a fundamental shift in the use of motor vehicles that basic research to increase our understanding of the driving process, is in order. We are concerned that the ITS needs of cold climates will be significantly different needs in other regions of the country and that the potential impact on ITS of natural phenomena such as earthquakes needs to be understood better. We also feel that magnetics will have major roles to play in advanced systems where cars will travel at rapid rates of speed at close differences.

Additionally, although not specifically referenced in H.R. 2400, the Committee supports research on new advanced ITS systems designed to reduce congestion, enhance safety

and improve cost effectiveness. The Committee does not support reviving the Automated Highway Systems, but endorses continuing advanced research on traffic technologies which may include information technologies such as Active Response Geographical Information Systems used to facilitate effective transportation system decision-making; and advanced traffic management technologies, including the use of fiber optic cable and video, to monitor and control traffic control and volume.

Mr. DAVIS of Illinois. Mr. Chairman, given all the stories in the papers about "pork" in the transportation bill, I rise today to tell you about a transportation project that I believe will benefit hundreds of thousands of schoolchildren and adults alike in the great State of Illinois and which I am proud to sponsor.

The Museum Campus Chicago, which is in my district, is made up of three world-famous institutions: the Adler Planetarium and Astronomy Museum, the Field Museum of Natural History, and the John G. Shedd Aquarium. The Museum Campus has a plan to transport visitors to its three institutions and others along the lake in Chicago on free trolleys powered by ethanol. This is a worthy, environmentally beneficial project that will be enjoyed by literally millions of people. And I and others in the Illinois delegation believe it is exactly the type of local project that merits Federal "BESTEA" start-up funding in order to get it off the ground.

The Chicago Museum Campus was just created through the $92 million relocation of Lake Shore Drive, a major thoroughfare running along Lake Michigan in downtown Chicago. The Museum Campus, which is on Park District land, opens officially this June. It totals 57 acres, including 10 new acres of public parkland that allow a continuous link between the three museums, which, Mr. Speaker, already draw nearly 4 million visitors a year. The Museum Campus will offer outdoor collaborative programming and is expected to attract an additional 1 million visitors a year to the Chicago lakefront. It is expected to be one of the country's most popular destinations.

Still, while the museums are excited about the rerouting of Lake Shore Drive, they came to me because they have serious access problems that could reduce visitorship. I am speaking of problems like the loss of several hundred parking spaces due to the Lake Shore Drive relocation, the long distances between the three institutions and to area parking lots, competition for parking with Soldier Field patrons, and inadequate links to local public transportation. All these obstacles make visits by the elderly, by the handicapped and by families with young children very difficult and frustrating.

It is for these reasons, that I and several of my colleagues in the Chicago delegation—and our colleagues in the Senate—hope to secure BESTEA funds for the Museum Campus Transportation Project, which would largely eliminate the access problems while increasing public awareness of ethanol as a fuel choice. The project has two components. The first—free Museum Campus and Chicago Lakefront shuttle service—was recommended in a recent Lakefront Transportation Study prepared for the City of Chicago Department of Transportation. The Museum Campus took the report's advice and launched a free trolley service last summer on a pilot basis. The trolleys were very popular—they shuttled more than 300,000 visitors, up to 6,000 people a day, between the museums and parking lots! Besides being free and reducing people's stress levels, the trolleys also reduced traffic congestion, and noise and air pollution. I think there's no argument about the benefits of these trolleys.

I am pleased to join with several of my colleagues to seek BESTEA funds for the Museum Campus Transportation Project to establish a permanent Museum Campus shuttle system using ethanol-powered trolleys and to extend shuttle service along the lakefront to other cultural destinations. Stops along the Lakefront Shuttle route would include the Art Institute, the Museum of Contemporary Art, the Chicago Cultural Center, the Spertus Museum, the Grant Park Festival Center, the Children's Museum at Navy Pier, Columbia College, and Roosevelt and DePaul universities.

The second component of the Museum Campus Transportation Project is the creation of an intermodal transportation center at the intersection of Indiana Avenue and Roosevelt Road, which also is endorsed by the City's Lakefront Transportation Study. This center would connect the trolley route to bus routes, the CTA and Metra stations—the local elevated train and subway—and to pedestrian walkways. It would also include construction of an 850-car decked parking garage nearby. Mr. Chairman, the intermodal transportation center will provide easier access to the Museum Campus and to other lakefront offerings for all visitors using all forms of transportation.

The Museum Campus and its City and private partners intend to run the shuttle systems in the future. They will raise the necessary funds through private contributions, increased museum entrance fees, projected parking fees and City funds.

Mr. Chairman, I hope that you will agree that this project is the type of project that we at the Federal level are happy to lend a helping hand to. It makes good economic sense, good environmental sense, and is an investment in the thousands of children and others who want to experience and learn from Chicago's many cultural institutions. This Sunday afternoon, the Museum Campus is holding an open house for members of the Illinois delegation. I invite you and others in this Body to come visit the Field, the Shedd and the Adler and see why I believe in this project.

Mr. CRANE. Mr. Chairman, three years ago, when the Contract with America was being debated, had somebody told me that this Congress would seriously consider, much less adopt, legislation calling for a 40% increase in highway spending, I would have said "only on April Fools Day." Well, here it is, April 1, 1998, and what do we have on the Floor but a bill fitting that description that stands a good chance of being approved.

Is it a joke? No indeed. Whatever people may think of it, the Building Efficient Surface Transportation and Equity Act (BESTEA) we are considering today is a very real and a very attractive proposal for a number of reasons.

First of all, BESTEA meets a clear need, the need for better roads, safer bridges and relief from the incessant traffic congestion that plagues Chicago and many other urban areas of this country. Second, the legislation deals with several rather obvious inequities, one being the expenditure of federal gas taxes for purposes other than those intended and another being that not all states receive a fair return on their gas tax contributions. Third, the bill addresses these inequities in a way that is not only generous but is designed to prevent their recurrence. And fourth, almost every state and four congressional districts out of every five stand to benefit from that generosity and from the inclusion of nearly 1,800 demonstration projects in the legislation.

So what is the problem?

Put simply, the problem is the way BESTEA, or H.R. 2400 as it is otherwise known, goes about those tasks.

Yes, BESTEA meets a need, but that need can be met without shattering the balanced budget agreement by a $26 billion margin.

Yes, BESTEA corrects several inequities, but there are other ways those can be addressed besides setting a spending increase precedent so monumental that many other special interest groups will be tempted to seek similar treatment.

Yes, BESTEA is generous, but is being so generous to ourselves fair to future generations who will have to pay the bill for any deficits that may result?

Yes, BESTEA calls for budget cuts to offset those spending increases, but it does not specify what they are or guarantee that they will be in the bill when it is enacted into law.

Yes, BESTEA has state and local appeal but, at the same time, it is so expensive and so replete with demonstration projects that it threatens the nation's fiscal interests.

And yes, it may be easier to pass a bill like BESTEA that increases spending enough to make everybody happy in the short term than it is to adopt a measure that develops priorities, makes choices and promotes fiscal year responsibility over the long run.

But expediency should not be the determining factor when it comes to surface transportation legislation. Instead, our decisions should be primarily based on the very same need for fiscal restraint and responsibility that caused many of us to seek, and be elected to, public office in the first place. Otherwise put, that means taking into account the fact that Uncle Sam has been running in the red for 30 years, may continue to run in the red if we are not careful, and has accumulated a $5.5 trillion national debt that should be reduced if its forbidding consequences are not to hang like the Sword of Damocles over the heads of our children and grandchildren.

Like many other Members, I cannot help but be impressed by what H.R. 2400 could do in the short term for my state and locality. Not only that but I like the idea of taking the Highway Trust Fund off budget, which BESTEA would accomplish. However, last year's balanced budget agreement, which BESTEA would shred, provides for a 20% increase in surface transportation spending which should be sufficient to fund the most pressing infrastructure needs and the most deserving of the demonstration projects. Moreover, the sanctity of the Highway Trust Fund can be restored by reducing gas taxes to the level of annual appropriations rather than by increasing spending so as to consume all of those revenues.

Furthermore, enactment of H.R. 2400 would appear to be entirely inconsistent with the tenets of fiscal responsibility and restraint to which the majority in this Congress has heretofore adhered. To many, it might smack of hypocrisy.

For all those reasons, I find myself obliged to oppose this edition of BESTEA. While it is possible that some of its excesses might be addressed in conference, there is no assurance that they will be corrected or that others will not be added. Worse yet, approval of this bill by the House of Representatives would send absolutely the wrong message about our future fiscal intentions. Accordingly, we should return this bill to committee so that it can be scaled back to a level that allows necessary infrastructure improvements to be made but is in keeping with the balanced budget agreement. Granted, that will not be easy and could take some time, but far better that than the alternative. Believe me, our children and grandchildren will thank us for looking beyond our immediate interests to their prospects as well.

Mr. WATTS of Oklahoma. I rise today in support of H.R. 2400. I commend Chairman SHUSTER for his hard work in constructing a bill that recognizes that the nation's transportation infrastructure is in severe disrepair and that public safety is at equally severe risk.

The statistics speak for themselves. The number of people killed on our nation's highways has risen to 42,000 a year. Every 13 minutes someone loses their life on our nation's highways. Many of these deaths are the result of road and bridge conditions that are shameful.

We have a perfect example of this in my home state of Oklahoma. There is a crosstown bridge in Oklahoma City that is in a serious state of deterioation—so serious, in fact, that the Oklahoma Department of Transportation has to examine the structure every 6 months and has to spend over $300,000 a year in patch-work repairs.

Now, don't be mistaken. This is not a local highway. This is a stretch of Interstate 40—a major, national East-West corridor that connects in Oklahoma City with two other Interstates which connect traffic from Mexico to Canada and from coast to coast. This crosstown bridge carries more than 100,000 vehicles a day, and over 60% of the truck traffic is from outside of Oklahoma.

With H.R. 2400, the critical repairs can finally begin on this important national highway. An accident-waiting-to-happen can be reconstructed into a safe, modern highway, and as a public official who is responsible for public safety, I can tell you that this gives me a great sense of relief.

I also want to commend the Chairman for returning "trust" to the "trust fund" in this legislation. It is time that the gas taxes paid by our constituents for highway maintenance and construction be directed to repairing and building safer highways for American families. This bill achieves that long overdue goal.

Mr. Chairman, I urge my colleagues to vote in favor of H.R. 2400 and yield back the balance of my time.

Mr. LEVIN. Mr. Chairman, I rise in support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act. I do so because it is imperative that Congress rectify the longstanding shortfall in transportation funds received by Michigan.

For as long as I've served in the House and longer, my state of Michigan has been a donor state. Along with other donor states, Michigan has received far less than our fair share of transportation funding, averaging just 85 cents for every dollar we send to the federal government. Over the last 15 months, I have worked with the Michigan Delegation, Chairman SHUSTER, Representative OBERSTAR and others to address this longstanding injustice. I believe the bill before us today represents the only available vehicle to bring about a fairer deal for donor states like Michigan. Under this bill, Michigan's annual highway funding would rise to $872.3 million a year. That's an increase of $358 million a year over what Michigan received under the 1991 ISTEA law. The basic formula remains inequitable; Michigan would remain a donor state, but at least this legislation is a step in the right direction.

At the same time, I want to reiterate my chagrin over the failure of the Majority in the House to put together a budget resolution which would make clear how this bill would fit into the overall budget. Where is the Majority's budget resolution? Simply put, this process puts the cart before the horse. This bill is silent on the issue of spending offsets to pay for the increased funding of transportation needs. We cannot just pave over the commitment we made last year to live within the framework of a balanced budget. When 214 of us voted last year to support the Shuster/Oberstar amendment, we were saying: Yes, we need to spend more on infrastructure. Yes, more money has to be made available to donor states. The difference is that we were willing to pay for it.

The Republican Leadership in the House is abdicating fiscal responsibility by continuing to delay a vote on the budget resolution. Unless the House Leadership intends to completely abandon fiscal discipline, sooner or later—and the sooner the better—we're going to have to come up with the budget offsets to pay for increased transportation spending. I regret we have not done so before today.

My vote today in support of the transportation bill is a vote to continue the process of addressing the longstanding inequities of the current highway funding formulas. The next step is for this bill to go to conference with the Senate. I want to make it clear that my vote on the final conference report will depend on two factors. First, fair treatment for donor states like Michigan. I will not support any bill that does not address the longstanding funding inequities borne by Michigan and other donor states. Second, my vote on the conference report will depend on concrete actions by the conferees and the Budget Committee to bring this bill into line with last year's balanced budget agreement, including appropriate, sound offsets.

Mrs. CHENOWETH. Mr. Chairman, I rise today in strong support of H.R. 2400, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs.

H.R. 2400 is extremely important to the State of Idaho and its citizens. This legislation provides a significantly higher level of funding for surface transportation programs as compared to the level provided under the short term Surface Transportation Extension Act of 1997 which expires on May 1, 1998.

Although the highway program formula used to apportion funds to the states under H.R. 2400 fails to fairly and equitably address the needs of rural states, such as Idaho, it is important that Congress pass, and the President sign, a new surface transportation act.

The State of Idaho supports H.R. 2400 albeit with some concerns. I include the letter from the Idaho Transportation Department with this statement.

TRANSPORTATION DEPARTMENT,
March 31, 1998.

Hon. HELEN CHENOWETH,
U.S. House of Representatives,
Washington, DC.

Re: House Vote on H.R. 2400 (BESTEA)

DEAR CONGRESSMAN CHENOWETH: As you know, the House will vote this week on H.R. 2400, the "Building Efficient Surface Transportation and Equity Act of 1997" (BESTEA). The passage of a new surface transportation act is extremely important to the State of Idaho and its citizens and I wanted to convey to you our thoughts on this critical vote.

First, we believe you should vote for the passage of BESTEA for two reasons:

BESTEA provides a significantly *higher level of funding for surface transportation program* as compared to the level provided under the now expired Intermodal Surface Transportation Efficiency Act (ISTEA). The House bill authorizes $218.3 billion in transportation funding over a six-year period, an increase of more than 40% over the ISTEA levels.

It is very important that *Congress passes a new surface transportation act as soon as possible.* States are now operating under the short-term "Surface Transportation Extension Act" which expires on May 1, 1998. After that date there will be no federal-aid funding available to the states. Most transportation programs will be completely shut down or severely curtailed. In northern states like Idaho and entire highway construction season may be missed entirely.

Secondly, we have the following major objection to the content of the House bill which should be corrected in Conference Committee with the Senate:

The highway program formulas used to apportion funds to the states under BESTEA do not fairly and equitably address the needs or characteristics of rural states. An overemphasis is placed on factors that favor urbanized states such as population, contributions to the Highway Trust Fund and total public road mileage. Urban highway miles and vehicle miles-of-travel are double counted while those in rural areas are not. Local road mileage and traffic are used as factors in determining the distribution of funds for the Interstate and National Highway System programs, which are both strictly national and federal in character and use.

If you have any questions concerning the Transportation Department's position on H.R. 2400, please don't hesitate to call me at (208) 334-8807.

Sincerely,

DWIGHT M. BOWER,
Director.

Mr. DAVIS of Florida. Mr. Chairman, today I rise in reluctant opposition to HR 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA). Quite simply, this bill is too much of a good thing. Infrastructure funding is critical for the economic future of our nation, but this bill goes too far and in doing so breaks the bi-partisan balanced budget agreement of last year. We should be debating an

increase in transportation funding, but we should be having this debate first within the context of a budget resolution where we can analyze transportation needs relative to other critical domestic priorities. Above all, I believe we must keep to the spirit of the balanced budget agreement we passed last year. This year, we have a balanced budget for the first time in 30 years and today the House is being asked to pass a spending bill which blows a $40 billion hole in the budget.

Clearly, our states have transportation needs that are significantly underfunded and I agree that we should be increasing federal funding for transportation. For my home state of Florida, this bill does help address the fundamental inequities in the current funding formula. Under current law, Florida receives an average of 77 cents for every dollar sent to Washington in gasoline taxes. BESTEA would increase this return to roughly 87 cents on the dollar. I commend the Chairman and Ranking Member for their commitment to addressing this issue and I urge them to continue to work on a fairer funding formula to ensuring that every state receives its fair share of transportation dollars.

Mr. Chairman, despite this improvement in the funding formula and the fact that this bill funds many worthwhile and important transportation projects, I must oppose it based on the overall levels of funding. I believe we can and must find a way to increase transportation funding without abandoning fiscal responsibility. This bill does not offset the increases in spending, leaving it only to a promise of future, unidentified cuts in other programs. Furthermore, the overall levels of funding under this bill set up a fiscal train wreck in the coming years as Congress will have to make massive cuts in other domestic priorities to maintain a balanced budget.

When I was elected to Congress, I was skeptical that this body had the fiscal restraint to balance the budget. This past year, I had hope that things had changed. We worked together to pass a tough balanced budget act in a bi-partisan manner and proved to the American people that we were serious about ending decades of deficit spending. Now, no sooner than the Congressional Budget Office has certified that we have balanced the budget with the possibility of surpluses for the near future, Congress is rushing out to spend tens of billions of dollars that we simply do not have.

Mr. Chairman, I urge my colleagues to reaffirm this Congress's commitment to fiscal responsibility and vote no on HR 2400.

Ms. DEGETTE. Mr. Chairman, I rise today in support of H.R. 2400, the Building Efficiency and Surface Transportation and Equity Act (BESTEA). This legislation provides a total of over $218.3 billion over six years for federal highway and transit programs. This funding is much needed and overdue, and will provide Americans with a stronger transportation infrastructure.

The effects of BESTEA are clear. It will save lives by improving the safety of our highways, and will improve the environment by emphasizing mass transit, the Congestion Mitigation Air Quality Program (CMAQ), and nonmotorized uses such as bike trails.

The First Congressional District of Colorado is one of the top ten fastest growing metropolitan area in the country and has witnessed unprecedented demands on its transportation system. The need for wise and creative investment in transportation has never been greater for Denver metropolitan area. This legislation will address these needs, laying a sound foundation for federal-local partnership.

However, I believe that the offsets for BESTEA must not come from important domestic programs, such as education, environment or health care. Therefore, I will oppose efforts which seek to sacrifice the progress this country has made to improve the quality of life. Congress needs to work in a bipartisan manner to ensure that these offsets are fair and appropriate.

Mr. BILBRAY. Mr. Chairman, I rise today to express my appreciation to Chairman BUD SHUSTER and express my strong support for the provisions in H.R. 2400 that promote the use of clean fuel vehicles and technology in public transit, and the incentives it provides which allow consumers greater opportunity to travel in environmentally sound modes of transportation.

The CMAQ, research and development, bus and bus facility grant provisions of H.R. 2400 are examples of the Committee's effort to begin coordinating federal transportation policy with federal environmental policy. Giving states the opportunity to allow an electric vehicle with fewer than two occupants to operate in an high occupancy vehicle lane is yet another example.

Mr. Chairman, as you know, promoting policies which improve our air quality is a subject near and dear to my heart. As a former mayor, county supervisor, member of my regional air resources board, and member of our county mass transit authority, I understand the difficulties local governments and the private sector face in meeting federal mandates. I saw first hand how the federal government subsidized polluting fuels, while at the same time heavily regulating small businesses over their emissions levels. Small businesses, local governments, and consumer vehicles have stepped up to the plate. It's time the Federal government do its share.

How many times have you been driving down the street and saw black smoke belching out of a bus and that black soot entering into the air? Ninety percent of all bus purchases are paid for with federal dollars. While the federal government has been paying for these polluting vehicles, small companies, local governments and the private sector have been reducing their emissions levels, oftentimes under the threat of severe punitive action. It's time that the federal government lead by example and operate under the same set of clean air rules we require of everyone else.

Yesterday, I testified before the Rules Committee in order to offer an amendment which would have phased out the spending of federal dollars in this bill on polluting fuels in mass transit. This amendment would have simply required that any federal funds in the bill which were to be spent on mass transit vehicles must be spent on technologies which meet EPA's definition of clean fuel technology. This amendment would not have been retroactive, and would have only applied to future vehicle purchases. Unfortunately this amendment was not ruled in order, but I was heartened by the positive response I received from my colleagues on this subject. In fact, I plan on introducing a bill later this Spring that would help accomplish this goal.

Chairman SHUSTER has been very helpful in assisting me with moving this proposal along. In fact, we worked together to add Section 340 in the Manager's Amendment to H.R. 2400. Section 340 directs the Comptroller General to conduct a study to examine the current status of clean fuels technology, which is to be completed by the end of 1999. This study will be reported to the Congress by January 1, 2000.

I am confident that this study will demonstrate what numerous major cities in non-attainment zones already know. The technology exists to move our mass transit systems to cleaner burning fuels. These cities are already accomplishing much in this area. San Diego County made the herculean effort to begin phasing out its diesel burning buses to natural gas buses. By the year 2000, 26% of its bus fleet will be using clean fuel technology that already exists.

Again, I thank Chairman SHUSTER in working with me on this vital matter, as well as Chairman BLILEY of the Commerce Committee, who has always given me the opportunity to pursue new methods of improving our air quality.

Mr. EVERETT. Mr. Chairman, I am proud to speak today in support of H.R. 2400, the Transportation Authorization bill. Our nation's infrastructure has been overlooked and treated as a low priority for far too long. It is time to re-invest in our nation's roads, bridges, and other surface transportation needs. By improving and properly maintaining our infrastructure, we will enhance new growth opportunities, commerce, and safety. I believe this legislation meets many of these goals.

In addition, the regional distribution of gas tax and user fees are more properly allocated among all 50 states in this bill than in the past. As a member of the Donor State Coalition, this represents a hard fought victory for those states, like Alabama, that have been paying in more in gas taxes than they have received in federal highway funds. I pledge to continue in my efforts to see that donor states ultimately receive a 95% overall rate-of-return and further that these states receive a rate-of-return of 100% of the fund distributed to states.

Perhaps most importantly, H.R. 2400 addresses the infrastructure priorities of the State of Alabama. Of our Governor's top highway priorities, I am pleased to say that two of these projects are located in my district in Southeast Alabama. The bill provides additional funding, at my request, for both the Montgomery Outer Loop project and the Dothan I–10 Connector.

Once completed, the Outer Loop will link I–85 with I–65 and U.S. 80. This will allow for more orderly growth in and around Montgomery, our state capital. The eastern side of Montgomery is experiencing the most rapid growth of the area, so construction of this outer loop project will ease the burdens currently placed on our existing transportation routes.

The Dothan project will connect Dothan with Interstate 10 in northwest Florida. Additionally, this freeway will serve as an important link between Fort Rucker, home of the U.S. Army

Aviation Warfighting Center, and the interstate system.

Both of these projects are essential in meeting the increasing demands in these rapidly growing and developing areas. Further, as priorities of the state transportation officials, these projects are in the state's long range plan and are thereby assured of receiving the requisite state matching funds.

Mr. Chairman, this legislation represents a balanced blue print for renewing American's highway infrastructure and safety needs over the next six years. I am confident that the funding commitments of the bill will remain within our balanced budget structure, and I urge its adoption.

Mr. ADERHOLT. Mr. Chairman, I rise in support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act. I commend Chairman SHUSTER and Ranking Member OBERSTAR for their work in crafting legislation that meets the transportation needs of this nation.

For the last six years Alabama has received an average of $330 billion per year for transportation. When this bill becomes law Alabama will receive $552 billion per year. This will mean a 67% increase and brings a level of fairness for Alabama since we have been getting the short end of the stick on transportation funding. Fairness in this process is crucial to ensure our roads and bridges are as we move into the 21st Century.

However, I am most pleased with the creation of a specific category for the Appalachian Development Highway System (ADHS) for the first time. The Fourth Congressional District of Alabama contains very few miles of four lane highways. Unfortunately, the Interstate Highway System did not include a route to connect Birmingham, Alabama with Memphis, Tennessee. This is an unacceptable omission from the Interstate Highway System

Thankfully, the Appalachian Development Highway System includes Corridor X which will connect these two cities, and runs through North Alabama, In addition, the system includes Corridor V which connects with Corridor X in Alabama and runs through North Alabama to Chattanooga, Tennessee is part of the Appalachian Development Highway System.

Category funding for the Appalachian Development Highway System is crucial to expedite completion of these two highways. Traditionally, the Appalachian Development Highway System has had to rely on the annual appropriations process. Corridor X and Corridor V fared well in some years, but other years they received little, if any funds.

This made it difficult for long term planning and has needlessly delayed completion of both highways. In fact the Appalachian Development Highway System is only 78% complete while the Interstate Highway System is 99% complete.

Category funding ensures a stable source of funding that will complete the corridors in Alabama and throughout the thirteen states of Appalachia. I urge all Members to move this bill to Conference so we can complete this process before we lose additional time during the annual construction season.

Mr. COSTELLO. Mr. Chairman, I rise in strong support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act. This bill reauthorizes highway, mass transit and highway safety programs for six years. By passing this legislation we will be renewing our commitment to investing in America's infrastructure.

Our infrastructure is crumbling around us. In my home State of Illinois, for example, a quarter of all the bridges are structurally deficient. Forty-three percent of road in Illinois are in poor or mediocre condition. Driving on these roads costs Illinois motorists $1 billion a year in extra vehicle operating costs. That is $144 per driver. These statistics are shameful. As we enter the next millennium, we cannot allow our nation's infrastructure to languish in the past. We have ignored these problems for too long.

As a Member of the Transportation and Infrastructure Committee which crafted this bill, I know this bill is a solid piece of legislation. H.R. 2400 will enable us to bring our transportation needs into the 21st Century. Under this bill, highways and transit systems will operate more efficiently. People and goods will travel more safely because of the highway safety programs and initiatives under this bill. I will promote a cleaner environment and decrease the red tape associated with environmental regulations.

I realize that many have criticized the high priority projects included in this bill. They call these projects "pork." However, I would like to clarify that these projects are included only after consulting with local elected officials, local highway departments and state departments of transportation about the transportation needs of communities. Republicans espouse the need to give control back to the localities. That is exactly what these high priority projects are all about. The local governments know what their transportation priorities and needs are. By including funding for local projects in H.R. 2400 we are allowing local and regional officials to decide on and meet their own transportation needs. Further, the authorization for high priority projects is only 5 percent of the total funding in the bill. No programs in the bill are compromised at the expense of including high priority projects.

In my district in Southwestern Illinois these projects are critical to meet the transportation needs of many communities. For example, the MetroLink light rail system provides a vital transportation link for commuters and travelers in the St. Louis-MetroEast area. Under this bill, MetroLink will be expanded from East St. Louis to Belleville Area College and then to MidAmerica Airport. When this extension is complete, the region's two airports, St. Louis-Lambert International in St. Louis, MO and MidAmerica Airport in St. Clair County, Illinois will be linked by one light rail line. MetroLink, whose ridership has surpassed all expectations, has had an enormous impact on the environment, transportation efficiency and economic development in my district and the entire St. Louis metropolitan region. It is precisely projects like these that are so important in this bill. These projects are vital to communities.

Mr. Chairman, this is a good bill. We must pass this bill so critical infrastructure funding can get to our states. This bill is not about pork! It is about improving our transportation policies so that Americans and our goods can travel efficiently and safely throughout our nation.

Let's pass this bill today so we can get it to the President before funding expires on May 1. I urge my colleagues to join me in voting in favor of H.R. 2400.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise today to join my colleagues in strong support of the Building Efficient Surface Transportation and Equity Act. I want to thank the Chairman of the Transportation Committee, Mr. SHUSTER and the Ranking Democrat Mr. OBERSTAR for their strong leadership in getting this bill to the floor today. BESTEA as the bill is also known, will authorize $218 billion over six years for federal highways and mass transit programs. It would also modify highway funding formulas to ensure that each state receives 90% of the amount it pays to the federal government in gas taxes.

I also want to strongly urge my colleagues to support continuation of the Department of Transportation's Disadvantage Enterprise Program, (DBE). This is an issue that is of the utmost importance to the President. And it is a program that was first enacted for highway transit construction projects under President Reagan.

It is an equal opportunity program which uses flexible goals established by state and local transportation programs to ensure that small businesses owned by women, minorities and other disadvantaged individuals have a fair chance to compete for federal transportation contracts.

Whether we believe so or not, it is a fact that minorities and women continue to face discrimination on a daily basis. We must not turn the clock back on this segment of our population by eliminating a program that, since its inception, has significantly increased the percentage of women and minority-owned construction firms.

We must defeat the Roukema amendment and protect economic opportunity for women and minorities.

In conclusion, Mr. Chairman, I want to thank the Chairman of the Surface Transportation Subcommittee for his willingness to support the transportation needs of my constituents. I also want to especially thank my colleague the Ranking Member of the Surface Transportation Subcommittee Mr. RAHALL, for his help as well.

I urge my colleagues to support this bill which will serve as the engine to further drive our nation's economy into the 21st century and beyond.

Mr. PACKARD. Mr. Chairman, H.R. 2400, the Building Efficient Surface Transportation and Equity Act of 1997 (BESTEA), provides much-needed funding for the improvement and renewal of highways across the country. I support this legislation because, as I see it, it is the first step towards improving our infrastructure. However, I would like to share my concerns that this legislation does not provide taxpayers in states like California with a fair share in federal transportation funding. This is an issue that we cannot ignore and must address in the near future.

Under BESTEA, Californians will pay $22 billion towards federal highway funding, but will only be guaranteed $19 billion in return.

We must stop asking California taxpayers to pay for highway and infrastructure improvements that they may never see. They should not constantly be forced to sacrifice their hard-earned money to projects in some other town, in some other state.

As it stands, communities throughout California are struggling to maintain their infrastructure. For many quickly growing communities, it is nearly impossible to keep up, and this is not only unfair for taxpayers, it is becoming unsafe.

Mr. Chairman, while I support BESTEA, I urge my colleagues to keep California and other "donor states" across the country in mind when voting on this and related legislation. Let's not wait to address this dilemma and find a funding formula that is fair for California taxpayers.

Mr. PASTOR. Mr. Chairman, I rise today to express my strong support for the Indian Reservation Roads program (IRR). As the House considers BESTEA, I urge the conferees to fully support the Senate amount of $250 million annually for the program.

The needs of the Native American community are often overlooked and under funded. The conditions of reservation roads are the worst in this country and immediate attention and funding is badly needed in order for tribes to attract economic development. We must not ignore these needs.

In the bill under consideration today, the House has authorized up to $212 million annually for the IRR program. While I am pleased that the Committee recognized the need for an increase in the program, I am hopeful that the Committee will recede to the Senate's amount of $250 million annually for the IRR program. I believe that this modest increase is essential to the continued economic progress and improvement of our nation's tribal communities.

Again, I urge the conferees to support this vital program for Indian reservations.

Mr. POMEROY. Mr. Chairman, I rise today in reluctant opposition to H.R. 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA) which reauthorizes federal highway spending. States desperately need adequate resources to keep pace with the stresses placed on their transportation infrastructure. While I am supportive of increased funding for transportation infrastructure, I believe the bill before us today contains a flawed funding formula which leaves rural states without the resources to address their transportation needs.

Highway funding is vitally important to every state in America, especially my state of North Dakota since we have more miles of road per capita than any state in the nation. Highways are the lifeline of our economy, providing a means to transport commodities to market and linking the distance between our cities and towns.

This bill unfortunately short changes several rural states. Large rural states face unique challenges in maintaining, repairing and building their transportation network. However, the funding distribution formula contained in the bill results in a drop in total spending for North Dakota and other rural states from the existing formula. Under BESTEA, North Dakota would receive $34 million a year less than what it would receive if the bill were enacted using the existing formula. Maintaining a sound and efficient transportation network across the country depends on adequate funding for both urban/suburban and rural areas.

The transportation bill which passed the Senate contained a funding formula which strikes a balance between the competing interests of urban/suburban and rural areas. I am hopeful that as the conference committee begins work on the two bills that we can reach a funding formula that recognizes the unique aspects of rural states.

Mr. EWING. Mr. Chairman, I would like to commend the Chairman for the highway bill we are voting on today, which is truly bipartisan and reflects a commitment to ensuring the continued viability of our national highway infrastructure.

I want to take a few moments to express my support for an important domestic renewable energy program that, unfortunately, is not included in this bill, but which I hope to see included in the final ISTEA reauthorization conference report. This program is the Federal Ethanol Program.

Ethanol is a very important, value-added market for agriculture, providing a critical economic stimulus throughout the Midwest. Today, the third largest use of corn is for ethanol production, behind only feed and export uses. Ethanol production utilizes approximately 7 percent of the nation's corn corp, increasing farm income and generating tremendous economic activity both within rural America and nationwide.

The use of ethanol also lessens our dependence on foreign oil. Today, we depend on oil imports to meet more than 54% of our consumption. Using ethanol decreases the demand for oil, thus increasing our energy independence and safeguarding against problems in the volatile Middle East.

Ethanol provides tremendous environmental benefits, including a reduction of harmful emissions of carbon monoxide, ozone, and toxicities. Ethanol can also alleviate concerns about climate change and rising greenhouse gases. A recent study completed by the Argonne National Laboratory found that use of corn-ethanol results in a 50–60 percent reduction in fossil energy use and a 35 to 46 percent reduction in greenhouse gas emissions.

The benefits of Ethanol are well documented, and I believe it is crucial for the federal government to maintain a strong ethanol policy. Mr. Chairman, I hope that, as this bill moves forward, you can support the Senate language on ethanol.

Additionally, Mr. Chairman, I would like to take this opportunity to discuss the ramifications of a rule, finalized by the U.S. Department of Transportation last year, known as HM–200. This rule needlessly imposes the will of the federal government upon states with regard to the regulations governing the transport of Hazardous Materials in the agriculture industry. Mr. Chairman, this Committee and this Congress are right to take action to prevent the usurpation of state's rights and the resulting effect to commerce and safety of a rule which is not supported in its conclusions by any evidence of improved safety, or any consideration of its impact on the community it seeks to protect.

The farmers who produce the many crops that form the basis of the American agricultural economy rely on agricultural production materials to aid in the development of a healthy and robust harvest that is the safest and most abundant in the world. These materials are sold by, delivered and applied by agricultural retailers who are among the most experienced men and women in the country in handling these types of materials. The rigors of continuous training and a lifetime of experience have taught them how to safety store, transport, and apply hazardous agricultural inputs.

As a result, some states with a large agricultural economy have given the retail community an exception to complying with Hazardous Materials (HAZMAT) transport regulations for the intrastate transport of hazardous agriculture inputs from retail facility to farm, farm to farm, and from farm to facility. My own home state of Illinois is one of these states, and despite having such an exception, the Illinois Department of Transportation (IDOT) has closely monitored the agricultural community to ensure its safety. In nearly fifteen years, IDOT has yet to find a reason to revoke these exceptions.

In early 1997, the Research and Special Programs Administration (RSPA) of the U.S. Department of Transportation finalized its HM–200 rule. This rule forces states to implement the same standards for all intrastate HAZMAT transport as they do for federally regulated interstate transport. As a result, states which already have exceptions in place would lose them, as HM–200 would preempt their existence. Other states which do not already have exceptions in place would lose the ability to provide one to their retailer community. Despite a petition signed by a 48 member coalition asking the U.S. Department of Transportation (DOT) to reconsider this aspect of its HM–200 rule, and numerous letters to RSPA expressing industry sentiment, the administration refused to re-examine its position of the HM–200 rule.

Included within H.R. 2400 is language which would preserve the rights of states to provide HAZMAT transport exceptions for retailers and farming communities. This language by no means mandates nationwide exceptions, it only provides the option for states to provide them. Supporting this language are a wide bipartisan array of House members from across the country, as well as a 57 member industry coalition representing every aspect of the agricultural community.

Mr. Chairman, I am pleased that you have joined me in supporting this language which will prevent the federal government from imposing yet another onerous burden on states. The US DOT has produced no studies or accident reports to substantiate the policy of denying exceptions to retailers. In fact, the US DOT has joined several other public interest groups to counter our efforts with respect to HM–200. The Agency has consistently attempted to substantiate this position by using the results of accident reports for interstate commerce.

This agriculture industry and the large, long-haul vehicles carrying thousands of gallons/lbs. of hazardous agents at high rates of speed down interstate highways have virtually

nothing in common, and therefore accident statistics for one do not relate to the other. Under HAZMAT rules, placarding, shipping papers and toll-free 800 emergency response phone numbers are to be utilized as a measure to help in responding to a spill or fire. However, within agricultural communities, emergency responders are typically volunteers who are intimately familiar with the types of materials involved with production agriculture and who would have few problems in identifying the agents involved in this type of incident.

Mr. Chairman, this language within H.R. 2400 is sorely needed. It is estimated that compliance with HM–200 could cost the average retail facility $12,300. In addition to being an out-of-pocket cost to the retailer, this is going to be yet another expense that is passed along to the American farmer, who every year, sees his or her margins continue to shrink as the result of increased costs and government intervention. I appreciate and gladly thank the Chairman and the other members of this committee for the inclusion of this language in H.R. 2400, and would hope that as this legislation moves into conference that we would all endeavor to ensure its inclusion in the conference report.

Ms. VELAZQUEZ. Mr. Chairman, I rise today on behalf of myself and my distinguished colleague from New York, Mr. TOWNS. Today is a very significant day for the residents of my congressional district and for the constituents of Congressman TOWNS. We have worked tirelessly for years with the communities in Brooklyn surrounding the Gowanus Expressway to find the best solution to the congestion and dilapidated condition of this major highway and key component in the New York area's transportation network. These residents have patiently asked that a full study of alternatives to the planned reconstruction of the Gowanus Expressway be conducted.

For the economic viability of the area and the environment health of the families living near this planned reconstruction, it is crucial that the impact on the surrounding communities be adequately assessed. For these reasons, I thank the Transportation and Infrastructure Committee, particularly Chairman SHUSTER, Chairman PETRI, Ranking Member OBERSTAR, and Ranking Member RAHALL, for understanding these concerns and supporting our proposal.

The Building Efficient Surface Transportation and Equity Act finally responds to the pleas of these New York neighborhoods. H.R. 2400 authorizes $24 million dollars for New York State to conduct a Major Investment Study (MIS) of the Gowanus Expressway Corridor. None of these funds may be used to supplement or finance any part of the currently proposed rehabilitation and reconstruction of the highway. The intent of the funding is to provide for an MIS to determine the short and long term social, economic and environmental benefits and costs of different alternatives to rebuilding the current elevated highway—including a tunnel.

The MIS will include Phase I to IV civil engineering and design documents so as to accurately determine the initial and long term fiscal, environmental, social and economic costs of replacing the current elevated structure of the Gowanus with a tunnel. This analysis will include a complete engineering study, including hydro-geologic study and the cost of tunnel connectivity with bridges and tunnels adjacent to the corridor.

Using the methodology devised in the "West Brooklyn Traffic Calming Study" CMAQ proposal, the MIS will devise mitigation measures to reduce current and future traffic diversions from the Gowanus Expressway in adjacent neighborhoods. Additionally, the MIS will include an assessment of service improvements to all subway lines needed to produce an increase in ridership and reduction in motor vehicle traffic in the Gowanus corridor before, during and after the reconstruction of the highway. Upon completion of the MIS and tunnel alternative study, any remaining authorized funds should be held for the future planning and design phase of the Gowanus project.

The Gowanus MIS Project is part of a sound national and regional transportation policy. With this transportation proposal, the Gowanus neighborhoods are one step closer to real answers to this long-standing local transportation problem. This proposal is not only about transportation—it is also about the economic development and empowerment future of our communities.

Mr. LAHOOD. Mr. Chairman, funding levels: $217 billion total over the next six years; $181 million for highways and highway safety; and $36 billion for transit.

Illinois will receive nearly 36 percent more per year under BESTEA.

Illinois received $684 million per year under ISTEA and will now receive over $1 billion per year under BESTEA.

Illinois needs: According to IDOT, more than 98 percent of highway and bridge funding will have to be allocated to the repair of existing roads and bridges over the next five years.

For the first time in 14 years, the number of road miles considered to be in poor condition will increase from 2,300 miles to 4,300 miles.

10,681 miles are considered to be in poor or mediocre condition—this is roughly ⅓ of the total federal aid miles for Illinois (i.e., ⅓ of Illinois' federal aid highway miles are in poor or mediocre condition).

Illinois Citizens for Better Highways released a report that concluded that rural road repairs, upgrades and bridge replacements are underfunded b7 $227 million annually.

For example, Tazewell County, alone, will need $8.3 million over the next five years for highway and bridge rehabilitation.

IDOT estimates that 42 percent of county roads and 51 percent of township roads are substandard.

Special additional federal funding is needed so that Illinois can restore and maintain such important roadways as the Stevenson Expressway and I–74 running through Peoria.

Stevenson Expressway repairs are expected to cost $567 million; I–74 rehabilitation and reconstruction is expected to cost $193.6 million.

National needs: The demand for high cost interstate highway reconstruction funds has outpaced the money available by more than 9 to 1.

In FY '96 alone, 18 states requested $687 million in project work, while only six states were awarded a total of $66 million in funding.

Limited funds meant that $621 million in requests went unfunded in 1996. The current ISTEA I–4R (reconstruction, rehabilitation, resurfacing and repair program) level is averaging only $63 million per year.

In 1993, almost 32 percent of the Interstate pavement was in poor or mediocre condition, and 60% of the nation's major roads are considered by the federal government to be substandard and in need of repair.

The FHWA estimated that $202.6 billion ($10.1 billion annually) is needed over the next 20 years to maintain the 1993 conditions and performance of the Interstate system. Of that amount, 40 percent would be needed just for system preservation.

In order to preserve today's pavement quality, 100,000 miles of roads would have to be restored every year.

Safety hazards caused by poor roads and highways: According to the Keep America Moving Coalition, "Substandard designs, outdated safety features, poor pavement quality and other road conditions are a factor in 30% of all fatal highway accidents."

FHWA has found that converting two-lane roads to four-lane roads with a median decreased traffic deaths by 71%. Widening a two-lane road by just two feet reduces accidents by 23%.

Economic costs to motorists caused by poor roads and highways: American motorists suffer expenses of $21.5 billion annually in vehicle operating and maintenance costs due to damage caused by driving on poor roads. This translates to costs of $122 per driver.

General economic benefits of road and highway investments: FHWA estimates that for every $1 billion in highway investment, 42,100 jobs are created. Every dollar invested in the Interstate Highway System generates $6 in economic returns.

BESTEA solutions to poor quality roads: Section 113 of BESTEA provides a formula and discretionary grant program that will provide significant amounts of money over the next 6 years to repair and resurface high cost interstate highways: $165 million for FY '98; $412.5 million for FY '99; $670 million for FY '2000 through 2003.

These funds would be available to fund "major reconstruction or improvement projects on the Interstate system. In order to be eligible, a project must cost over $200 million or cost more than 50% of a State's Federal-aid highway apportionments." The project must also be ready to go to construction.

Mr. BURTON of Indiana. Mr. Chairman, this historic bipartisan legislation restores the word trust to the Highway Trust Fund. For years the Congress has spent money dedicated to Highway Trust Fund on wasteful government programs, at the expense of our National transportation infrastructure. A trust fund is exactly that, a trust fund. Whether it is the Transportation Trust Fund or the Social Security Trust Fund, we need to restore the trust.

In addition, BESTEA, goes a long way towards restoring funding equity to donor states like Indiana. The historic shortfall and inequity in Federal transportation funding in Indiana has left Hoosiers with an old, congested, and inadequate infrastructure. Allowing the gasoline taxes paid by Hoosiers to be spent in Indiana will allow Indiana to modernize our transportation infrastructure for the 21st century. This legislation distributes funds more equitably among States under the revised funding

formulas. I want to thank and commend Chairman SHUSTER, Ranking Member OBERSTAR and the Members of the Committee for their hard work and encourage them to fight to maintain the equity levels in this bill when this legislation is debated in conference.

Mrs. CAPPS. Mr. Chairman, I rise in support of this important legislation. The bill before us provides much needed funding for critical transportation projects across the country.

For a long time now, many of us here today have spoken about the need to rebuild critical parts of our transportation infrastructure. Pothole-filled roads, crumbling and dangerous bridges, and inefficient and outdated transportation systems have crippled the economy of many parts of our country. We must continually rebuild our infrastructure if we are to ensure that our economy remains strong into the next century.

In addition, this bill maintains several critical programs to ensure that we are doing more than just paving roads. In particular, I am pleased that the bill contains the "enhancement set-aside" provision which allows states to use these funds for pedestrian walkways, bike lanes, scenic easements and other preservation activities. In addition, this bill continues the Congestion Mitigation and Air Quality Improvement program, which provides funding to areas with air pollution problems for reducing traffic congestion. It is critically important that this legislation continues to support alternative transportation systems that address quality of life issues and will help preserve our environment.

Mr. Chairman, a lot has been said about the special projects in this bill. I believe strongly that any Federal spending—be it for transportation, education or health care—has to be an efficient and responsible use of our tax dollars. I know that the projects I have requested and received funding for in this bill meet that test. All of these projects are widely supported in my district and address critical local needs such as safety and promoting alternative transportation.

For example, this bill provides $8 million for the widening of dangerous Highway 46 in the northern part of my district, as my husband had requested last year. This road is most infamously known as the road that James Dean was killed on some 40 years ago, but to my constituents it is known as the road that is dangerous for them today. Since 1992, 48 people have died on this road and nearly 700 have been injured due to the volatile mix of traffic that uses this road, which includes school buses, trucks going back and forth from the coast to the Central Valley, farm and ranch traffic, and daily commuters.

This road has been such a problem a local citizens group, called "Fix 46," was formed to advocate for improvements. Through their efforts some progress has been made on Route 46, such as implanting rumble strips and an enhanced Highway Patrol presence. But as it has been pointed out to me by everyone from the leaders of "Fix 46," Mary Chambers and Tom Rusch, to the California Highway Patrol, these are only short-term fixes and widening the road is a necessity.

The funding for this road is going to the type of community that is too often forgotten in Washington—small, rural and out of the way—and I am very proud that I have been able to help them help build a safer and more productive community.

In addition to the Hwy 46 funding, this bill also provides targeted funds for locally supported, fully vetted and important local transportation projects such as the installation of emergency call boxes on secluded Highway 166 near Santa Maria and the upgrade of the 332 call boxes throughout Santa Barbara County to make them all handicapped accessible. This legislation will also allow the city of Guadalupe and the county of Santa Barbara to undertake some much needed repaving work, and the city of Santa Maria to fund three new bikeway segments.

In addition, this bill also will provide funds for a traffic calming project and pedestrian boardwalks in the coastal cities of Grover Beach and Pismo Beach, and for road reconstruction in Arroye Grande. Finally, funds are included for a street widening project in San Luis Obispo and for road widening and bike lane installation south of the city.

I am strongly in support of this legislation as it responds to needs across the country and to specific transportation needs on the Central Coast. I urge my colleagues to support this important bill.

Mr. EVERETT. Mr. Chairman, I am proud to speak today in support of H.R. 2400, the Transportation Authorization bill. Our nation's infrastructure has been overlooked and treated as a low priority for far too long. It is time to re-invest in our nation's roads, bridges, and other surface transportation needs. By improving and properly maintaining our infrastructure, we will enhance new growth opportunities, commerce, and safety. I believe this legislation meets many of these goals.

In addition, the regional distribution of gas tax and user fees are more properly allocated among all 50 states in this bill than in the past. As a member of the Donor State Coalition, this represents a hard fought victory for those states, like Alabama, that have been paying more in gas taxes than they have received in federal highway funds. I pledge to continue my efforts to see that donor states ultimately receive a 95 percent overall rate-of-return and, further, that these states receive a rate-of-return of 100 percent of the funds distributed to states.

Perhaps most importantly, H.R. 2400 addresses the infrastructure priorities of the State of Alabama. Of our Governor's top highway priorities, I am pleased to say that two of these projects are located in my district in Southeast Alabama. The bill provides additional funding, at my request, for both the Montgomery Outer Loop project and the Dothan I–10 Connector.

Once completed, the Outer Loop will link I–85 with I–65 and US 80. This will improve traffic safety and allow for more orderly growth in and around Montgomery, our state capital. The eastern side of Montgomery and surrounding area represent one of the most rapidly growing regions in the state, so construction of this outer loop project will ease the burdens currently placed on our existing transportation routes.

The Dothan project will connect Dothan with Interstate 10 in northwest Florida. Additionally, this freeway will serve as an important link between Fort Rucker, home of the U.S. Army Aviation Warfighting Center, and the interstate system.

Both of these projects are essential in meeting the increasing demands in these rapidly growing and developing areas. Further, as priorities of the state transportation officials, these projects are in the state's long range plan and are thereby assured of receiving the requisite state matching funds.

Mr. Chairman, this legislation represents a balanced blueprint for renewing America's highway infrastructure and safety needs over the next six years. I am confident that the funding commitments of the bill will remain within our balanced budget structure, and I urge it's adoption.

Mr. ENSIGN. Mr. Chairman, I would like to take this opportunity to thank Chairman SHUSTER and Chairman PETRI for their leadership in bringing the needed reauthorization of the Intermodal Surface Transportation Efficiency Act to the floor. The efficient movement of commerce and people is among the keys to a successful free market economy.

This bill transcends simple infrastructure development and advocates innovative strategies to fight air pollution caused by congestion. I am pleased that my Nevada colleague, Mr. GIBBONS, and I were able to include language that will provide states with more flexibility in the use of their CMAQ allocations. Our proposal will afford states the opportunity to leverage Federal funding with private dollars through the establishment of public-private partnerships—joint ventures that will release innovations in the private sector to develop breakthrough technologies that substantially reduce air pollution. With dwindling Federal resources, states need this vital option to meet clean air requirements.

The CMAQ program is intended to promote projects and strategies that will assist states in the attainment of ambient air quality standards for ozone and carbon monoxide. Cars and other transportation account for one-third of greenhouse gas emissions. Because of this, we have a responsibility to aggressively promote technologies—such as non-traditional fuels—that can combat some of the negative effects of our progress. States must find new and innovative means of attacking their air quality problems associated with congestion and transportation. Our amendment would energize community stakeholders to promote cooperative efforts with the scientific, industrial, and other such organizations that can bring unique capabilities to the table that develop new ways to reduce emissions.

I am proud to say that one such innovative non-traditional fuel has been developed in Nevada. This small startup company—A–55 Clean Fuels—has developed a water-phased hydrocarbon fuel emulsion, which, because of its unparalleled ability to fight the pervasive air pollutant NO_X, warrants special consideration. Tests of this innovative fuel are being performed around the country on a wide-range of applications including cars, trucks, and buses to confirm performance and environmental benefits. EPA has verified these tests. The potential of this fuel to reduce dangerous air pollution is enormous. Therefore, it is important to include this fuel as an eligible activity for CMAQ funding because:

NO_X, one of the major building blocks of ozone and particulate matter, is reduced from 50% to 80% by using the fuel. Soot and smoke are also reduced.

It is market driven, offering consumers a fuel that is cost competitive and often less expensive than diesel and gasoline.

The fuel is safer than traditional fuels. It does not readily ignite outside the combustion chamber making it ideal for school buses, trucks and all vehicles that traverse our nation's roadways.

Decisionmakers need every possible alternative in their tool kit to address air pollution. Non-traditional fuels must play a critical role in the CMAQ program so that states can meet their clean air responsibilities and at the same time, allow their citizens and their economy the freedom to grow. Our amendment would capitalize on the power of the private sector to provide innovations, like A–55, that both save money and reduce emissions.

Mr. OXLEY. Mr. Chairman, I rise today in strong support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA).

In my district, and in the districts of many of my colleagues, the rural highways that have served our nation since the mid-fifties are no longer capable of serving the growing number of cars and trucks that use them every day. Additionally, many of these highways often prove to be hazardous, and unable to meet the needs of the small towns and growing economies that they serve. Adding to this problem is the fact that more often than not rural highways are overlooked when upgrade decisions are made in favor of major interstate projects that serve large metropolitan cities and constituencies. U.S. Rt. 30 that runs through my district is a perfect example of this growing problem.

As a major east-west thoroughfare U.S. 30 is a integral trucking route serving the northern half of Ohio between I–70 and the Ohio Turnpike. Over the years this narrow two-lane stretch of highway has logged a disturbing number of automotive accidents, which, when combined with the increase in truck traffic and lack of sufficient shoulder room, has all too often led to fatalities. With truck traffic on this route up 11 percent since 1994, much of which can be attributed to an increase state tolls elsewhere that forced many trucks to reroute to rural thoroughfares like US 30, the need for a four-lane upgrade has never been more critical. I support BESTEA because it will give Ohio the needed resources and flexibility to bring much needed relief to those who live along and drive U.S. Rt. 30.

Of great importance to me is the fact that Chairman Shuster' bill finally provides equity for donor states like Ohio that have long provided more revenue than they have received back in federal-aid highway funds. By providing a true 95 percent return on contributions to the Highway Trust Fund Ohio will be able to complete many projects that have long been shelves due to lack of federal funding. Moreover, by taking the Highway Trust Fund off-budget, BESTEA will restore the integrity of the fund and provide all states with the transportation funding their citizens have already contributed through gas taxes. While in 1991 we made great strides in improving our transportation system by passing ISTEA, in fact increasing Ohio's return from a meager 79 cents on the dollar to 87 cents, Today's BESTEA legislation will significantly strengthen this commitment to our nations infrastructure that we began many years ago.

Mr. Chairman, I applaud the Chairman of the Transportation Committee for his leadership in bringing this important piece of legislation to the House floor. I plan to support it and I look forward to its passage so we can ensure that our nation has the best and most modern transportation system in the world.

Mr. DOYLE. Mr. Chairman, roads, bridges, transit, and trails all play an important part in meeting the challenge of continuing to use transportation to benefit the economy, environment, and quality of life in all of our communities. Today's passage of H.R. 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA), means that the critical infrastructure needs of the people in the 18th Congressional District of Pennsylvania will be addressed in a comprehensive manner.

The success of BESTEA is its preservation of the most progressive components of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). BESTEA continues to recognize and pay attention to, creating and maintaining transportation systems which reflect both environmental concerns and the needs of residents. BESTEA is a balanced bill which meets the needs of road repair, bridge rehabilitation, transit access, safety research, and pollution reduction.

Pennsylvania's overall network of 116,000 miles of highways and streets is the largest of any eastern state with 44% of the state's 22,327 bridges in disrepair. The support provided by BESTEA not only stimulates economic activity, but meets important safety concerns. BESTEA also provides critical assistance in improving other aspects of transportation that enhance the aesthetic of our local landscapes and improve the quality of our air. I am pleased that CMAQ and Recreational Trail Program funds were included in BESTEA.

It is important to note that BESTEA provides this critical assistance to cities, towns, and neighborhoods across our country in a fiscally responsible manner. As a strong balanced budget advocate, I am supportive of the requirement that any spending increases in BESTEA must be off-set. As a cosponsor of the Truth in Budgeting Act in both the 104th and 105th Congress, I am pleased that BESTEA addresses a tax fairness issue by moving the Highway Trust Fund "off-budget" beginning in FY 1999. Currently, with this fund "on-budget" the surpluses are used to mask a portion of our true budget deficit and prevents the funds from being used in the manner they were intended.

Without the critical support that BESTEA provides, countless communities in the 18th Congressional District would have to stave off undesirable consequences of poor infrastructure, rather than plan for future development and growth. By improving our communities' mobility we can directly benefit the quality of life and economic competitiveness of our country. I am pleased to support H.R. 2400.

Mr. HAYWORTH. Mr. Chairman, I rise today in strong support of the Indian Reservation Roads (IRR) program. While the Building Efficient Surface Transportation and Equity Act (BESTEA) increases current IRR funding levels to $212 million, I would urge the conferees to recede to the Senate funding level for IRR of $250 million.

Funding for the IRR program is critical to the safety and, ultimately, the health and welfare of Native American communities. The current state of tribal infrastructure often consists of dirt roads over which community members must travel for hundreds of miles to reach the nearest hospital or school. Crumbling infrastructure does nothing to induce safe travel to and from community resources, and speaks poorly of our nation's regard for the treaties, relationships, and prioritization of Native Americans needs.

The Senate funding level for IRR of $250 million is a modest but necessary increase, and I urge my colleagues to respect the call for desperately needed resources.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure printed in the bill, modified by the amendment recommended by the Committee on Ways and Means printed in the bill, and the amendment printed in Part I of House Report 105–476, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute, modified by the amendment recommended by the Committee on Ways and Means now printed in the bill and the amendment printed in Part I of House Report 105–476 is as follows:

H.R. 2400

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 "Building Efficient Surface Transportation and Equity Act of 1998".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Savings clause.

TITLE I—FEDERAL-AID HIGHWAYS

Sec. 101. Amendments to title 23, United States Code.
Sec. 102. Authorization of appropriations.
Sec. 103. Obligation ceiling.
Sec. 104. Apportionments.
Sec. 105. Interstate maintenance program.
Sec. 106. National Highway System.
Sec. 107. Highway bridge program.
Sec. 108. Surface transportation program.
Sec. 109. Congestion mitigation and air quality improvement program.
Sec. 110. High risk road safety improvement program.
Sec. 111. Minimum allocation.
Sec. 112. Appalachian Development Highway System.
Sec. 113. High cost Interstate System reconstruction and improvement program.

Sec. 114. Recreational trails program.
Sec. 115. National corridor planning and development program.
Sec. 116. Coordinated border infrastructure and safety program.
Sec. 117. Federal lands highways program.
Sec. 118. National scenic byways program.
Sec. 119. Variable pricing pilot program.
Sec. 120. Toll roads, bridges, and tunnels.
Sec. 121. Construction of ferry boats and ferry terminal facilities.
Sec. 122. Highway use tax evasion projects.
Sec. 123. Performance bonus program.
Sec. 124. Metropolitan planning.
Sec. 125. Statewide planning.
Sec. 126. Roadside safety technologies.
Sec. 127. Discretionary program authorizations.
Sec. 128. Woodrow Wilson Memorial Bridge.
Sec. 129. Training.
Sec. 130. Transportation assistance for Olympic cities.
Sec. 131. National Defense Highways.
Sec. 132. Miscellaneous surface transportation programs.
Sec. 133. Eligibility.
Sec. 134. Fiscal, administrative, and other amendments.
Sec. 135. Access of motorcycles.
Sec. 136. Amendments to prior surface transportation authorization laws.
Sec. 137. Bicycle transportation and pedestrian walkways.
Sec. 138. Hazard elimination program.
Sec. 139. Project administration.
Sec. 140. Contracting for engineering and design services.
Sec. 141. Commercial motor vehicle study.
Sec. 142. New York Avenue Transportation Development Authority.
Sec. 143. Definitions.

TITLE II—HIGHWAY SAFETY

Sec. 201. Amendments to title 23, United States Code.
Sec. 202. Highway safety programs.
Sec. 203. Highway safety research and development.
Sec. 204. Occupant protection incentive grants.
Sec. 205. Alcohol-impaired driving countermeasures.
Sec. 206. State highway safety data improvements.
Sec. 207. National Driver Register.
Sec. 208. Safety studies.
Sec. 209. Effectiveness of laws establishing maximum blood alcohol concentrations.
Sec. 210. Authorizations of appropriations.
Sec. 211. Transportation injury research.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Sec. 301. Amendments to title 49, United States Code.
Sec. 302. Definitions.
Sec. 303. Metropolitan planning.
Sec. 304. Transportation improvement program.
Sec. 305. Transportation management areas.
Sec. 306. Urbanized area formula grants.
Sec. 307. Mass Transit Account block grants.
Sec. 308. Capital program grants and loans.
Sec. 309. Dollar value of mobility improvements.
Sec. 310. Formula grants and loans for special needs of elderly individuals and individuals with disabilities.
Sec. 311. Formula program for other than urbanized areas.
Sec. 312. Research, development, demonstration, and training projects.
Sec. 313. National planning and research programs.
Sec. 314. National transit institute.
Sec. 315. University research institutes.
Sec. 316. Transportation centers.
Sec. 317. Bus testing facilities.
Sec. 318. Bicycle facilities.
Sec. 319. General provisions on assistance.
Sec. 320. Contract requirements.
Sec. 321. Special procurements.
Sec. 322. Project management oversight and review.
Sec. 323. Study on alcohol and controlled substances random testing rate calculation.
Sec. 324. Administrative procedures.
Sec. 325. Reports and audits.
Sec. 326. Apportionment of appropriations for formula grants.
Sec. 327. Apportionment of appropriations for fixed guideway modernization.
Sec. 328. Authorizations.
Sec. 329. Obligation ceiling.
Sec. 330. Access to jobs challenge grant pilot program.
Sec. 331. Adjustments for the Surface Transportation Extension Act of 1997.
Sec. 332. Projects for new fixed guideway systems and extensions to existing systems.
Sec. 333. Projects for bus and bus-related facilities.
Sec. 334. Project management oversight.
Sec. 335. Privatization.
Sec. 336. School transportation safety.
Sec. 337. Urbanized area formula study.
Sec. 338. Coordinated transportation services.
Sec. 339. Final assembly of buses.

TITLE IV—MOTOR CARRIER SAFETY

Sec. 401. Amendments to title 49, United States Code.
Sec. 402. State grants.
Sec. 403. Information systems.
Sec. 404. Automobile transporter defined.
Sec. 405. Inspections and reports.
Sec. 406. Exemptions and pilot programs.
Sec. 407. Safety regulation.
Sec. 408. Improved interstate school bus safety.
Sec. 409. Repeal of certain obsolete miscellaneous authorities.
Sec. 410. Commercial vehicle operators.
Sec. 411. Interim border safety improvement program.
Sec. 412. Vehicle weight enforcement.
Sec. 413. Participation in international registration plan and international fuel tax agreement.
Sec. 414. Telephone hotline for reporting safety violations.
Sec. 415. Insulin treated diabetes mellitus.
Sec. 416. Performance-based CDL testing.
Sec. 417. Postaccident alcohol testing.
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TITLE X—CONDITIONS FOR IMPLEMENTATION OF FUNDING

Sec. 1001. Conditions for implementation of funding.

TITLE XI—REVENUES

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) INTERSTATE SYSTEM.—The term "Interstate System" has the meaning such term has under section 101 of title 23, United States Code.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 3. SAVINGS CLAUSE.

Except as otherwise provided in this Act, an amendment made by this Act shall not affect any funds apportioned or allocated before the date of the enactment of this Act.

TITLE I—FEDERAL-AID HIGHWAYS

SEC. 101. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title and title V an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $4,019,500,000 for fiscal year 1998, $4,462,600,000 for fiscal year 1999, and $5,006,200,000 for each of fiscal years 2000 through 2003.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of such title $4,978,500,000 for fiscal year 1998, $5,520,500,000 for fiscal year 1999, and $6,186,500,000 for each of fiscal years 2000 through 2003.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of such title $3,777,600,000 for fiscal year 1998, $4,194,000,000 for fiscal year 1999, and $4,704,800,000 for each of fiscal years 2000 through 2003.

(4) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of such title $5,601,400,000 for fiscal year 1998, $6,218,900,000 for fiscal year 1999, and $6,976,300,000 for each of fiscal years 2000 through 2003.

(5) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of such title $1,406,800,000 for fiscal year 1998, $1,561,900,000 for fiscal year 1999, and $1,752,200,000 for each of fiscal years 2000 through 2003.

(6) HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk road safety improvement program under section 154 of such title $750,000,000 for fiscal year 1998, $1,000,000,000 for fiscal year 1999, and $1,000,000,000 for each of fiscal years 2000 through 2003.

(7) HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.—For the high cost Interstate System reconstruction and improvement program under section 160 of such title $265,000,000 for fiscal year 1998, $512,500,000 for fiscal year 1999, $920,000,000 for fiscal year 2000, $923,000,000 for fiscal year 2001, $922,000,000 for fiscal year 2002, and $1,067,000,000 for fiscal year 2003.

(8) DISCRETIONARY PROGRAMS.—For executive and legislative branch discretionary programs referred to in section 127 of this Act (including amendments made by such section) $1,622,400,000 for fiscal year 1998, $2,215,300,000 for fiscal year 1999, $2,563,600,000 for fiscal year 2000, $2,563,600,000 for fiscal year 2001, $2,657,600,000 for fiscal year 2002, and $2,657,600,000 for fiscal year 2003.

(9) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) $250,000,000 for fiscal year 1998, $400,000,000 for fiscal year 1999, and $400,000,000 for each of fiscal years 2000 through 2003.

(10) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of such title $30,000,000 for fiscal year 1998, $40,000,000 for fiscal year 1999, and $50,000,000 for each of fiscal years 2000 through 2003.

(11) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of such title $194,000,000 for fiscal year 1998, $200,000,000 for fiscal year 1999, and $212,000,000 for each of fiscal years 2000 through 2003.

(B) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of such title $58,000,000 for fiscal year 1998, $60,000,000 for fiscal year 1999, and $60,000,000 for each of fiscal years 2000 through 2003.

(C) PARKWAYS AND PARK HIGHWAYS.—For parkways and park highways under section 204 of such title $85,300,000 for fiscal year 1998, $86,200,000 for fiscal years 1999, and $99,000,000 for each of fiscal years 2000 through 2003.

(D) FOREST HIGHWAYS.—For forest highways under section 204 of such title $113,500,000 for fiscal year 1998, $130,000,000 for fiscal year 1999, and $130,000,000 for each of fiscal years 2000 through 2003.

(12) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects under section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) $5,000,000 for fiscal year 1998 and $10,000,000 for each of fiscal years 1999 through 2003.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under titles I, III, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, III, and VI of this Act, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

(3) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of paragraph (1), including an analysis of—

(A) in the case of small business concerns owned and controlled by socially and economically disadvantaged individuals—

(i) the number of the small business concerns; and

(ii) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, III, and VI of this Act;

(B) in the case of small business concerns described in subparagraph (A) that receive prime contracts and subcontracts funded under titles I, III, and VI of this Act—

(i) the number of the small business concerns;

(ii) the annual gross receipts of the small business concerns; and

(iii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(C) in the case of small business concerns described in subparagraph (A) that do not receive prime contracts and subcontracts funded under titles I, III, and VI of this Act—

(i) the annual gross receipts of the small business concerns; and

(ii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(D) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, III, and VI of this Act, other than small business concerns described in subparagraph (B)—

(i) the annual gross receipts of the business concerns; and

(ii) the net worth of individuals that own and control the business concerns;

(E) the rate of graduation from any programs carried out to comply with the requirement of paragraph (1) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(F) the overall cost of administering the requirement of paragraph (1), including administrative costs, certification costs, additional construction costs, and litigation costs;

(G) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(H)(i) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, III, and VI of this Act; and

(ii) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(I) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(J) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(i) the issuance of a final order described in paragraph (2) by a Federal court that suspends a program established under paragraph (1); or

(ii) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(K) the impact of the requirement of paragraph (1), and any program carried out to comply with paragraph (1), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

(4) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

SEC. 103. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law, the total of all obligations for Federal-aid highway programs shall not exceed—

(1) $21,500,000,000 for fiscal year 1998;

(2) $25,300,000,000 for fiscal year 1999; and

(3) $28,400,000,000 for each of fiscal years 2000 through 2003.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;

(2) under section 157 of such title;

(3) under section 147 of the Surface Transportation Assistance Act of 1978;

(4) under section 9 of the Federal-Aid Highway Act of 1981;

(5) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(6) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(7) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; and

(8) under section 104(j) of title 23, United States Code, relating to high priority projects.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 1998 through 2003, the Secretary shall—

(1) not distribute amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics;

(2) determine the ratio that—

(A) the obligation limitation imposed by subsection (a) for such fiscal year less the aggregate of amounts not distributed under paragraph (1), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highway programs (other than sums authorized to be appropriated for sections referred to in subsection (b)) for such fiscal year less the aggregate of amounts not distributed under paragraph (1);

(3)(A) multiply the ratio determined under paragraph (2) by the sums authorized to be appropriated for such fiscal year for each of the programs that are allocated by the Secretary under this Act and title 23, United States Code (other than the recreational trails program and programs to which paragraph (1) applies);

(B) not distribute such amount for each such program (other than the recreational trails program and programs to which paragraph (1) applies); and

(C) in administering such program, allocate such amount for such program;

(4) distribute the obligation limitation imposed by subsection (a) less the aggregate of amounts not distributed under paragraphs (1) and (3) and less amounts distributed under paragraph (5) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highway programs that are apportioned or allocated to each State for such fiscal year and that are subject to the limitation imposed by subsection (a) bear to the total of the sums authorized to be appropriated for Federal-aid highway programs that are apportioned or allocated for such fiscal year and that are subject to the limitation imposed by subsection (a); and

(5) distribute any amount determined under paragraph (3) for the recreational trails program in accordance with the formula set forth in section 104(h) of title 23, United States Code, for such program.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highway programs that have been apportioned to a State; and

(2) after August 1 of each of fiscal years 1998 through 2003 revise a distribution of the obligation authority made available under subsection (c) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, under section 160 of title 23, United States Code (as in effect on the day before the date of the enactment of this Act), and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highway programs established by subsection (a) shall apply to transportation research programs carried out under chapter 3 of title 23, United States Code, and under title VI of this Act.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation authority under subsection (a) for each of fiscal years 1998 through 2003, the Secretary shall distribute to the States any funds (A) that are authorized to be appropriated for such fiscal year for Federal-aid highway programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (B) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (c)(5). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(2) HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM FUNDS.—Not later than 30 days after the date of the distribution of obligation authority under subsection (c) for each of fiscal years 1998 through 2003, the Secretary shall distribute to the States any funds that are authorized to be appropriated for such fiscal year to carry out the high cost Interstate System reconstruction and improvement program under section 160 of title 23, United States Code, and that will not be available for obligation in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as funds are apportioned under section 104(b)(5) of such title. The funds so distributed to a State shall be credited to the State's apportionment under such section 104(b)(5).

SEC. 104. APPORTIONMENTS.

(a) ADMINISTRATIVE TAKEDOWN.—Section 104(a) is amended to read as follows:

"(a) ADMINISTRATIVE TAKEDOWN.—Whenever an apportionment is made of the sums authorized to be appropriated for expenditure on Interstate maintenance, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the high risk road safety program, the high cost Interstate System reconstruction and improvement program, the national corridor planning and development program, the border infrastructure and safety program, and the Federal lands highways program, the Secretary shall deduct a sum, in such amount not to exceed 1 percent of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid highway program. In making such determination, the Secretary shall take into account the unobligated balance of any sums deducted for such purposes in prior years. The sums so deducted shall remain available until expended. The Secretary may not transfer any of such sums to a Federal entity other than the Federal Highway Administration.".

(b) APPORTIONMENTS.—Section 104(b) is amended to read as follows:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-aside authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on Interstate maintenance, the National Highway System, the surface transportation program, the congestion mitigation and air quality improvement program, and the high risk road safety program for that fiscal year, among the several States in the following manner:

"(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System, 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and the remaining 99 percent apportioned as follows:

"(A) In the case of a State with an average population density of 20 persons or fewer per square mile, and in the case of a State with a population of 1,500,000 persons or fewer and with a land area of 10,000 square miles or less, the greater of—

"(i) a percentage share of the remaining apportionments equal to the percentage specified for the State in section 104(h)(1) of the Building Efficient Surface Transportation and Equity Act of 1998; or

"(ii) a share determined under subparagraph (B).

"(B) Subject to subparagraph (A), in the case of any State for which the apportionment is not determined under subparagraph (A)(i), a share of the remaining apportionments determined in accordance with the following formula:

"(i) 1/9 of the remaining apportionments in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States for which the apportionment is not determined under subparagraph (A)(i).

"(ii) 1/9 of the remaining apportionments in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States for which the apportionment is not determined under subparagraph (A)(i).

"(iii) 2/9 of the remaining apportionments in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States for which the apportionment is not determined under subparagraph (A)(i).

"(iv) 2/9 of the remaining apportionments in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States for which the apportionment is not determined under subparagraph (A)(i).

"(v) 3/9 of the remaining apportionments in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States for which the apportionment is not determined under subparagraph (A)(i).

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) FORMULA.—For the congestion mitigation and air quality improvement program, in the ratio which the weighted nonattainment and maintenance area populations of each State bear to the total weighted nonattainment and maintenance area population of all States.

"(B) CALCULATION OF WEIGHTED POPULATION.—Such weighted population shall be calculated by multiplying the population of each area within any State that was a nonattainment or maintenance area as described in subsection 149(b) for ozone, carbon monoxide, or particulate matter by a factor of—

"(i) 1.0 if, at the time of the apportionment, the area has been redesignated as an attainment (maintenance) area under section 107(d) of the Clean Air Act;

"(ii) 1.1 if, at the time of apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act;

"(iii) 1.2 if, at the time of apportionment, the area is classified as a moderate ozone nonattainment area under such subpart;

"(iv) 1.3 if, at the time of apportionment, the area is classified as a serious ozone nonattainment area under such subpart;

"(v) 1.4 if, at the time of apportionment, the area is classified as a severe ozone nonattainment area under such subpart;

"(vi) 1.5 if, at the time of apportionment, the area is classified as an extreme ozone nonattainment area under such subpart; or

"(vii) 1.2. if, at the time of apportionment, the area is not a nonattainment or maintenance area as described in subsection 149(b) of this title for ozone, but is a nonattainment area for carbon monoxide or particulate matter.

"(C) ADDITIONAL FACTORS.—If the area was also classified under subpart 3 or 4 of part D of title I of the Clean Air Act as a nonattainment area described in section 149(b) for carbon monoxide or particulate matter or both, the weighted nonattainment area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2. For an area that is a nonattainment area for both carbon monoxide and for particulate matter and the area's weighted population was determined under clause (vii) of subparagraph (B), the area's weighted population shall be further multiplied by a factor of 1.2. For such areas, the population to which this factor is applied shall be the larger of the carbon monoxide and the particulate matter nonattainment area populations.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph. The Secretary shall use annual estimates prepared by the Secretary of Commerce when determining population figures.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, 2 percent to the State of Alaska for any purpose described in section 133(b) and the remaining 98 percent apportioned as follows:

"(i) ⅓ in the ratio that each State's total population bears to the total population of all States, using the latest available annual updates to the Federal decennial census, as prepared by the Secretary of Commerce.

"(ii) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States.

"(iii) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) bear to the total of such annual contributions by all States.

"(B) ADJUSTMENT.—The amount of funds which, but for this subparagraph, would be apportioned to each State for each fiscal year under subparagraph (A) shall be increased or decreased by an amount which, when added to or subtracted from the aggregate amount of funds apportioned or allocated to such State for such fiscal year for Interstate maintenance, National Highway System, surface transportation program, bridge program, congestion mitigation and air quality improvement program, high risk road safety program, recreational trails program, Appalachian Development Highway System program, and metropolitan planning will ensure that the aggregate of such apportionments to any State that does not contribute to the Highway Trust Fund does not exceed the aggregate of such apportionments to any State that does contribute to the Highway Trust Fund.

"(4) HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk road safety improvement program—

"(A) ⅓ in the ratio that each State's total population bears to the total population of all States, using the latest available annual updates to the Federal decennial census, as prepared by the Secretary of Commerce;

"(B) ⅓ in the ratio that each State's total public road mileage bears to the total public road mileage of all States; and

"(C) ⅓ in the ratio that the total vehicle miles traveled on public roads in each State bear to the total vehicle miles traveled on public roads in all States.

"(5) INTERSTATE MAINTENANCE.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(A) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States;

"(B) ⅓ in the ratio that the total vehicle miles traveled on Interstate routes open to traffic in each State bear to the total vehicle miles traveled on such routes in all States; and

"(C) ⅓ in the ratio that the total lane miles on such routes in each State bear to the total lane miles on such routes in all States.".

(c) OPERATION LIFESAVER AND HIGH SPEED RAIL CORRIDORS.—Section 104(d) is amended—

(1) in paragraph (1) by striking "$300,000" and inserting "$500,000";

(2) in paragraph (2)(A) by striking "$5,000,000" and inserting "$5,250,000"; and

(3) by adding at the end of paragraph (2)(A) the following: "Not less than $250,000 of such set-aside shall be available per fiscal year for eligible improvements to the Minneapolis/St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.".

(d) CERTIFICATION OF APPORTIONMENTS.—Section 104(e) is amended—

(1) by inserting "CERTIFICATION OF APPORTIONMENTS.—" after "(e)";

(2) by inserting "(1) IN GENERAL.—" before "On October 1";

(3) by striking the first parenthetical phrase;

(4) by striking "and research" the first place it appears;

(5) by striking the second sentence;

(6) by adding at the end the following:

"(2) NOTICE TO STATES.—If the Secretary has not made an apportionment under section 104, 144, or 157 of title 23, United States Code, on or before the 21st day of a fiscal year, then the Secretary shall transmit, on or before such 21st day, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written statement of the reason for not making such apportionment in a timely manner."; and

(7) by indenting paragraph (1), as designated by paragraph (2) of this subsection, and aligning such paragraph (1) with paragraph (2) of such section, as added by paragraph (6) of this subsection.

(e) METROPOLITAN PLANNING SET-ASIDE.—Section 104(f) is amended—

(1) in paragraph (1) by striking "Interstate construction and Interstate substitute programs" and inserting "recreational trails program"; and

(2) in paragraph (3) by striking "120(j) of this title" and inserting "120(b)".

(f) RECREATIONAL TRAILS PROGRAM.—Section 104(h) of such title is amended to read as follows:

"(h) RECREATIONAL TRAILS PROGRAM.—

"(1) ADMINISTRATIVE COSTS.—Whenever an apportionment is made of the sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct an amount, not to exceed 3 percent of the sums authorized, to cover the cost to the Secretary for administration of and research and technical assistance under the recreational trails program and for administration of the National Recreational Trails Advisory Committee. The Secretary may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

"(2) APPORTIONMENT TO THE STATES.—After making the deduction authorized by paragraph (1) of this subsection, the Secretary shall apportion the remainder of the sums authorized to be appropriated for expenditure on the recreational trails program for each fiscal year, among the States in the following manner:

"(A) 50 percent of that amount shall be apportioned equally among eligible States.

"(B) 50 percent of that amount shall be apportioned among eligible States in amounts proportionate to the degree of non-highway recreational fuel use in each of those States during the preceding year.".

(g) CROSS REFERENCE CORRECTIONS.—

(1) INTERSTATE MAINTENANCE PROGRAM.—Subsections (a), (d), and (f) of section 119 are each amended by striking "104(b)(5)(B)" each place it appears and inserting "104(b)(5)".

(2) FRINGE AND CORRIDOR PARKING FACILITIES.—Section 137(f)(1) is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(5)".

(3) ADDITIONS TO INTERSTATE SYSTEM.—Section 139 is amended by striking "section 104(b)(5)(B) of this title" each place it appears and inserting "section 104(b)(5)".

(4) ACCOMMODATION OF OTHER MODES.—Section 142(c) is amended by striking "section 104(b)(5)(A)" and inserting "section 104(b)(5)".

(5) MINIMUM DRINKING AGES.—Section 158 is amended—

(A) by striking "104(b)(2), 104(b)(5), and 104(b)(6)" each place it appears in subsection (a) and inserting "104(b)(3), and 104(b)(5)";

(B) in the heading to subsection (b) by striking "PERIOD OF AVAILABILITY;"; and

(C) in subsection (b)—

(i) by striking "(1)" the first place it appears and all that follows through "No funds" and inserting "No funds"; and

(ii) by striking paragraphs (2), (3), and (4).

(6) SUSPENSION OF LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.—Section 159(b) is amended—

(A) by striking "PERIOD OF AVAILABILITY;" in the subsection heading; and

(B) by striking "(1)" the first place it appears and all that follows through "No funds" and inserting "No funds"; and

(C) by striking paragraphs (2), (3), and (4).

(7) OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.—Section 161(a) is amended by striking "(B)" each place it appears.

(h) STATE PERCENTAGES FOR NATIONAL HIGHWAY SYSTEM APPORTIONMENTS.—

(1) IN GENERAL.—The percentage referred to in section 104(b)(1) of title 23, United States Code, for each State shall be determined in accordance with the following table:

States:	Adjustment percentage
Alabama	2.02
Alaska	1.24
Arizona	1.68
Arkansas	1.32
California	9.81
Colorado	1.23
Connecticut	1.64
Delaware	0.40
District of Columbia	0.52
Florida	4.77
Georgia	3.60
Hawaii	0.70
Idaho	0.70
Illinois	3.71
Indiana	2.63
Iowa	1.13

States:	Adjustment percentage
Kansas	1.10
Kentucky	1.91
Louisiana	1.63
Maine	0.50
Maryland	1.64
Massachusetts	1.68
Michigan	3.34
Minnesota	1.56
Mississippi	1.23
Missouri	2.45
Montana	0.95
Nebraska	0.73
Nevada	0.67
New Hampshire	0.48
New Jersey	2.28
New Mexico	1.05
New York	4.27
North Carolina	2.83
North Dakota	0.76
Ohio	3.77
Oklahoma	1.55
Oregon	1.23
Pennsylvania	4.12
Puerto Rico	0.50
Rhode Island	0.55
South Carolina	1.63
South Dakota	0.70
Tennessee	2.30
Texas	7.21
Utah	0.71
Vermont	0.43
Virginia	2.61
Washington	1.75
West Virginia	0.76
Wisconsin	1.91
Wyoming	0.66.

(2) ADDITIONAL RULE.—Any State with lane miles on the National Highway System totaling between 3,500 and 4,000 miles shall be treated as a State meeting the requirements of section 104(b)(1)(A) of title 23, United States Code, for purposes of such section.

(i) USE OF MOST UP-TO-DATE DATA.—The Secretary shall use the most up-to-date data available for the latest fiscal year for the purposes of making apportionments under this section and section 157 of title 23, United States Code.

(j) ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 1997.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to section 2(c) of the Surface Transportation Extension Act of 1997, the Secretary shall ensure that the total apportionments for a State for fiscal year 1998 made under the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) shall be reduced by the amount apportioned to such State under section 1003(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) REPAYMENT OF TRANSFERRED FUNDS.—The Secretary shall ensure that any apportionments made to a State for fiscal year 1998 and adjusted under paragraph (1) shall first be used to restore in accordance with section 3(c) of the Surface Transportation Extension Act of 1997 any funds that a State transferred under section 3 of such Act.

(3) INSUFFICIENT FUNDS FOR REPAYMENT.—If a State has insufficient funds apportioned in fiscal year 1998 under the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) to make the adjustment required by paragraph (1), then the Secretary shall make an adjustment to any funds apportioned to such State in fiscal year 1999.

(4) ALLOCATED PROGRAMS.—Notwithstanding any other provision of law, amounts made available for fiscal year 1998 by the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) for a program that is continued by both of sections 4, 5, 6, and 7 of the Surface Transportation Extension Act of 1997 (including amendments made by such sections) and the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) shall be reduced by the amount made available by such sections 4, 5, 6, and 7 for such programs.

SEC. 105. INTERSTATE MAINTENANCE PROGRAM.

Section 119 is further amended—

(1) in subsection (a)—

(A) by striking "and rehabilitating" and inserting ", rehabilitating, and reconstructing";

(B) by striking "of this title and" and inserting a comma;

(C) by striking "this sentence" and inserting "the Building Efficient Surface Transportation and Equity Act of 1998";

(D) by striking "of this title;" and inserting ", and any segments that become part of the Interstate System under section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991;"; and

(E) by striking "subsection (e)" and inserting "section 129 or continued in effect by section 1012(d) of the Intermodal Surface Transportation Efficiency Act of 1991 and not voided by the Secretary under section 120(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 159)";

(2) by striking subsections (b), (c), and (e); and

(3) by redesignating subsections (d), (f), and (g) as subsections (b), (c), and (d), respectively.

SEC. 106. NATIONAL HIGHWAY SYSTEM.

(a) COMPONENTS.—Section 103(b) is amended—

(1) by striking the last 4 sentences of paragraph (2)(B);

(2) in paragraph (2)(C) by striking "and be subject to approval by Congress in accordance with paragraph (3)"; and

(3) in paragraph (2)(D) by striking "and subject to approval by Congress in accordance with paragraph (3)".

(b) MAXIMUM MILEAGE.—Section 103(b) is amended—

(1) by striking paragraphs (3) and (4) and inserting the following:

"(3) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 155,000 miles; except that the Secretary may increase or decrease such maximum mileage by not to exceed 15 percent."; and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(c) DESIGNATION.—Section 103(b)(4), as so redesignated by subsection (b)(2) of this section, is amended—

(1) by inserting "(A) BASIC SYSTEM.—" before "The National";

(2) by inserting after subparagraph (A), as so designated by paragraph (1) of this subsection, the following:

"(B) INTERMODAL CONNECTORS.—The modifications to the National Highway System that consist of highway connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities, as submitted to Congress by the Secretary on the map dated May 24, 1996, are designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico."; and

(3) by indenting such subparagraph (A) and aligning it with subparagraph (B), as inserted by paragraph (2) of this subsection.

(d) MODIFICATIONS.—Section 103(b)(5)(A), as redesignated by subsection (b)(2) of this section, is amended by inserting "or, in the case of the strategic highway network, that are proposed by the Secretary in consultation with appropriate Federal agencies and the States" before "if the Secretary".

(e) CONFORMING AMENDMENTS.—Section 103(b) is amended—

(1) in paragraph (5), as redesignated by subsection (b)(2) of this section, by striking "Subject to paragraph (7), the" and inserting "The";

(2) by striking paragraph (7);

(3) by redesignating paragraph (8) as paragraph (6); and

(4) in paragraph (6), as so redesignated, by striking "paragraph (5)" and inserting "paragraph (4)".

(f) TECHNICAL AMENDMENT.—Section 103 is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of subsection (i)(3) as clauses (i), (ii), and (iii), respectively;

(2) by redesignating paragraphs (1) through (13) of subsection (i) as subparagraphs (A) through (M), respectively;

(3) by redesignating subsection (i) as paragraph (7);

(4) by moving such paragraph (7) (including such subparagraphs and clauses) to the end of subsection (b); and

(5) by moving such paragraph (7) (including such subparagraphs and clauses) 2 ems to the right.

(g) EFFECT ON EXISTING APPORTIONMENTS.—The amendments made by this section shall not affect funds apportioned or allocated under title 23, United States Code, before the date of the enactment of this Act.

(h) INTERMODAL FREIGHT CONNECTORS STUDY.—

(1) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall review the condition of and improvements made to connectors on the National Highway System approved by this Act that serve seaports, airports, and other intermodal freight transportation facilities since the designation of the National Highway System and shall report to Congress on the results of such review.

(2) REVIEW.—In preparing the report, the Secretary shall review the connectors designated by this Act as part of the National Highway System and identify projects carried out on those connectors which were intended to provide and improve service to an intermodal facility referred to in paragraph (1) and to facilitate the efficient movement of freight, including movements of freight between modes.

(3) IDENTIFICATION OF IMPEDIMENTS.—If the Secretary determines on the basis of the review that there are impediments to improving the connectors serving intermodal facilities referred to in paragraph (1), the Secretary shall identify such impediments, including any funding for such connectors, and make any appropriate recommendations as part of the Secretary's report to Congress.

(i) HIGHWAY SIGNS ON THE NATIONAL HIGHWAY SYSTEM.—

(1) COMPETITION.—The Secretary shall conduct in accordance with this subsection a national children's competition to design a national logo sign for the routes comprising the National Highway System. Children 14 years of age and under shall be eligible for such competition.

(2) PANEL OF JUDGES.—The Secretary shall appoint a panel of not less than 6 persons to evaluate all designs submitted under the competition and select a winning design. The panel shall be composed of—

(A) a representative of the Department of Transportation;

(B) a representative designated by the American Association of State Highway and Transportation Officials;

(C) a representative of the motor carrier industry;

(D) a representative of private organizations dedicated to advancement of the arts; and

(E) a representative of the motoring public.

(3) REPORT AND PLAN.—Not later than 24 months after the date of the enactment of this

section, the Secretary shall initiate and complete the competition and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the competition, a plan for the placement of logo signs on the National Highway System, and an estimate of the cost of implementing such plan.

(j) WEST VIRGINIA CORRIDOR 10.—The Secretary shall designate in the State of West Virginia Route 73 between Route 10 and United States Route 119, Route 10 between Route 80 and Route 73, and Route 80 between United States Route 52 and Route 10 as part of the National Highway System.

SEC. 107. HIGHWAY BRIDGE PROGRAM.

(a) APPORTIONMENT FORMULA.—Section 144(e) is amended by inserting before the period at the end of the fourth sentence the following: ", and, if a State transfers funds apportioned to it under this section in a fiscal year beginning after September 30, 1997, to any other apportionment of funds to such State under this title, the total cost of deficient bridges in such State and in all States to be determined for the succeeding fiscal year shall be reduced by the amount of such transferred funds".

(b) DISCRETIONARY BRIDGE SET-ASIDE.—Section 144(g)(1) is amended—

(1) by inserting "(A) FISCAL YEARS 1992 THROUGH 1997.—" before "Of the amounts";

(2) by adding at the end the following:

"(B) FISCAL YEAR 1998.—The amounts authorized for fiscal year 1998 by section 127(a)(1) of the Building Efficient Surface Transportation and Equity Act of 1998 shall be at the discretion of the Secretary. 25 percent of such amount shall be available only for projects for the seismic retrofit of a bridge described in subsection (l).

"(C) FISCAL YEARS 1999 THROUGH 2003.—The amounts authorized for each of fiscal years 1999 through 2003 by section 127(a)(1) of the Building Efficient Surface Transportation and Equity Act of 1998 shall be at the discretion of the Secretary. Not to exceed 25 percent of such amount shall be available only for projects for the seismic retrofit of bridges, including projects in the New Madrid fault region."; and

(3) by indenting subparagraph (A), as so designated by paragraph (1) of this subsection, and aligning such subparagraph (A) with subparagraphs (B) and (C), as inserted by paragraph (2) of this subsection.

(c) OFF SYSTEM BRIDGE-SET ASIDE.—Section 144(g)(3) is amended—

(1) by striking ", 1988" and all that follows through "1997," and inserting "through 2003,"; and

(2) by striking "system" each place it appears and inserting "highway".

(d) ELIGIBILITY.—Section 144 is amended—

(1) in subsection (d) by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures";

(2) in subsection (d) by inserting after "such acetate" each place it appears the following: "or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures"; and

(3) in subsection (g)(3) by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures".

(e) CONFORMING AMENDMENT.—Section 144(n) is amended by striking "system" and inserting "highway".

SEC. 108. SURFACE TRANSPORTATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 133(a) is amended by inserting after "establish" the following: "and implement".

(b) APPLICATION OF ANTI-ICING AND DE-ICING COMPOSITIONS TO BRIDGES.—Section 133(b)(1) is amended by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions".

(c) TRANSPORTATION CONTROL MEASURES.—Section 133(b)(9) is amended by striking "clauses (xii) and" and inserting "clause".

(d) ENVIRONMENTAL RESTORATION AND POLLUTION ABATEMENT PROJECTS.—Section 133(b) is amended by adding at the end the following:

"(12) Environmental restoration and pollution abatement projects, including the retrofit or construction of storm water treatment systems, to address water pollution or environmental degradation caused or contributed to by existing transportation facilities at the time such transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.".

(e) DIVISION OF FUNDS.—Section 133(d)(3)(B) is amended by adding at the end the following: "Notwithstanding subsection (c), up to 15 percent of the amounts required to be obligated under this subparagraph may be obligated on roads functionally classified as minor collectors.".

(f) PROGRAM APPROVAL.—Section 133(e)(2) is amended to read as follows:

"(2) PROGRAM APPROVAL.—Each State shall submit a project agreement for each fiscal year, certifying that the State will meet all the requirements of this section and notifying the Secretary of the amount of obligations needed to administer the surface transportation program. Each State shall request adjustments to the amount of obligations as needed. The Secretary's approval of the project agreement shall be deemed a contractual obligation of the United States for the payment of surface transportation program funds provided under this title.".

(g) CONFORMING AMENDMENT.—Section 133(f) is amended by striking "6-fiscal year period 1992 through 1997" and inserting "fiscal years for which funds are made available by the Building Efficient Surface Transportation and Equity Act of 1998".

(h) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform appropriate transportation enhancement projects under chapter 1 of title 23, United States Code.

SEC. 109. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 149(a) is amended by inserting after "establish" the following: "and implement".

(b) CURRENTLY ELIGIBLE PROJECTS.—Section 149(b) is amended—

(1) in paragraph (1)(A) by striking "clauses (xii) and"; and inserting "clause";

(2) by striking "or" at the end of paragraph (3);

(3) by striking "standard." at the end of paragraph (4) and inserting "standard; or"; and

(4) by inserting after paragraph (4) the following:

"(5) if the program or project would have been eligible for funding on or before September 30, 1997, under guidance issued by the Secretary to implement this section.".

(c) STUDY OF EFFECTIVENESS OF CMAQ PROGRAM.—

(1) STUDY.—The Secretary shall request the National Academy of Sciences to study the impact of the congestion mitigation and air quality improvement program on the air quality of nonattainment areas. The study shall, at a minimum—

(A) determine the amount of funds obligated under such program in each nonattainment area and to make a comprehensive analysis of the types of projects funded under such program;

(B) identify any improvements to or degradations of the air quality in each nonattainment area;

(C) measure the impact of the projects funded under such program on the air quality of each nonattainment area; and

(D) assess the cost effectiveness of projects funded under such program in nonattainment areas, including, to the extent possible, the cost per ton of reductions of ozone and carbon monoxide and reduction of traffic congestion.

(2) REPORT.—Not later than January 1, 2000, the National Academy of Sciences shall transmit to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report on the results of the study with recommendations for modifications to the congestion mitigation and air quality improvement program in light of the results of the study.

(3) FUNDING.—Before making the apportionment of funds under section 104(b)(2) for each of fiscal years 1998 and 1999, the Secretary shall deduct from the amount to be apportioned under such section for such fiscal year, and make available, $500,000 for such fiscal year to carry out this subsection.

SEC. 110. HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Chapter 1 is amended by inserting after section 153 the following:

"§ 154. High risk road safety improvement program

"(a) ESTABLISHMENT.—The Secretary shall establish and implement a high risk road safety improvement program in accordance with this section.

"(b) ELIGIBLE PROJECTS.—A State may obligate funds apportioned to it under section 104(b)(4) only for construction and operational improvement projects, and for pavement marking and signing projects, on high risk roads and only if the primary purpose of the project is to improve highway safety on a high risk road.

"(c) STATE ALLOCATION SYSTEM.—Each State shall establish a system for allocating funds apportioned to it under section 104(b)(4) among projects eligible for assistance under this section that have the highest benefits to highway safety. Such system may include a safety management system established by the State under section 303 or a survey established pursuant to section 152(a).

"(d) TRANSFERABILITY.—A State may transfer not to exceed 50 percent of the amount of funds apportioned to it under section 104(b)(4) for any fiscal year to the apportionment of such State under section 104(b)(1) or 104(b)(3) or both.

"(e) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

"(f) DEFINITIONS.—In this section, the following definitions apply:

"(1) HIGH RISK ROAD.—The term 'high risk road' means any Federal-aid highway or segment of a Federal-aid highway—

"(A) on which a significant number of severe motor vehicle crashes occur; or

"(B) which has current, or will likely have, increases in traffic volume that are likely to create a potential for severe crash consequences in a significant number of motor vehicle crashes.

"(2) SEVERE CRASH.—The term 'severe crash' means a motor vehicle crash in which a fatality or incapacitating injury occurs.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by inserting after the item relating to section 153 the following:

"154. High risk road safety improvement program.".

(c) ROADWAY SAFETY AWARENESS AND IMPROVEMENT PROGRAM.—

(1) IN GENERAL.—For purposes of identifying high-risk roadway hazards and effective countermeasures and improving the collection and public dissemination of information regarding such hazards and their impact on the number and severity of motor vehicle crashes, the Secretary shall enter into an agreement with a private nonprofit national organization that is dedicated solely to improving roadway safety.

(2) TERMS OF AGREEMENT.—Under the terms of the agreement entered into under this subsection, the organization shall—

(A) develop a pilot program to improve the collection of data pertaining to roadway hazards and design features that cause or increase the severity of motor vehicle crashes;

(B) develop a public awareness campaign to educate State and local transportation officials, public safety officials, and motorists regarding the extent to which roadway hazards and design features are a factor in motor vehicle crashes; and

(C) develop and disseminate information to assist State and local transportation officials, public safety officials, and motorists in identifying roadway hazards and effective countermeasures.

(3) REPORT.—Not later than 24 months after the date of entry into the agreement under this subsection, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of the program authorized by this subsection. Such report shall be updated each year thereafter, and a final report shall be transmitted not later than 5 years after the date of entry into the agreement.

(4) FUNDING.—Before funds are apportioned under section 104(b)(4) of title 23, United States Code, for each of fiscal years 1998 through 2003, the Secretary shall deduct a sum not to exceed $1,000,000 per fiscal year for carrying out this subsection. Such sums shall remain available until expended.

SEC. 111. MINIMUM ALLOCATION.

(a) GENERAL RULES.—Section 157(a) is amended—

(1) in paragraph (4)—

(A) by striking "THEREAFTER" and inserting "FISCAL YEARS 1992–1997"; and

(B) by striking "fiscal year 1992 and each fiscal year thereafter" and inserting "each of fiscal years 1992 through 1997"; and

(2) by adding at the end the following new paragraph:

"(5) THEREAFTER.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year for Interstate maintenance, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the high priority projects program, the high risk road safety improvement program, the recreational trails program, the Appalachian Development Highway System program, and metropolitan planning shall not be less than 95 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available. In determining allocations under this paragraph, the Secretary shall not take into account the 2 percent set aside under section 104(b)(3)(A).".

(b) AVAILABILITY OF FUNDS.—Section 157(b) is amended—

(1) by inserting before "Amounts allocated" the following: "AVAILABILITY OF FUNDS.—";

(2) by striking "Interstate highway substitute," and all that follows through "crossing projects" and inserting "any purpose described in section 133(b)"; and

(3) by inserting before the period at the end "and section 103(c) of the Building Efficient Surface Transportation and Equity Act of 1998".

(c) CONFORMING AMENDMENTS.—Section 157 is further amended—

(1) in subsection (d) by striking "154(f) or"; and

(2) in subsection (e) by inserting before "In order" the following: "AUTHORIZATION OF APPROPRIATIONS.—".

(d) MINIMUM ALLOCATION ADJUSTMENT.—If the Secretary—

(1) determines that—

(A) the ratio of—

(i) the aggregate of funds made available by this Act, including any amendments made by this Act, that are apportioned to a State for Federal-aid highway programs (including funds allocated to the State under sections 104(j) and 157 of title 23, United States Code) for each fiscal year beginning after September 30, 1997, to

(ii) the aggregate of such funds apportioned to all States for such programs for such fiscal year, is less than

(B) the ratio of—

(i) estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available, to

(ii) the estimated tax payments attributable to highway users in all States paid into such Trust Fund in such latest fiscal year; and

(2) determines that—

(A) the ratio determined under paragraph (1)(A), is less than

(B) the ratio of—

(i) the aggregate of funds made available by the Intermodal Surface Transportation Efficiency Act of 1991, including any amendments made by such Act, and section 202 of the National Highway System Designation Act of 1995 that are apportioned to the State for Federal-aid highway programs (other than Federal lands highway programs and projects under sections 1103–1108 of the Intermodal Surface Transportation Efficiency Act of 1991) for fiscal years 1992 through 1997, to

(ii) the aggregate of such funds apportioned to all States for such programs for such fiscal years;

the Secretary shall allocate under such section 157 to the State amounts sufficient to ensure that the State's percentage of total apportionments for Federal-aid highway programs under this Act (including amendments made by this Act and allocations under such sections 104(j) and 157) for such fiscal year beginning after September 30, 1997, is equal to the State's percentage of total apportionments for Federal-aid highway programs (other than Federal lands highway programs and projects under sections 1103–1008 of the Intermodal Surface Transportation Efficiency Act of 1991) for fiscal year 1997 under the Intermodal Surface Transportation Efficiency Act of 1991, including any amendments made by such Act, and section 202 of the National Highway System Designation Act of 1995. The allocation shall be made on October 1 of fiscal year 1998, 1999, 2000, 2001, 2002, or 2003, as the case may be, or as soon as possible thereafter and shall be in addition to any other allocation to the State under such section 157 for such fiscal year.

(e) FINAL ADJUSTMENT.—

(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate under section 157 of title 23, United States Code, among the States amounts sufficient to ensure that the ratio that—

(A) each State's percentage of the total apportionments for such fiscal year for Interstate maintenance, National Highway System, high cost Interstate system reconstruction and improvement program, surface transportation program, metropolitan planning, congestion mitigation and air quality improvement program, high risk road safety improvement program, bridge program, Appalachian development highway system, recreational trails program, high priority projects program, the 2 percent set aside under section 104(b)(3)(A) of title 23, United States Code, and section 157 of such title (including subsection (d) of this section and this subsection), bears to

(B) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90.

(2) TREATMENT.—The allocation required by this paragraph shall be in addition to any other allocation under section 157 of title 23, United States Code, including allocations required by subsection (d) of this section.

SEC. 112. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) APPORTIONMENT.—The Secretary shall apportion funds made available by section 102 of this Act for fiscal years 1998 through 2003 among the States based on the latest available cost to complete estimate for the Appalachian development highway system prepared by the Appalachian Regional Commission, unless the Appalachian Regional Commission adopts an alternative method for distribution. In general, no State containing Appalachian development highway system routes shall receive an apportionment of less than $1,000,000. For fiscal years 1999 through 2003, any alternative method for distribution adopted by the Appalachian Regional Commission must be communicated to the Secretary at least 30 days prior to the beginning of the fiscal year in which the apportionment is to be made. Such funds shall be available to construct highways and access roads under section 201 of the Appalachian Regional Development Act of 1965.

(b) APPLICABILITY OF TITLE 23.—Funds authorized by section 102 of this Act for the Appalachian development highway system under section 201 of the Appalachian Regional Development Act of 1965 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with such section 201 and such funds shall remain available until expended.

(c) FEDERAL SHARE FOR PRE-FINANCED PROJECTS.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "70" and inserting "80".

(d) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—Section 201 of such Act is amended by adding at the end the following new subsection:

"(i) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—On October 1 of fiscal year 1998 and each fiscal year thereafter, or as soon as is practicable thereafter, there shall be deducted, for the expenses of the Appalachian Regional Commission in administering the funds authorized under this section for such year, not to exceed 3.75 percent of the funds made available for such year under subsection (g) of this section.".

(e) LOCAL PARTICIPATION IN DEDESIGNATION DECISIONS.—Section 201 of such Act is further amended by adding at the end the following:

"(j) LOCAL PARTICIPATION IN DEDESIGNATION DECISIONS.—Before the State of Ohio may request the dedesignation of corridor B from the Ohio River in Scioto County to the Scioto-Adams County line, corridor B1 from the Kentucky State line to the junction with corridor B at Rosemount, corridor C from the junction with corridor B at Lucasville to State Route 159 at Chillicothe, or corridor D from the Adams County line to the Ohio River in Washington County as segments of the Appalachian development highway system, the State must consult about the proposed dedesignation with local elected officials having jurisdiction over the area in which the segment is located and conduct public hearings on the proposed dedesignation in each county in which any part of the segment is located.".

(f) ADDITIONS TO APPALACHIAN REGION.—The undesignated paragraph relating to Georgia of section 403 of such Act is amended—

(1) by inserting "Elbert," after "Douglas,"; and

(2) by inserting "Hart," after "Haralson,".

SEC. 113. HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 160 is amended to read as follows:

"§160. High cost interstate system reconstruction and improvement program

"(a) ESTABLISHMENT.—The Secretary shall establish and implement a high cost Interstate System reconstruction and improvement program in accordance with this section.

"(b) ELIGIBLE PROJECTS.—Funds made available to carry out the high cost interstate reconstruction and improvement program under this section for a fiscal year shall be available for obligation by the Secretary for any major reconstruction or improvement project to any highway designated as part of the Interstate System and open to traffic before the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998. Such funds shall be made available by the Secretary to any State applying for such funds only if the Secretary determines that—

"(1) the total cost of the project is greater than the lesser of $200,000,000 or 50 percent of the aggregate amount of funds apportioned to the State under this title for such fiscal year;

"(2) the project is a ready-to-commence project;

"(3) the State agrees that it will not transfer funds apportioned to it under section 104(b)(5) for such fiscal year to any other program category; and

"(4) the applicant agrees to obligate the funds within 1 year of the date the funds are made available.

"(c) ALLOCATION OF FUNDS.—Subject to subsection (f)(1), of the funds made available to carry out the program under this section, the Secretary shall allocate—

"(1) not less than $165,000,000 for fiscal year 1998, $412,500,000 for fiscal year 1999, and $670,000,000 for each of fiscal years 2000 through 2003 among States in the ratio that the estimated cost of carrying out projects determined by the Secretary to be eligible for funding under subsection (b) in each State bears to the estimated cost of carrying out such projects in all of the States; and

"(2) at the discretion of the Secretary, not more than the amounts set forth in section 127(a)(2) for each of fiscal years 1998 through 2003 for projects eligible for assistance under this section to—

"(A) meet an extraordinary need for funding; or

"(B) help expedite completion of a project of national significance.

"(d) UNALLOCATED FUNDS.—

"(1) APPORTIONMENT.—If, on August 1 of fiscal year 1998 and each fiscal year thereafter, the Secretary determines that funds authorized to be allocated in such fiscal year for the program under this section will not be allocated in such fiscal year as a result of not enough projects being eligible for assistance under this section, the Secretary shall apportion under section 104(b)(5) such funds among the States for the Interstate maintenance program.

"(2) REDISTRIBUTION OF OBLIGATION AUTHORITY.—The Secretary shall also redistribute on such August 1 any obligation authority that is allocated for the fiscal year under section 103(c)(4) of the Building Efficient Surface Transportation and Equity Act of 1998 attributable to the program under this section and that the Secretary determines will not be used before September 30 of such fiscal year among the States (other than a State from which obligation authority for such fiscal year is redistributed under section 103(d) of such Act) in the same ratio as set forth in section 103(c)(5) of such Act.

"(e) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

"(f) FUTURE ALLOCATIONS.—

"(1) FISCAL YEARS 1998–2003.—For fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, funds to be allocated pursuant to subsection (c)(1) shall be allocated in the same manner as funds apportioned under section 104(b)(5). Such funds shall only be available for projects eligible under subsection (b); except that if a State does not have a project eligible under subsection (b), funds allocated to such State under this paragraph shall be available for any project in such State on a segment of the Interstate System that is open to traffic.

"(2) DETERMINATIONS.—The Secretary shall, in cooperation with States and affected metropolitan planning organizations, determine—

"(A) the expected condition of the Interstate System over the next 10 years and the needs of States and metropolitan planning organizations to reconstruct and improve the Interstate System; and

"(B) a method to allocate funds made available under this section that would—

"(i) address the needs identified in subparagraph (A);

"(ii) provide a fair and equitable distribution of such funds; and

"(iii) allow for States to address any extraordinary needs.

"(3) REPORT.—The determination made under paragraph (2) shall be submitted to Congress in a report not later than January 1, 2000.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by striking the item relating to section 160 and inserting the following:

"160. High cost interstate system reconstruction and improvement program.".

SEC. 114. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

"§206. Recreational trails program

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall administer a national program for the purposes of providing and maintaining recreational trails.

"(b) STATEMENT OF INTENT.—Funds made available to carry out the recreational trails program under this section are to be derived from revenues collected through motor fuel taxes from nonhighway users and are to be used on trails and trail-related projects which have been planned and developed under the otherwise existing laws, policies, and administrative procedures within each State, and which are identified in, or which further a specific goal of, a trail plan included or referenced in a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).

"(c) STATE ELIGIBILITY.—A State shall be eligible to obligate funds apportioned to it under section 104(h) only if—

"(1) the Governor of the State has designated the State agency or agencies that will be responsible for administering funds received under this section; and

"(2) a recreational trail advisory committee on which both motorized and nonmotorized recreational trail users are fairly represented exists within the State.

"(d) FEDERAL SHARE PAYABLE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the Federal share payable on account of a project under this section shall not exceed 50 percent.

"(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency sponsoring a project under this section may contribute additional Federal funds toward a project's cost if the share attributable to the Secretary does not exceed 50 percent and the share attributable to the Secretary and the Federal agency jointly does not exceed 80 percent.

"(3) ALLOWABLE MATCH FROM FEDERAL PROGRAMS.—The following Federal programs may be used to contribute additional Federal funds toward a project's cost and may be accounted for as contributing to the non-Federal share:

"(A) State and Local Fiscal Assistance Act of 1972 (Public Law 92–512).

"(B) HUD Community Development Block Grants (Public Law 93–383).

"(C) Public Works Employment Act of 1976 (Public Law 94–369).

"(D) Acts establishing national heritage corridors and areas.

"(E) Job Training Partnership Act of 1982 (Public Law 97–300).

"(F) National and Community Service Trust Act of 1993 (Public Law 103–82).

"(G) Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–93).

"(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments of the non-Federal share of individual projects in a fiscal year if the total Federal share payable for all projects within the State carried out under this section with funds apportioned to the State under section 104(h) for such fiscal year does not exceed 50 percent. For purposes of this paragraph, a project funded under paragraph (2) or (3) of this subsection may not be included in the calculation of the programmatic non-Federal share.

"(5) STATE ADMINISTRATIVE COSTS.—The Federal share payable on account of the administrative costs of a State under subsection (e)(1)(A) shall be determined in accordance with section 120(b).

"(e) USE OF FUNDS.—

"(1) PERMISSIBLE USES.—A State may use funds apportioned to it under section 104(h)—

"(A) in an amount not exceeding 7 percent of such funds, for administrative costs of the State;

"(B) in an amount not exceeding 5 percent of such funds, for operation of environmental protection education and safety education programs relating to the use of recreational trails;

"(C) for development and rehabilitation of urban trail linkages to provide connections to and among neighborhoods and community centers and between trails;

"(D) for maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;

"(E) for restoration of areas damaged by usage of recreational trails, including back country terrain;

"(F) for development and rehabilitation of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

"(G) for provision of features which facilitate the access and use of trails by persons with disabilities;

"(H) for acquisition of easements for trails, or for trail corridors identified in a State trail plan;

"(I) for acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

"(J) for construction of new trails on State, county, municipal, or private lands, where a recreational need for such construction is shown; and

"(K) only as otherwise permissible and where necessary and required by a statewide comprehensive outdoor recreation plan, for construction of new trails crossing Federal lands if such construction is approved by the administering agency of the State and the Federal agency or agencies charged with management of all impacted lands and if such approval is contingent upon compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

"(2) USE NOT PERMITTED.—A State may not use funds apportioned to it under section 104(h)—

"(A) for condemnation of any kind of interest in property;

"(B)(i) for construction of any recreational trail on National Forest System lands for motorized uses unless—

"(I) such lands have been allocated for uses other than wilderness by an approved forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and

"(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan; or

"(ii) for construction of any recreational trail on Bureau of Land Management lands for motorized uses unless—

"(I) such lands have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to uses other than wilderness by an Act of Congress, and

"(II) such construction is otherwise consistent with the management direction in such approved management plans; or

"(C) for upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by non-motorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred.

"(3) GRANTS.—

"(A) IN GENERAL.—A State may provide funds apportioned to it under section 104(h) to make grants to private individuals, organizations, municipal, county, State, and Federal government entities, and other government entities as approved by the State after considering guidance from the recreational trail advisory committee satisfying the requirements of subsection (c)(2), for uses consistent with this section.

"(B) COMPLIANCE.—A State that makes grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

"(4) ASSURED ACCESS TO FUNDS.—Except as provided under paragraph (7), not less than 30 percent of the funds apportioned to a State in a fiscal year under section 104(h) shall be reserved for uses relating to motorized recreation, and not less than 30 percent of such funds shall be reserved for uses relating to non-motorized recreation.

"(5) ENVIRONMENTAL MITIGATION.—

"(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

"(B) GUIDANCE.—A recreational trail advisory committee satisfying the requirements of subsection (c)(2) shall issue guidance to a State for the purposes of implementing subparagraph (A).

"(6) DIVERSIFIED TRAIL USE.—

"(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend funds apportioned to it under section 104(h) in a manner that gives preference to project proposals which—

"(i) provide for the greatest number of compatible recreational purposes, including those described in subsection (g)(3); or

"(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

This paragraph shall remain effective with respect to a State until such time as the State has allocated not less than 40 percent of funds apportioned to it under section 104(h) in such manner.

"(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory committee satisfying the requirements of subsection (c)(2).

"(7) EXEMPTIONS.—

"(A) SMALL STATE.—Any State with a total land area of less than 3,500,000 acres and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States shall be exempted from the requirements of paragraph (4) upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

"(B) STATE RECREATIONAL TRAIL ADVISORY COMMITTEE.—If approved by the State recreational trail advisory committee satisfying the requirements of subsection (c)(2), the State may be exempted from the requirements of paragraph (4).

"(8) CONTINUING RECREATIONAL USE.—At the option of each State, funds apportioned to it under section 104(h) may be treated as Land and Water Conservation Fund moneys for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act.

"(9) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—Nothing in this title or any other law shall prevent a project sponsor from offering to donate funds, materials, services, or new right-of-way for the purposes of a project eligible for assistance. Any funds, or the fair market value of any materials, services, or new right-of-way may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (d). Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited as part of that Federal agency's share under subsection (d)(2).

"(10) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to the provisions of section 303 of title 49 or section 138 of this title.

"(f) COORDINATION OF ACTIVITIES.—

"(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this section is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (e). Nothing in this section diminishes or in any way alters the land management responsibilities, plans, and policies established by such agencies pursuant to other applicable laws.

"(2) COOPERATION BY PRIVATE PERSONS.—

"(A) WRITTEN ASSURANCES.—As a condition to making available funds for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

"(B) PUBLIC ACCESS.—Any use of funds apportioned to a State under section 104(h) on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those funds.

"(g) APPLICABILITY OF CHAPTER 1.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1; except that the Federal share payable for a project using such funds shall be determined in accordance with this section and such funds shall remain available until expended.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) ELIGIBLE STATE.—The term 'eligible State' means a State that meets the requirements of subsection (c).

"(2) NONHIGHWAY RECREATIONAL FUEL.—The term 'nonhighway recreational fuel' has the meaning such term has under section 9503(c)(6) of the Internal Revenue Code of 1986.

"(3) RECREATIONAL TRAIL.—The term 'recreational trail' means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities (including carriage driving), jogging or similar fitness activities, skating or skateboarding, trail biking, overnight or long-distance backpacking, snowmobiling, aquatic or water activity, or vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a 'National Recreation Trail' designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

"(4) MOTORIZED RECREATION.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for motorized wheelchairs.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 is amended by inserting after the item relating to section 205 the following:

"206. Recreational trails program.".

(c) REPEAL OF OBSOLETE PROVISION.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is repealed.

(d) TERMINATION OF ADVISORY COMMITTEE.—Section 1303 of such Act (16 U.S.C. 1262) is amended by adding at the end the following:

"(j) TERMINATION.—The advisory committee established by this section shall terminate on September 30, 2000.".

(e) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code.

SEC. 115. NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a program to make allocations to States for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. A State may apply to the Secretary for allocations under this section.

(b) ELIGIBILITY OF CORRIDORS.—

(1) IN GENERAL.—The Secretary may make allocations under this section only with respect to high priority corridors identified in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) SPECIAL RULE.—In fiscal years 1998 through 2000, the Secretary may make, on an interim basis pending identification by Congress of high priority corridors as part of a law provided for in section 508 of this Act, allocations under this section for the creation or upgrade of any other significant regional or multistate highway corridor not described in whole or in part in paragraph (1) that the Secretary determines would—

(A) facilitate international or interregional trade; or

(B) encourage or facilitate major multistate or regional mobility and economic growth and development in areas underserved by existing highway infrastructure.

(c) PURPOSES.—Allocations may be made under this section for 1 or more of the following purposes:

(1) Feasibility studies.

(2) Comprehensive corridor planning and design activities.

(3) Location and routing studies.

(4) Environmental review.

(5) Multistate and intrastate coordination for corridors described in subsection (b).

(6) Construction.

(d) CORRIDOR DEVELOPMENT AND MANAGEMENT PLAN.—A State receiving an allocation under this section shall develop, in consultation with the Secretary, a development and management plan for the corridor with respect to which the allocation is being made. Such plan shall include, at a minimum, the following elements:

(1) A complete and comprehensive analysis of corridor costs and benefits.

(2) A coordinated corridor development plan and schedule, including a timetable for completion of all planning and development activities, environmental reviews and permits, and construction of all segments.

(3) A finance plan, including any innovative financing methods and, if the corridor is a multistate corridor, a State-by-State breakdown of corridor finances.

(4) The results of any environmental reviews and mitigation plans.

(5) The identification of any impediments to the development and construction of the corridor, including any environmental, social, political and economic objections.

In the case of a multistate corridor, the Secretary shall ensure that all States having jurisdiction over any portion of such corridor will participate in the development of such plan.

(e) APPLICABILITY OF TITLE 23.—Funds made available by section 127(a)(3)(B) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(f) STATE DEFINED.—In this section, the term "State" has the meaning such term has under section 101 of title 23, United States Code.

SEC. 116. COORDINATED BORDER INFRASTRUCTURE AND SAFETY PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary shall establish and implement a coordinated border infrastructure and safety program under which the Secretary may make allocations to any border State for projects to improve the safe movement of people and goods at or across the border between the United States and Canada and the border between the United States and Mexico.

(b) ELIGIBLE USES.—Allocations under this section may only be used in a border region for—

(1) improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicle and cargo movements;

(2) construction of highways and related safety and safety enforcement facilities that will facilitate vehicle and cargo movements related to international trade;

(3) operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movement;

(4) modifications to regulatory procedures to expedite cross border vehicle and cargo movements; and

(5) international coordination of planning, programming, and border operation with Canada and Mexico relating to expediting cross border vehicle and cargo movements.

(c) SELECTION CRITERIA.—The Secretary shall make allocations under this section on the basis of—

(1) expected reduction in commercial and other motor vehicle travel time through an international border crossing as a result of the project;

(2) improvements in vehicle and highway safety and cargo security related to motor vehicles crossing a border with Canada or Mexico;

(3) strategies to increase the use of existing, underutilized border crossing facilities and approaches;

(4) leveraging of Federal funds provided under this section, including use of innovative financing, combination of such funds with funding provided under other sections of this Act, and combination with other sources of Federal, State, local, or private funding;

(5) degree of multinational involvement in the project and demonstrated coordination with other Federal agencies responsible for the inspection of vehicles, cargo, and persons crossing international borders and their counterpart agencies in Canada and Mexico;

(6) the extent to which the innovative and problem-solving techniques of the proposed project would be applicable to other international border crossings;

(7) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(8) such other factors as the Secretary determines are appropriate to promote border transportation efficiency and safety.

(d) STATE MOTOR VEHICLE SAFETY INSPECTION FACILITIES.—Due to the increase in cross-border trade as a result of the Northern American Free Trade Agreement, of the amounts made available to carry out this section for a fiscal year, not to exceed $25,000,000 for fiscal year 1998 and not to exceed $20,000,000 for each of fiscal years 1999 through 2003 shall be available for the construction of State motor vehicle safety inspection facilities for the inspection by State authorities of commercial motor vehicles crossing the border to ensure the safety of such vehicles.

(e) ALLOCATIONS.—

(1) FUNDS.—At least 40 percent of the funds made available for carrying out this section shall be allocated for projects in the vicinity of the border of the United States and Mexico, and at least 40 percent of such funds shall be allocated for projects in the vicinity of the border of the United States and Canada.

(2) PROJECTS.—At least 2 of the projects in the vicinity of the border of the United States with Mexico for which allocations are made under this section and at least 2 of the projects in the vicinity of the border of the United States and Canada for which allocations are made under this section shall be located at ports of entry with high annual volumes of traffic.

(f) APPLICABILITY OF TITLE 23.—Funds authorized by section 127(a)(3)(A) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) BORDER REGION.—The term "border region" means the portion of a border State in the vicinity of an international border with Canada or Mexico.

(2) BORDER STATE.—The term "border State" means any State that has a boundary in common with Canada or Mexico.

SEC. 117. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—Section 120 is amended—

(1) in subsection (e)—

(A) by striking "(c)" and inserting "(b)"; and

(B) by striking "90" and inserting "120"; and

(2) by adding at the end the following:

"(j) FUNDS APPROPRIATED TO A FEDERAL LAND MANAGING AGENCY.—Notwithstanding any other provision of law, the funds appropriated to any Federal land managing agency may be used as the non-Federal share payable on account of any Federal-aid highway project the Federal share of which is payable with funds apportioned under section 104 or 144 or allocated under the Federal scenic byways program.

"(k) FUNDS APPROPRIATED FOR FEDERAL LANDS HIGHWAYS PROGRAM.—Notwithstanding any other provision of law, funds appropriated for carrying out the Federal lands highways program under section 204 may be used as the non-Federal share payable on account of any project that is carried out with funds apportioned under section 104 or 144 or allocated under the Federal scenic byways program if the project will provide access to, or be carried out within, Federal or Indian lands.".

(b) ALLOCATIONS.—Section 202 is amended—

(1) by striking subsection (b) and inserting the following:

"(b) ALLOCATION OF SUMS AUTHORIZED FOR PUBLIC LANDS HIGHWAYS.—

"(1) IN GENERAL.—On October 1 of each fiscal year and after making the transfer provided for in section 204(i), the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways for transportation projects within the boundaries of those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary from applications for such funds by Federal land managing agencies, Indian tribal governments, and States.

"(2) PREFERENCE.—In allocating sums under paragraph (1), the Secretary shall give preference to those projects that are significantly impacted by Federal land, recreation, or resource management activities that are proposed within the boundaries of a State in which at least 3 percent of the total public lands in the United States are located."; and

(2) by adding at the end the following:

"(e) FOREST HIGHWAYS.—

"(1) ALLOCATION OF FUNDS.—On October 1 of each fiscal year and after making the transfer provided for in section 204(g), the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways

as provided in section 134 of the Federal-Aid Highway Act of 1987.

"(2) PROJECT SELECTION.—With respect to allocations under this subsection, the Secretary shall give priority to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through renewable resources and land use planning and the impact of such planning on existing transportation facilities.".

(c) AVAILABILITY OF FUNDS.—Section 203 is amended—

(1) by striking "Funds authorized for," and inserting "(a) IN GENERAL.—Funds authorized for forest highways,";

(2) in the fourth sentence by inserting "forest highways" after "any fiscal year for"; and

(3) by adding at the end the following:

"(b) TIME OF OBLIGATION.—Notwithstanding any other provision of law, the Secretary's authorization of engineering and related work for a Federal lands highways program project or the Secretary's approval of plans, specifications, and estimates for construction of a Federal lands highways program project shall be deemed to constitute a contractual obligation of the Federal Government for the payment of its contribution to such project.".

(d) AWARD OF CONTRACTS; TRANSFERS—Section 204 is amended—

(1) in subsection (a) to read as follows:

"(a) Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to those that apply to Federal-aid highways, there is established a coordinated Federal Lands Highways Program which shall consist of forest highways, public lands highways, park roads and parkways, and Indian reservation roads and bridges. The Secretary, in cooperation with the Secretary of the appropriate Federal land managing agency, shall develop transportation planning procedures which are consistent with the metropolitan and Statewide planning processes in sections 134 and 135 of this title. The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary. All regionally significant Federal Lands Highway Program projects shall be developed in cooperation with States and metropolitan planning organizations and be included in appropriate Federal Lands Highways Program, State, and metropolitan plans and transportation improvement programs. The approved Federal Lands Highways Program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action thereon. The Secretary and the Secretary of the appropriate Federal land managing agency shall develop appropriate safety, bridge, and pavement management systems for roads funded under the Federal Lands Highways Program.";

(2) by striking the first three sentences of subsection (b) and inserting "Funds available for forest highways, public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land managing agency to pay for the cost of transportation planning, research, engineering, and construction thereof. The Secretary and the Secretary of the appropriate Federal land managing agency, as appropriate, may enter into construction contracts and such other contracts with a State or civil subdivision thereof or Indian tribe to carry out this subsection.";

(3) in the first sentence of subsection (e) by striking "Secretary of the Interior" and inserting "Secretary of the appropriate Federal land managing agency"; and

(4) by striking subsection (i) and inserting the following:

"(i) TRANSFERS TO SECRETARIES OF FEDERAL LAND MANAGING AGENCIES.—The Secretary shall transfer to the appropriate Federal land managing agency from the appropriation for public lands highways such amounts as may be needed to cover—

"(1) necessary administrative costs of such agency in connection with public lands highways; and

"(2) the cost to such agency of conducting necessary transportation planning serving Federal lands if funding for such planning is otherwise not provided in this section.".

(e) ACCESS TO JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—

(1) STUDY.—The Secretary, in cooperation with the District of Columbia, the John F. Kennedy Center for the Performing Arts, and the Department of the Interior and in consultation with other interested persons, shall conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

(2) REPORT.—Not later than September 30, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the study, together with an assessment of the impacts (including environmental, aesthetic, economic, and historic impacts) associated with the implementation of each of the methods examined under the study.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $500,000 for fiscal year 1998 to carry out this subsection.

(4) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of activities conducted using such funds shall be 100 percent and such funds shall remain available until expended.

(f) SMITHSONIAN INSTITUTION TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate amounts made available by this subsection for obligation at the discretion of the Secretary of the Smithsonian Institution, in consultation with the Secretary, to carry out projects and activities described in paragraph (2).

(2) ELIGIBLE USES.—Amounts allocated under paragraph (1) may be obligated only—

(A) for transportation-related exhibitions, exhibits, and educational outreach programs;

(B) to enhance the care and protection of the Nation's collection of transportation-related artifacts;

(C) to acquire historically significant transportation-related artifacts; and

(D) to support research programs within the Smithsonian Institution that document the history and evolution of transportation, in cooperation with other museums in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $5,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity under this subsection shall be 100 percent and such funds shall remain available until expended.

(g) NEW RIVER PARKWAY.—Of amounts available under section 102(a)(11)(C) of this Act, the Secretary shall allocate $1,300,000 for fiscal year 1998, $1,200,000 for fiscal year 1999, and $9,900,000 for fiscal year 2000 to the Secretary of the Interior for the planning, design, and construction of a visitors center, and such other related facilities as may be necessary, to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources accessible by the New River Parkway in the State of West Virginia. The center and related facilities shall be located at a site for which title is held by the United States in the vicinity of the intersection of the New River Parkway and I-64. Such funds shall remain available until expended.

(h) GETTYSBURG, PENNSYLVANIA.—

(1) RESTORATION OF TRAIN STATION.—The Secretary shall allocate amounts made available by this subsection for the restoration of the Gettysburg, Pennsylvania, train station.

(2) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $400,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of restoration of the train station under this subsection shall be 80 percent and such funds shall remain available until expended.

SEC. 118. NATIONAL SCENIC BYWAYS PROGRAM.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

"§ 162. National scenic byways program

"(a) DESIGNATION OF ROADS.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating them as 'National Scenic Byways' or 'All-American Roads'. The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary. To be considered for such designation, a road must be nominated by a State or Federal land management agency and must first be designated as a State scenic byway or, for roads on Federal lands, as a Federal land management agency byway.

"(b) ALLOCATIONS AND TECHNICAL ASSISTANCE.—

"(1) GENERAL AUTHORITY.—The Secretary shall make allocations and provide technical assistance to States to—

"(A) implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

"(B) plan, design, and develop a State scenic byways program.

"(2) PRIORITY PROJECTS.—In making allocations under this subsection, the Secretary shall give priority to—

"(A) eligible projects along highways that are designated as National Scenic Byways or All-American Roads;

"(B) eligible projects on State-designated scenic byways that are undertaken to make them eligible for designation as National Scenic Byways or All-American Roads; and

"(C) eligible projects that will assist the development of State scenic byways programs.

"(c) ELIGIBLE PROJECTS.—The following are projects that are eligible for Federal assistance under this section:

"(1) Activities related to planning, design, or development of State scenic byway programs.

"(2) Development of corridor management plans for scenic byways.

"(3) Safety improvements to a scenic byway to the extent such improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway due to such designation.

"(4) Construction along a scenic byway of facilities for pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities.

"(5) Improvements to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

"(6) Protection of historical, archaeological, and cultural resources in areas adjacent to scenic byways.

"(7) Development and provision of tourist information to the public, including interpretive information about scenic byways.

"(8) development and implementation of scenic byways marketing programs.

"(d) FEDERAL SHARE.—The Federal share payable on account of any project carried out under this section shall be determined in accordance with section 120(b) of this title. For any scenic byways project along a public road that provides access to or within Federal or Indian lands, a Federal land management agency may use funds authorized for its use as the non-Federal share of the costs of the project.

"(e) PROTECTION OF SCENIC INTEGRITY.—

"(1) SCENIC INTEGRITY.—The Secretary shall not make an allocation under this section for any project that would not protect the scenic, historic, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

"(2) SAVINGS CLAUSE.—The Secretary shall not make any grant, provide technical assistance, or impose any requirement on a State under this section that is inconsistent with the authority of the State provided in this chapter.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following new item:

"162. National scenic byways program.".

(c) CENTER.—

(1) ESTABLISHMENT.—The Secretary shall allocate funds made available to carry out this subsection to establish a center for national scenic byways in Duluth, Minnesota, to provide technical communications and network support for nationally designated scenic byway routes in accordance with paragraph (2).

(2) COMMUNICATIONS SYSTEMS.—The center for national scenic byways shall develop and implement communications systems for the support of the national scenic byways program. Such communications systems shall provide local officials and planning groups associated with designated National Scenic Byways or All-American Roads with proactive, technical, and customized assistance through the latest technology which allows scenic byway officials to develop and sustain their National Scenic Byways or All-American Roads.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,500,000 for each of fiscal years 1998 through 2003.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection shall be 100 percent and such funds shall remain available until expended.

SEC. 119. VARIABLE PRICING PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a variable pricing program. In implementing such program, the Secretary shall solicit the participation of State and local governments and public authorities for 1 or more variable pricing pilot programs. The Secretary may enter into cooperative agreements with as many as 15 of such governments and public authorities to conduct and monitor the pilot programs.

(b) FEDERAL SHARE PAYABLE.—The Federal share payable for a pilot program under this section shall be 80 percent of the aggregate cost of the program and the Federal share payable for any portion of a project conducted under the program may not exceed 100 percent.

(c) IMPLEMENTATION COSTS.—The Secretary may fund all pre-implementation costs, including public education and project design, and all of the development and startup costs of a pilot project under this section, including salaries and expenses, until such time that sufficient revenues are being generated by the program to fund its operating costs without Federal participation; except that the Secretary may not fund the pre-implementation, development, and startup costs of a pilot project for more than 3 years.

(d) USE OF REVENUES.—Revenues generated by any pilot project under this section must be applied to projects eligible for assistance under title 23, United States Code.

(e) COLLECTION OF TOLLS.—Notwithstanding sections 129 and 301 of title 23, United States Code, the Secretary shall allow the use of tolls on the Interstate System as part of a pilot program under this section, but not as part of more than 3 of such programs.

(f) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Any pilot program conducted under this section shall include an analysis of the potential effects of the pilot program on low income drivers and may include mitigation measures to deal with any potential adverse financial effects on low-income drivers.

(g) REPORTS TO CONGRESS.—The Secretary shall monitor the effect of the pilot programs conducted for a period of at least 10 years and shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives biennially on the effects such programs are having on driver behavior, traffic volume, transit ridership, air quality, drivers of all income levels, and availability of funds for transportation programs.

(h) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 102 of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high-occupancy vehicle lanes if such vehicles are part of a pilot program being conducted under this section.

(i) PERIOD OF AVAILABILITY.—Funds allocated by the Secretary under this section shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which such funds are authorized. Any amounts allocated under this section that remain unobligated at the end of such period and any amounts authorized under subsection (i) that remain unallocated by the end of such period shall be transferred to a State's apportionment under section 104(b)(3) of title 23, United States Code, and shall be treated in the same manner as other funds apportioned under such section.

(j) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this section and the availability of such funds shall be determined in accordance with this section.

(k) REPEAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is repealed.

SEC. 120. TOLL ROADS, BRIDGES, AND TUNNELS.

(a) FEDERAL SHARE PAYABLE.—Section 120 is amended by adding at the end the following:

"(l) CREDIT FOR NON-FEDERAL SHARE.—

"(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal matching share requirement for any funds made available to carry out this title (other than the emergency relief program authorized in section 125) or chapter 53 of title 49 toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce. Such public, quasi-public, or private agencies shall have built, improved, or maintained such facilities without Federal funds.

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—The credit for any non-Federal share provided under this subsection shall not reduce nor replace State funds required to match Federal funds for any program under this title.

"(B) AGREEMENTS.—In receiving a credit for non-Federal capital expenditures under this subsection, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

"(3) TREATMENT.—

"(A) LIMITATION ON LIABILITY.—Use of a credit for a non-Federal share under this subsection that is received from a public, quasi-public, or private agency—

"(i) shall not expose the agency to additional liability, additional regulation, or additional administrative oversight; and

"(ii) shall not subject the agency to any additional Federal design standards, laws, or regulations as a result of providing the non-Federal match other than those to which the agency is already subject.

"(B) CHARTERED MULTISTATE AGENCIES.—When a credit that is received from a chartered multistate agency is applied for a non-Federal share under this subsection, such credit shall be applied equally to all charter States.".

(b) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating Interstate highway corridors that could not otherwise be adequately maintained or functionally improved without the collection of tolls.

(2) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this subsection on 3 facilities on the Interstate System. Each of such facilities shall be located in a different State.

(3) ELIGIBILITY.—In order to be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

(A) An identification of the facility on the Interstate System proposed to be a toll facility, including the age, condition, and intensity of use of such facility.

(B) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization established under section 134 of title 23, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

(C) An analysis demonstrating that such facility could not be maintained or improved to meet current or future needs from the State's apportionments and allocations made available by this Act (including amendments made by this

Act) and from revenues for highways from any other source without toll revenues.

(D) A facility management plan that includes—

(i) a plan for implementing the imposition of tolls on the facility;

(ii) a schedule and finance plan for the reconstruction or rehabilitation of the facility using toll revenues;

(iii) a description of the public transportation agency which will be responsible for implementation and administration of the pilot toll reconstruction and rehabilitation program; and

(iv) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the converted facility, while retaining legal and administrative control of the Interstate route section.

(E) Such other information as the Secretary may require.

(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under paragraph (3) only if the Secretary determines the following:

(A) The State is unable to reconstruct or rehabilitate the proposed toll facility using existing apportionments.

(B) The facility has a sufficient intensity of use, age, or condition to warrant the collection of tolls.

(C) The State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers.

(D) The State plan for reconstruction or rehabilitation of the facility using toll revenues is reasonable.

(E) The State has given preference to the use of an existing public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(5) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(A) all toll revenues received from operation of the toll facility will be used only for debt service, for reasonable return on investment of any private person financing the project, and for any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(B) regular audits will be conducted to ensure compliance with subparagraph (A) and the results of such audits will be transmitted to the Secretary.

(6) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(5) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

(7) PROGRAM TERM.—The Secretary shall conduct the pilot program under this section for a term to be determined by the Secretary but not less than 10 years.

(8) INTERSTATE SYSTEM DEFINED.—In this subsection, the term "Interstate System" has the same meaning such term has under section 101(a) of title 23, United States Code.

(c) BRIDGE RECONSTRUCTION OR REPLACEMENT.—Section 129(a)(1)(C) is amended by striking "toll-free bridge or tunnel" and inserting "toll-free major bridge or toll-free tunnel".

SEC. 121. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) OBLIGATION OF AMOUNTS.—Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) is amended to read as follows:

"(c) OBLIGATION OF AMOUNTS.—Amounts made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section may be obligated at the discretion of the Secretary. Such sums shall remain available until expended.".

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of ferry transportation in the United States and its possessions—

(A) to identify existing ferry operations, including—

(i) the locations and routes served; and

(ii) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry operations; and

(B) to identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes.

(2) REPORT.—The Secretary shall submit a report on the results of the study required under paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) FERRY OPERATING AND LEASING AMENDMENTS.—Section 129(c) is amended—

(1) in paragraph (3) by striking "owned." and inserting "owned or operated."; and

(2) in paragraph (6) by striking "sold, leased, or" and inserting "sold or".

SEC. 122. HIGHWAY USE TAX EVASION PROJECTS.

(a) APPLICABILITY OF TITLE 23.—Section 1040(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended to read as follows:

"(f) APPLICABILITY OF TITLE 23.—Funds made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project carried out under this section shall be 100 percent and such funds shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.".

(b) AUTOMATED FUEL REPORTING SYSTEM.—Section 1040 of such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following:

"(g) AUTOMATED FUEL REPORTING SYSTEM.—Of the amounts made available to carry out this section for each of fiscal years 1998 through 2003, the Secretary shall make available sufficient funds to the Internal Revenue Service to establish and operate an automated fuel reporting system.".

(c) TECHNICAL AMENDMENT.—Section 1040(a) of such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended by striking "by subsection (e)".

SEC. 123. PERFORMANCE BONUS PROGRAM.

(a) STUDY.—The Secretary shall develop performance-based criteria for the distribution of not to exceed 5 percent of the funds from each of the following programs:

(1) The Interstate maintenance program under section 119 of title 23, United States Code.

(2) The bridge program under section 144 of such title.

(3) The high risk road safety improvement program under section 154 of such title.

(4) The surface transportation program under section 133 of such title.

(5) The congestion mitigation and air quality improvement program under section 149 of such title.

(b) REQUIREMENTS FOR DEVELOPMENT OF CRITERIA.—Performance-based criteria developed by the Secretary under subsection (a) shall assess on a statewide basis the following:

(1) For the Interstate maintenance program, whether pavement conditions on routes on the Interstate System in the State have consistently been of a high quality or have recently improved.

(2) For the bridge program, whether the percentage of deficient bridges in the State has consistently been low or has recently decreased.

(3) For the high risk road safety improvement program, whether the level of safety on highways in the State has consistently been high or has recently improved.

(4) For the surface transportation program, whether the level of financial effort in State funding for highway and transit investments has been high or has recently increased.

(5) For the congestion mitigation and air quality improvement program, whether the environmental performance of the transportation system has been consistently high or has improved.

(c) REQUIRED SUBMISSION.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the performance-based criteria developed under subsection (a).

SEC. 124. METROPOLITAN PLANNING.

(a) GENERAL REQUIREMENTS.—Section 134(a) is amended by inserting after "and goods" the following: "and foster economic growth and development".

(b) COORDINATION OF MPOS.—Section 134(e) is amended—

(1) in the subsection heading by striking "MPO'S" and inserting "MPOS";

(2) by inserting before "If" the following: "(1) NONATTAINMENT AREAS.—";

(3) by adding at the end the following:

"(2) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than one metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project."; and

(4) by indenting paragraph (1), as designated by paragraph (2) of this subsection, and aligning such paragraph (1) with paragraph (2), as added by paragraph (3) of this subsection.

(c) GOALS AND OBJECTIVES OF PLANNING PROCESS.—Section 134(f) is amended to read as follows:

"(f) GOALS AND OBJECTIVES OF PLANNING PROCESS.—To the extent that the metropolitan planning organization determines appropriate, the metropolitan transportation planning process may include consideration of goals and objectives that—

"(1) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(2) increase the safety and security of the transportation system for all users;

"(3) increase the accessibility and mobility for people and freight;

"(4) protect and enhance the environment, conserve energy, and enhance quality of life;

"(5) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(6) promote efficient system utilization and operation; and

"(7) preserve and optimize the existing transportation system.

This subsection shall apply to the development of long-range transportation plans and transportation improvement programs.".

(d) LONG-RANGE PLAN.—Section 134(g) is amended—

(1) in paragraph (1) by inserting "transportation" after "long-range";

(2) in paragraph (2) by striking ", at a minimum" and inserting "contain, at a minimum, the following";

(3) in paragraph (2)(A)—

(A) by striking "Identify" and inserting "An identification of"; and

(B) by striking "shall consider" and inserting "may consider";

(4) by striking paragraph (2)(B) and inserting the following:

"(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.";

(5) in paragraph (4) by inserting after "employees," the following: "freight shippers and providers of freight transportation services,"; and

(6) in paragraph (5) by inserting "transportation" before "plan prepared".

(e) TRANSPORTATION IMPROVEMENT PROGRAM.—Section 134(h) is amended—

(1) in paragraph (1), by striking "2 years" and inserting "3 years"; and

(2) by adding at the end of paragraph (2)(B) the following: "The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.".

(f) TRANSPORTATION MANAGEMENT AREAS.—Section 134(i) is amended—

(1) in paragraph (4) by inserting after "System" each place it appears the following: ", under the high risk road safety program,"; and

(2) in paragraph (5)—

(A) by striking "(1)" and inserting "(A)"; and

(B) by striking "(2)" and inserting "(B)".

SEC. 125. STATEWIDE PLANNING.

(a) SCOPE OF PLANNING PROCESS.—Section 135(c) is amended to read as follows:

"(c) SCOPE OF THE PLANNING PROCESS.—To the extent that a State determines appropriate, the State may consider goals and objectives in the transportation planning process that—

"(1) support the economic vitality of the Nation, its States and metropolitan areas, especially by enabling global competitiveness, productivity and efficiency;

"(2) increase the safety and security of the transportation system for all users;

"(3) increase the accessibility and mobility for people and freight;

"(4) protect and enhance the environment, conserve energy, and enhance the quality of life;

"(5) enhance the integration and connectivity of the transportation system, across and between modes throughout the State for people and freight;

"(6) promote efficient system utilization and operation; and

"(7) preserve and optimize the existing transportation system.".

(b) ADDITIONAL CONSIDERATIONS.—Section 135(d) is amended—

(1) in the subsection heading by striking "REQUIREMENTS" and inserting "CONSIDERATIONS"; and

(2) by striking "shall, at a minimum," and inserting "may".

(c) LONG-RANGE PLAN.—Section 135(e) is amended by inserting after "representatives," the following: "freight shippers and providers of freight transportation services,".

(d) TRANSPORTATION IMPROVEMENT PROGRAM.—Section 135(f) is amended—

(1) by inserting after the second sentence of paragraph (1) the following: "With respect to nonmetropolitan areas of the State (areas with less than 50,000 population), the program shall be developed by the State, in cooperation with elected officials of affected local governments and elected officials of subdivisions of affected local governments which have jurisdiction over transportation planning, through a process developed by the State which ensures participation by such elected officials.";

(2) in paragraph (1) by inserting after "representatives," the following: "freight shippers and providers of freight transportation services,";

(3) in paragraph (2) by inserting before the last sentence the following: "The program may include, for illustrative purposes, additional projects that would be included in the program if reasonable additional resources were available.";

(4) in paragraph (3) by inserting after "System" each place it appears the following: ", under the high risk road safety program,";

(5) in the heading to paragraph (4) by striking "BIENNIAL" and inserting "TRIENNIAL"; and

(6) in paragraph (4) by striking "biennially" and inserting "triennially".

(e) PARTICIPATION OF LOCAL ELECTED OFFICIALS.—

(1) STUDY.—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming. In conducting the study, the Secretary shall consider the degree of cooperation between State, local rural officials, and regional planning and development organizations in different States.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 126. ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash cushion designs and determining whether directive or nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

(b) TRAFFIC FLOW AND SAFETY APPLICATIONS OF ROAD BARRIERS.—

(1) STUDY.—The Secretary shall conduct a study on the technologies and methods to enhance safety, streamline construction, and improve capacity by providing positive separation at all times between traffic, equipment, and workers on highway construction projects. The study shall also address how such technologies can be used to improve capacity and safety at those specific highway, bridge, and other appropriate locations where reversible lane, contraflow, and high occupancy vehicle lane operations are implemented during peak traffic periods.

(2) FACTORS TO CONSIDER.—In conducting the study, the Secretary shall consider, at a minimum, uses of positive separation technologies related to—

(A) separating workers from traffic flow when work is in progress;

(B) providing additional safe work space by utilizing adjacent and available traffic lanes during off-peak hours;

(C) rapid deployment to allow for daily or periodic restoring lanes for use by traffic during peak hours as needed;

(D) mitigating congestion caused by construction by—

(i) opening all adjacent and available lanes to traffic during peak traffic hours; or

(ii) use of reversible lanes to optimize capacity of the highway by adjusting to directional traffic flow; and

(E) permanent use of positive separation technologies to create contraflow or reversible lanes to increase the capacity of congested highways, bridges, and tunnels.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secreary shall submit a report to Congress on the results of the study. The report shall include findings and recommendations for the use of the identified technologies to provide positive separation on appropriate projects and locations. The Secretary shall provide the report to the States for their use on appropriate projects on the National Highway System and other Federal-aid highways.

SEC. 127. DISCRETIONARY PROGRAM AUTHORIZATIONS.

(a) EXECUTIVE BRANCH DISCRETIONARY PROGRAMS.—

(1) BRIDGE DISCRETIONARY PROGRAM.—The amount set aside by the Secretary under section 144(g)(2) of title 23, United States Code, shall be $100,000,000 for each of fiscal years 1998 through 2003.

(2) HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.—The amount the Secretary shall allocate for the high cost Interstate System reconstruction and improvement program under section 160(c)(2) of title 23, United States Code, shall not be more than $100,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, $250,000,000 for fiscal year 2000, $252,000,000 for fiscal year 2001, $252,000,000 for fiscal year 2002, and $397,000,000 for fiscal year 2003.

(3) ADDITIONAL EXECUTIVE BRANCH DISCRETIONARY PROGRAMS.—Of amounts made available by section 102(a)(8) of this Act, the following sums shall be available:

(A) COORDINATED BORDER INFRASTRUCTURE AND SAFETY PROGRAM.—For the coordinated border infrastructure and safety program under section 116 of this Act $70,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, and $100,000,000 for each of fiscal years 2000 through 2003.

(B) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM.—For the national corridor planning and development program under section 115 of this Act $50,000,000 for fiscal year 1998, $200,000,000 for fiscal year 1999, and $250,000,000 for each of fiscal years 2000 through 2003.

(C) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) $18,000,000 for each of fiscal years 1998 through 2003.

(D) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byway program under section 162 of title 23, United States Code, $30,000,000 for each of fiscal years 1998 through 2003.

(E) VARIABLE PRICING PILOT PROGRAM.—For the variable pricing pilot program under section 119 of this Act $10,000,000 for fiscal year 1998 and $14,000,000 for each of fiscal years 1999 through 2003.

(F) HIGHWAY RESEARCH.—For highway research under sections 307, 308, and 325 of title 23, United States Code, $150,000,000 for fiscal year 1998, $185,000,000 for fiscal year 1999, and $195,000,000 for each of fiscal years 2000 through 2003.

(G) TRANSPORTATION EDUCATION, PROFESSIONAL TRAINING, AND TECHNOLOGY DEPLOYMENT.—For transportation education, professional training, and technology deployment under sections 321, 322, and 326 of title 23, United States Code, and section 5505 of title 49, United States Code, $50,000,000 for each of fiscal years 1998 and 1999 and $55,000,000 for each of fiscal years 2000 through 2003.

(H) TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.—For Transportation technology innovation and demonstration program under section 632 of this Act $43,667,000 for fiscal year 1998, $44,667,000 for fiscal year 1999, $48,167,000 for fiscal year 2000, $47,717,000 for fiscal year 2001, $47,967,000 for fiscal year 2002, and $48,217,000 for fiscal year 2003.

(I) INTELLIGENCE TRANSPORTATION SYSTEMS PROGRAMS.—For intelligence transportation systems programs under subtitle B of title VI of this Act $175,000,000 for each of fiscal years 1998 through 2003.

(4) TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.—There is authorized to be appropriated to carry out section 130 of this Act, relating to transportation assistance for Olympic cities, such sums as may be necessary for fiscal years 1998 through 2003.

(b) LEGISLATIVE BRANCH DISCRETIONARY PROGRAMS.—Section 104 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following:

"(j) HIGH PRIORITY PROJECTS PROGRAM.—

"(1) IN GENERAL.—Of amounts made available by section 102(a)(8) of the Building Efficient Surface Transportation and Equity Act of 1998, $1,025,695,000 for fiscal year 1998, $1,398,675,000 for fiscal year 1999, $1,678,410,000 for fiscal year 2000, $1,678,410,000 for fiscal year 2001, $1,771,655,000 for fiscal year 2002, and $1,771,655,000 for fiscal year 2003 shall be available for high priority projects in accordance with this subsection. Such funds shall remain available until expended.

"(2) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—The Secretary is authorized to carry out high priority projects with funds made available by paragraph (1). Of amounts made available by paragraph (1), the Secretary, subject to paragraph (3), shall make available to carry out each project described in section 127(c) of such Act the amount listed for such project in such section. Any amounts made available by this subsection that are not allocated for projects described in section 127(c) shall be available to the Secretary, subject to paragraph (3), to carry out such other high priority projects as the Secretary determines appropriate.

"(3) ALLOCATION PERCENTAGES.—For each project to be carried out with funds made available by paragraph (1)—

"(A) 11 percent of the amount allocated by such section shall be available for obligation beginning in fiscal year 1998;

"(B) 15 percent of such amount shall be available for obligation beginning in fiscal year 1999;

"(C) 18 percent of such amount shall be available for obligation beginning in fiscal year 2000;

"(D) 18 percent of such amount shall be available for obligation beginning in fiscal year 2001;

"(E) 19 percent of such amount shall be available for obligation beginning in fiscal year 2002; and

"(F) 19 percent of such amount shall be available for obligation beginning in fiscal year 2003.

"(4) FEDERAL SHARE.—The Federal share payable on account of any project carried out with funds made available by paragraph (1) shall be 80 percent of the total cost thereof.

"(5) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for carrying out a project or projects, with funds made available by paragraph (1), to the State in which such project or projects are located upon request of such State.

"(6) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for a project under this subsection—

"(A) has obligated all funds allocated under this subsection of such Act for such project; and

"(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection and such section 127(c).

"(7) NONAPPLICABILITY OF OBLIGATION LIMITATION.—Funds made available by paragraph (1) shall not be subject to any obligation limitation.".

(c) HIGH PRIORITY PROJECTS.—Subject to section 104(j)(3) of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 104(j) of such title) for fiscal years 1998 through 2003 to carry out each such project:

[Dollars in Millions]

1. Dist. of Col.	*Implement traffic signalization, freeway management and motor vehicle information systems, Washington, D.C.*	*8.000*
2. West Virginia	*Upgrade US 340 between West Virginia/Virginia State line and the Charles Town Bypass*	*6.500*
3. New York	*Construct bridge deck over the Metro North right-of-way along Park Ave. between E. 188th and 189th Streets*	*0.750*
4. Oregon	*Upgrade access road and related facilities to Port Orford, Port Orford*	*1.500*
5. Minnesota	*Upgrade Perpich Memorial from 2 miles south of Biwabik to CSAH 111*	*2.800*
6. Indiana	*Upgrade Route 31 and other roads, St. Joseph and Elkhart Counties*	*7.000*
7. Illinois	*Upgrade Western Ave., Park Forest*	*0.126*
8. Washington	*Undertake FAST Corridor improvements with the amounts provided as follows: $16,000,000 to construct the North Duwamish Intermodal Project, $4,500,000 for the Port of Tacoma Road project, $3,000,000 for the SW Third St./BSNF project in Auburn, $2,000,000*	*32.000*
9. Dist. of Col.	*Implement Geographical Information System, Washington, D.C.*	*10.000*
10. New York	*Reconstruct Niagara St., Quay St., and 8th St. including realignment of Qual St. and 8th Ave. in Niagara Falls*	*3.500*
11. California	*Construct the San Fernando Valley Regional Transportation Hub in Los*	*0.500*
12. Washington	*Construct Cross Base Corridor, Fort Lewis-McChord AFB*	*0.500*
13. Illinois	*Rehabilitate 95th Street between 54th Place and 50th Avenue, Oak Lawn*	*0.600*
14. Virginia	*Reconstruct SR 168 (Battlefield Blvd.) in Chesapeake*	*8.000*
15. New York	*Construct interchange and connector road using ITS testbed capabilities at I-90 Exit 8*	*13.000*
16. Minnesota	*Trunk Highway 53 DWP railroad bridge replacement, St. Louis Co.*	*4.800*
17. Illinois	*Resurface Cicero Ave. between 127th St. and 143rd St., Chicago*	*0.610*
18. Illinois	*Undertake improvements to 127th Street, Cicero Avenue and Route 83 to improve safety and facilitate traffic flow, Crestwood*	*1.000*
19. Illinois	*Construct I-57 interchange, Coles Co.*	*15.000*
20. Connecticut	*Construct Harford Riverwalk South, Hartford*	*3.520*
21. Virgin Islands	*Upgrade West-East corridor through Charlotte Amalie*	*8.000*
22. Connecticut	*Improve pedestrian and bicycle connections between Union Station and downtown New London*	*4.520*
23. North Carolina	*Upgrade US 13 (including Ahoskie bypass) in Bertie and Hertford Counties*	*1.000*
24. Wisconsin	*Construct Chippewa Falls Bypass*	*6.000*
25. Mississippi	*Upgrade Brister Rd. between Tutwiler and Coahoma County line, Tallahatchie Co.*	*0.510*
26. Florida	*Construct improvements to JFK Boulevard, Eatonville*	*1.000*
27. Illinois	*Reconstruct Greenbriar Rd. with construction of new turn lanes in vicinity of John A. Logan College in Carterville*	*1.400*

[Dollars in Millions]

28. Connecticut	Construct overlook and access to Niantic Bay	3.080
29. California	Construct sound walls along SR23 in Thousand Oaks	2.532
30. Mississippi	Construct I-20 /Norrell Road interchange, Hinds County	5.000
31. North Carolina	Upgrade I-85, Mecklenburg and Cabarrus Counties	26.000
32. New Jersey	Construct, reconstruct and integrate multi-transportation modes to establish intermodal transportation corridor and center between Elizabeth and Newark	4.000
33. Texas	Road improvements along historic mission trails in San Antonio.	2.500
34. Mississippi	Construct Lincoln Road extension, Lamar Co.	1.500
35. Texas	Upgrade JFK Causeway, Corpus Christi	3.000
36. Florida	Enhance access to Gateway Marketplace through improvements to access roads, Jacksonville	1.200
37. California	Implement traffic management improvements, Grover Beach	0.500
38. California	Construct Chatsworth Depot Bicycle and Pedestrian Access project, Los	0.492
39. California	Reconstruct Palos Verdes Drive, Palos Verdes Estates	0.450
40. Wisconsin	Construct freeway conversion project on Highway 41 between Kaukauna and Brown County Highway F	20.000
41. California	Upgrade Price Canyon Road including construction of bikeway between San Luis Obispo and Pismo Beach	1.100
42. Arkansas	Upgrade US Rt. 67, Newport to Missouri State line	2.000
43. Missouri	Construct extension of bike path between Soulard market area and Riverfront bike trail in St. Louis	1.200
44. Massachusetts	Construct Greenfield-Montague Bikeways, Franklin Co.	0.900
45. Vermont	Replace Missisquoi Bay Bridge	16.000
46. California	Upgrade Route 4 East in Contra Costa Co.	10.000
47. Minnesota	Construct Phalen Blvd. between I-35E and I94	13.000
48. Ohio	Upgrade North Road between US 422 and East Market St., Trumbull Co.	1.200
49. Michigan	Construct bike path between Mount Clemens and New Baltimore	5.000
50. Maryland	Upgrade US 29 interchange with Randolph Road, Montgomery Co.	12.000
51. Texas	Construct Texas State Highway 49 between FM 1735 to Titus/Morris Co. line	6.400
52. Wisconsin	Upgrade Marshfield Blvd., Marshfield	5.000
53. California	Reconstruct the I-710/Firestone Blvd. interchange	16.000
54. Massachusetts	Construct I-495/Route 2 interchange east of existing interchange to provide access to commuter rail station, Littleton	4.200
55. Maryland	Undertake transportation infrastructure improvements within Baltimore Empowerment Zone	13.300
56. West Virginia	Preliminary engineering, design and construction of the Orgas to Chelayn Road, Boone Co.	2.000
57. Minnesota	Upgrade CSAH 1 from CSAH 61 to 0.8 miles north	0.480
58. South Carolina	Widen North Main Street, Columbia	9.750
59. Texas	Construct circumferential freeway loop around Texarkana	9.900
60. Texas	Upgrade FM517 between Owens and FM 3346, Galveston	3.856
61. Michigan	Reconstruct Co.Rd. 612 and Co.Rd. 491, Montmorency Co.	0.910
62. Ohio	Construct Chesapeake Bypass, Lawrence Co.	5.000
63. California	Construct I-10/Pepper Ave. Interchange	8.800
64. Pennsylvania	Construct safety and capacity improvements to Rt. 309 and Old Packhouse Road including widening of Old Packhouse Road between KidsPeace National Hospital to Rt. 309	8.200
65. Iowa	Relocate US 61 to bypass Fort Madison	3.000
66. Rhode Island	Install directional signs in Newport and surrounding communities	0.300
67. Pennsylvania	Construct access to Tioga Marine Terminal, Ports of Philadelphia and Camden	1.600
68. New York	Construct bikeway and pedestrian trail improvements, Rochester	2.400
69. Ohio	Upgrade U.S. Route 422 through Girard	4.720
70. Tennessee	State Highway 109 upgrade planning and engineering	1.840
71. Virginia	Construct transportation demonstration project utilizing magnetic levitation technology along route of 'Smart Road' between Blacksburg and Roanoke	2.000
72. Massachusetts	Construct Nowottuck-Manhan Bike Trail connections, Easthampton, Amherst, Holyoke, Williamsburg and Northampton	4.000
73. New Jersey	Reconstruct Essex Street Bridge, Bergen Co.	2.500
74. Illinois	Undertake traffic mitigation and circulation enhancements, 57th and Lake Shore Drive	1.520
75. Alabama	Upgrade County Road 39 between Highway 84 and Silver Creek Park, Clarke Co.	1.000
76. Virginia	Construct road improvements, trailhead and related facilities for Birch Knob Trail on Cumberland Mountain	0.125
77. Washington	Construct SR 167 Corridor, Tacoma	1.500
78. Pennsylvania	Construct Johnstown-Cambria County Airport Relocation Road	1.600
79. Mississippi	Construct connector between US-90 and I-10 in Biloxi	8.500
80. Alabama	Upgrade SR 5 in Bibb Co.	1.700
81. Maryland	Upgrade roads within Leakin Park Intermodal Corridor, Baltimore	3.200
82. Illinois	Construct US Route 67 bypass project around Roseville	11.700
83. Pennsylvania	Construct California University of Pennsylvania intermodal facility	1.000
84. Virginia	Planning and design for Coalfields Expressway, Buchanan, Dickenson and Wise Counties	1.200
85. Oregon	Design and engineering for Tualatin-Sherwood Bypass	0.500
86. California	Upgrade Route 4 West in Contra Costa Co.	10.000
87. Connecticut	Construct I-95 interchange, New Haven	26.000
88. Illinois	Replace Lebanon Ave. Bridge and approaches, Belleville	1.000
89. Minnesota	Upgrade Highway 73 from 4.5 miles north of Floodwood to 22.5 miles north of Floodwood	3.700
90. Illinois	Reconstruct Mt. Erie Blacktop in Mt. Erie	5.290
91. Michigan	Construct grade separation on Sheldon Road, Plymouth	7.000
92. Connecticut	Construct the US Rt. 7 bypass project, Brookfield to New Milford town line	5.000
93. Mississippi	Upgrade Cowan-Lorraine Rd. between I-10 and U.S. 90, Harrison Co.	10.000
94. Alabama	Construct repairs to Pratt Highway Bridge, Birmingham	0.600
95. Alabama	Initiate work on controlled access highway between I-65 and Mississippi State line	8.000
96. Michigan	Upgrade Walton Blvd. between Opdyke and Squirrel, Oakland Co.	2.000

[Dollars in Millions]

97. Michigan	Construct Monroe Rail Consolidation Project, Monroe	6.000
98. Massachusetts	Renovate Union Station Intermodal Transportation Center in Worcester	7.000
99. Oregon	Construct bike path paralleling 42nd Street to link with existing bike path, Springfield	0.750
100. California	Improve streets and related bicycle lane in Oak Park, Ventura Co.	0.907
101. California	Construct Arbor Vitae Street improvements, Inglewood	3.500
102. Mississippi	Refurbish Satartia Bridge, Yazoo City	0.500
103. Missouri	Upgrade Route 169 between Smithville and north of I-435, Clay Co.	14.000
104. Illinois	Upgrade U.S. 45 between Eldorado and Harrisburg	5.000
105. Michigan	Replace Chevrolet Ave. bridge in Genesee Co.	1.800
106. Connecticut	Reconstruct I-84, Hartford	9.470
107. Massachusetts	Improve safety and traffic operations on Main and Green Streets, Mellrose	2.600
108. Michigan	Design and ROW acquisition for "Intertown South" route of US 31 bypass,	1.500
109. Illinois	Undertake improvements to Campus Transportation System	1.000
110. California	Improve streets in Canoga Park and Reseda areas, Los Angeles	1.100
111. Texas	Construct US Rt. 67 Corridor through San Angelo	7.000
112. Illinois	Upgrade Bishop Ford Expressway/142nd St. interchange	1.500
113. Texas	Construct Galveston Island Causeway Expansion project, Galveston	0.730
114. California	Reconstruct Harbor Blvd./SR22 Interchange, City of Garden Grove	2.000
115. Michigan	Undertake capital improvements to facilitate traffic between Lansing and	10.000
116. Virginia	Construct Main Street Station in Richmond	8.000
117. New York	Reconstruct Houston Street between Avenue B to the West Side Highway, New York City	2.000
118. North Carolina	Upgrade US 158 (including bypasses of Norlina, Macon and Littleton) in Halifax and Warren Counties	3.000
119. New York	Construct access road and entranceway improvments to airport in Niagara Falls	3.000
120. New Jersey	Upgrade Baldwin Ave. intersection to facilitate access to waterfront and ferry, Weehawken	4.000
121. Massachusetts	Undertake vehicular and pedestrian movement improvments within Central Business District of Foxborough	2.080
122. California	Construct I-680HOV lanes between Marina Vista toll plaza to North Main Street, Martinez to Walnut Creek	7.000
123. Michigan	Improvements to Card Road between 21 mile road and 23 mile road in Macomb Co.	1.300
124. Michigan	Upgrade (all weather) on US 2, US 41, and M 35	1.700
125. Oregon	Relocate and rebuild intersection of Highway 101 and Highway 105, Clatsop Co.	1.600
126. New York	Undertake Linden Place reconstruction project, Queens	7.000
127. Texas	Construct Houston Street Viaduck project in Dallas	5.500
128. Iowa	Improve US 65/IA 5 interchange, Polk Co.	5.000
129. Texas	Construct segment located south of U.S. 209 in Travis County of a bypass to I-35 known as SH-130 only on a route running east of Decker Lake	16.000
130. Illinois	Rehabilitate Timber Bridge over Little Muddy River and approach roadway, Perry Co.	0.140
131. Connecticut	Reconstruct cross road over I-95, Waterford	2.000
132. Minnesota	Construct pedestrian overpass on Highway 169, Mille Lacs Reservation	0.600
133. Hawaii	Upgrade Kaumualili Highway	10.000
134. Massachusetts	Undertake improvements to South Station Intermodal Station	3.000
135. Illinois	Construct Marina Access Road, East Chicago	1.000
136. Massachusetts	Reconstruct North Street, Fitchburg	1.000
137. Virginia	Replace Shore Drive Bridge over Petty Lake, Norfolk	4.000
138. New Jersey	Upgrade Urban University Heights Connector, Newark	9.700
139. California	Implement City of Compton traffic signal systems improvements	5.800
140. California	Undertake San Pedro Bridge project at SR 1, Pacifica	1.500
141. Texas	Construct grade separations in Manchester	16.000
142. Minnesota	Upgrade TH6 between Talmoon to Bowstring River	1.200
143. North Carolina	Construct US Route 17, Elizabeth City Bypass	0.500
144. Pennsylvania	Undertake transportation enhancement activities within the Lehigh Landing Area of the Delaware and Lehigh Canal National Heritage Corridor	7.000
145. Texas	Upgrade State Highway 24 from Commerce to State Highway 19 north of Cooper	5.000
146. California	Reconstruct I-215 and construct HOV lanes between 2nd Street and 9th Street, San Bernardino	2.750
147. California	Undertake safety enhancements along Monterey County Railroad highway grade, Monterey Co.	2.800
148. Michigan	Upgrade I-94 between M-39 and I-69	8.000
149. Michigan	Widen and make improvements to Baldwin and Joslyn Roads, Oakland Co.	5.000
150. Arkansas	Construct Geyer Springs RR grade separation, Little Rock	1.000
151. New Jersey	Construct Route 4/17 interchange in Paramus	8.500
152. West Virginia	Upgrade US Rt. 35 between I-64 and South Buffalo Bridge	35.000
153. Alabama	Construct enhancements along 12th Street between State Highway 11 and Baptist Princeton Hospital, Birmingham	0.800
154. Pennsylvania	Construct Independence Gateway Transportation Center project, Philadelphia	6.000
155. Minnesota	Implement Trunk Highway 8 Corridor projects, Chisago Co.	15.300
156. Missouri	Construct extension of bike path between Soulard market area and Riverfront bike trail in St. Louis	0.800
157. Mississippi	Upgrade Goose Pond Subdivision Roads, Tallahatchie Co.	0.200
158. Iowa	Construct controlled access four-lane highway between Des Moines and Burlington	14.925
159. Maryland	Construct improvements to Route 50 interchange with Columbia Pike, Prince Georges Co.	3.200
160. Tennessee	Construct Landport regional transportation hub, Nashville	8.000
161. California	Construct San Francisco Regional Intermodal Terminal	12.500
162. Texas	Relocate railroad tracks to eliminate road crossings, and provide for the rehabilitation of secondary roads providing access to various parts of the Port and the construction of new connecting roads to access new infrastructure safely and efficiently, Bro	6.000
163. Massachusetts	Replace Brightman Street bridge in Fall River	13.640
164. California	Construct Alameda Corridor East project	12.750
165. Georgia	Upgrade US Rt. 27	10.000

[Dollars in Millions]

166. Michigan	Upgrade Davison Rd. between Belsay and Irish Roads, Genessee Co.	4.500
167. Pennsylvania	Upgrade PA 228 (Crows Run Corridor)	7.200
168. Maine	Replace Singing Bridge across Taunton Bay	1.000
169. California	Roadway improvements to provide access to Hansen Dam Recreation Area in Los Angeles	1.000
170. Pennsylvania	Construct Rt. 819/Rt. 119 interchange between Mt. Pleasant and Scottdale	14.400
171. Massachusetts	Reconstruct Huntington Ave. in Boston	4.000
172. Ohio	Replace McCuffey Road Bridge, Mahoning Co.	3.360
173. Michigan	Upgrade Rochester Road between I–75 and Torpsey St.	12.300
174. California	Rehabilitate Artesia Blvd.	4.000
175. Illinois	Construct improvements to McKinley Bridge over Mississippi River with terminus points in Venice, Illinois, and St. Louis, Missouri	5.200
176. Maine	Construct I–295 connector, Portland	4.500
177. Maine	Studies and planning for reconstruction of East-West Highway	4.000
178. Illinois	Reconstruct Claire Blvd., Robbins	0.330
179. Pennsylvania	Upgrade PA Route 21, Fayette and Greene Counties	7.000
180. California	Construct VC Campus Parkway Loop System in Merced	8.000
181. Massachusetts	Replace deck of Chain Bridge over Merrimack River	1.012
182. New York	Construct Edgewater Road Dedicated Truck Route	12.000
183. Illinois	Construct Raney Street Overpass in Effingham	4.400
184. Pennsylvania	Replace Masontown bridge, Fayette and Greene Counties	7.000
185. Pennsylvania	Upgrade US Rt. 22, Chickory Mountain section	10.200
186. Michigan	Upgrade Lalie St., Frenchtown Rd., and Penshee Rd., Ironwood	0.360
187. South Carolina	Upgrade US Highway 301 within Bamberg	2.950
188. Arizona	Construct Veterans' Memorial overpass in Pima Co.	15.000
189. Michigan	Replace Chalk Hills Bridge over Menominee River	0.400
190. Michigan	Construct intermodal freight terminal in Wayne Co.	24.000
191. Oregon	Replace grade crossing with separated crossing and related improvements, Linn Co.	6.710
192. California	Reconstruct State Route 81 (Sierra Ave.) and I–10 Interchange in Fontana	10.000
193. California	Construct four-lane highway facility (Hollister Bypass), San Benito Co.	3.000
194. Maine	Construct new bridge over Kennebee River (Carlton Bridge replacement)	8.000
195. Oregon	Upgrade I–5/Highway 217 interchange, Portland	7.000
196. American Samoa	Upgrade village roads on Tutilla Island, American Samoa	11.000
197. New Jersey	Eliminate Berlin Circle and signalize intersection in Camden	8.000
198. New York	Implement Melrose Commons geographic information system	1.000
199. Pennsylvania	Reconstruct Lover Interchange on I–70, Washington Co.	5.000
200. Virginia	Aquire land and construct segment of Daniel Boone Heritage Trail (Kane Gap section), Jefferson National Forest	0.200
201. California	Construct Sacramento Intermodal Station	4.000
202. New York	Construct intermodal facility in New Rochelle, Westchester Co.	7.250
203. New York	Reconstruct 79th Street Traffic Circle, New York City	9.000
204. Pennsylvania	Extend North Delaware Ave. between Lewis St. and Orthodox St., Philadelphia	5.200
205. Missouri	Upgrade Route MO291 Connector	2.000
206. Pennsylvania	Upgrade US Rt. 119 between Homer City and Blairsville	6.400
207. West Virginia	Relocate segment of Route 33 (Scott Miller Bypass), Roane Co.	8.000
208. Missouri	Construct on intermodal center at Missouri Botanical Garden	1.600
209. Maine	Rehabilitate Piscataqua River bridges, Kittery	5.250
210. Wisconsin	Upgrade STH 29 between IH 94 and Chippewa Falls	6.000
211. Illinois	Extend and reconstruct roadways through industrial corridor in Alton	5.690
212. New Jersey	Construct road from the Military Ocean Terminal to the Port Jersey Pier, Bayonne	3.000
213. Missouri	Relocate and reconstruct Route 21 between Schenk Rd. to Town of DeSoto	40.000
214. Michigan	Improve drainage on 6th Street in Menominee	0.150
215. Pennsylvania	Reconstruct and widen US Rt. 222 to four-lane expressway between Lancaster/Berks County line and Grings Mill Rd. and construction of Warren Street extenstion in Reading	25.000
216. New Jersey	Relocate and complete construction of new multi-modal facility, Weehawken	8.000
217. Arkansas	Construct North Belt Freeway	7.000
218. California	Rehabilitate pavement throughout Santa Barbara Co.	1.500
219. Virginia	Repair historic wooden bridges along portion of Virginia Creeper Trail maintained by Town of Abingdon	2.050
220. Arizona	Reconstruct I–19, East Side Frontage Road, Ruby Road to Rio Rico Drive, Nogales	10.000
221. Massachusetts	Conduct planning and engineering for connector route between I–95 and industrial/business park, Attleboro	0.800
222. Georgia	Undertake Perimeter Central Parkway Overpass project and Ashford Dunwoody interchange improvements at I–285, DeKalb Co.	0.100
223. Ohio	Construct Wilmington Bypass, Wilmington	5.000
224. Illinois	Construct Western Springs Pedestrian and Tunnel project, Cook Co.	0.925
225. Minnesota	Upgrade Cass County Road 105 and Crow Wing County Road 125, East Gull Lake	0.960
226. Michigan	Upgrade H-58 within Pictured Rocks National Lakeshore	5.600
227. California	Reconstruct and widen Mission Road, Alhambra	3.250
228. Texas	Reconstruct and widen I–35 between North of Georgetown at Loop 418 to US Rt. 190	8.000
229. Florida	Construct access road to St. Johns Ave. Industrial Park	1.000
230. Illinois	Intersection improvements at 79th and Stoney Island Blvd., Chicago	1.740
231. Michigan	Construct Tawas Beach Road/US 23 interchange improvements, East Tawas	2.200
232. Pennsylvania	Construct Lawrenceville Industrial Access Road	10.000
233. Maryland	Construct intersection improvements to facilitate access to NSA facility, Anne Arundel Co.	3.000
234. California	Upgrade Del Almo Boulevard at I–405	5.000
235. Minnesota	Reconstruct and replace I–494 Wakota Bridge from South St. Paul to Newport, and approaches	13.000
236. Tennessee	Construct separated grade crossing at US 41 and US 231, Murfreesboro	0.323
237. Michigan	Construct four-lane boulevard from Dixie Highway to Walton Blvd., Oakland Co.	3.700
238. New York	Reconstruct Mamaroneck Ave., White Plains, Harrison and Mamaroneck	4.500

[Dollars in Millions]

239. Texas	Upgrade FM 1764 between FM 646 to State Highway 6	3.000
240. Texas	Construct ramp connection between Hammet St. to Highway 54 ramp to provide access to I–10 in El Paso	8.000
241. New York	Undertake studies, planning, engineering, design and construction of a tunnel alternative to reconstruction of existing elevated expressway (Gowanus tunnel project)	32.000
242. New York	Rehabilitate segment of Henry Hudson Parkway between Washington Bridge and Dyckman St., New York City	1.470
243. Illinois	Construct bicycle/pedestrian trail parallel to light rail transit system in St. Clair Co.	6.000
244. Indiana	Extend SR 149 between SR 130 to US Rt. 30, Valparaiso	5.900
245. Connecticut	Construct Greenmanville Ave. streetscape extension, including feasibility study, in towns of Groton, Stonington and Mystic	8.400
246. Illinois	Reconstruct Broad Street between Maple St. to Sixth St., Evansville	0.350
247. New York	Construct Mineola and Hicksville Intermodal Centers in Nassau Co.	16.000
248. Colorado	Construct intermodal center at Stapleton, Denver	3.000
249. New Jersey	Undertake improvements associated with the South Amboy Regional Intermodal Center	16.000
250. Michigan	Extend Trowbridge Road from Harrison Rd. to Red Cedar Rd.	2.500
251. Massachusetts	Construct improvements to North Main St. in Worcester	2.400
252. Tennessee	Upgrade SR 96 between Arno Rd. and SR 252, Williamson Co.	3.600
253. Louisiana	Extend Howard Avenue to Union Passenger Terminal, New Orleans	8.000
254. California	Construct bike path between Sepulveda Basin Recreation Area and Warner Center/Canoga Park, Los Angeles	3.000
255. New York	Upgrade Route 17 between Five Mile Point and Occanum, Broome Co.	16.800
256. Ohio	Upgrade US Rt. 33 between vicinity of Haydenville to Floodwood (Nelsonville Bypass)	5.000
257. Oregon	Construct passing lande on Highway 58 between Kitson Ridge Road and Mile Post 47, Lane Co.	6.800
258. Michigan	Upgrade East Jordon Road, Boyne City	0.170
259. California	Reconstruct Tennessee Valley Bridge, Marin Co.	1.000
260. Illinois	Improve access to 93rd Street Station, Chicago	3.000
261. California	Construct I–580 interchange, Livermore	13.200
262. California	Construct San Diego and Arizona Eastern Intermodal Yard	10.000
263. Michigan	Apply ITS technologies relating to traffic control, Lansing	3.700
264. California	Construct Palisades Bluff Stabilization project, Santa Monica	8.000
265. Rhode Island	Upgrade pedestrian traffic facilities, Bristol	0.100
266. Rhode Island	Implement transportation alternative relating to Court Street Bridge, Woonsocket	0.200
267. California	Upgrade Industrial Parkway Southwest between Whipple Rd. and improved segment of the parkway, Hayward	0.600
268. Missouri	Replace bridge on Route 92, Platte Co.	1.000
269. Ohio	Upgrade Western Reserve Road, Mahoning Co.	5.600
270. Ohio	Upgrade SR 124 between Five Points and Ravenswood Bridge, Meigs Co.	5.000
271. Illinois	Undertake streetscaping between Damden and Halsted	1.150
272. Illinois	Construct improvements to New Era Road, Carbondale	3.500
273. New York	Construct access improvements to Port of Rochester Harbor, Rochester	12.000
274. Rhode Island	Reconstruct interchanges on Rt. 116 between Rt. 146 and Ashton Viaduct, Lincoln	0.445
275. West Virginia	Preliminary engineering and design for access road to proposed location of regional airport, Lincoln Co.	1.000
276. Massachusetts	Upgrade Route 2 between Philipston and Greenfield	4.000
277. Ohio	Construct grade separations at Front Street and Bagley Road, Berea	14.000
278. Pennsylvania	Relocate PA 18 between 9th Ave. and 32nd St., Beaver Falls	1.400
279. California	Construct bike paths, Thousand Oaks	0.625
280. Oregon	Construct right-of-way improvements to provide improved pedestrian access to MAX light rail, Gresham	1.282
281. Louisiana	Reconstruct I–10 and Ryan Street access ramps and frontage street improvements, Lake Charles	8.000
282. California	Upgrade SR 92/El Camino interchange, San Mateo	3.700
283. Massachusetts	Construct Housatonic-Hoosic bicycle network	4.000
284. Texas	Upgrade SH 30, Huntsville	2.500
285. Connecticut	Replace bridges over Harbor Brook, Meriden	6.550
286. Indiana	Extend SR 149 between SR 130 to US Rt. 30	1.000
287. West Virginia	Construct improvements on WV 9 including turning lane and signalization, Berkely Co.	0.200
288. Arkansas	Upgrade Highway 63, Marked Tree to Lake David	12.000
289. Dist. of Col.	Conduct studies and related activities pertaining to proposed intermodal transportation Center, D.C.	1.000
290. Ohio	Undertake improvements to Valley Street, Dayton	0.900
291. Texas	Construct US Expressway 77/83 interchange, Harlingen	7.500
292. Texas	Construct Loop 197, Galveston	4.290
293. Minnesota	Upgrade Highway 53 between Virginia and Cook	2.000
294. California	Upgrade intersection of Folsom Blvd. and Power Inn Rd., Sacramento	10.000
295. California	Reconstruct Grand Avenue between Elm Street and Halcyon Road, Arroyo Grande	0.500
296. New York	Construct intermodal facility in Yonkers, Westchester Co.	10.250
297. Massachusetts	Construct bike path between Rt. 16 (Everett) to Lynn Oceanside	1.700
298. Oregon	Design and engineering for intermodal transportation center, Astoria	0.300
299. California	Construct Port of Oakland intermodal terminal	8.000
300. Indiana	Upgrade County roads in LaPorte County	7.000
301. Alabama	Replace bridge over Tombigbee River, Naheola	3.000
302. Virginia	Construct access road and related facilities for Fisher Peak Mountain Music Interpretive Center on Blue Ridge Parkway	1.700
303. Colorado	Reconstruct and upgrade I–70/I–25 Interchange, Denver	13.000
304. Alabama	Construct improvements to 41st Street between 1st Ave. South and Airport Highway, Birmingham	1.000
305. New York	Replace Route 28 bridge over NY State Thruway, Ulster Co.	3.200
306. Minnesota	Reconstruct SE Main Ave./I–94 interchange, Moorhead	4.000

[Dollars in Millions]

307. Indiana	Construct Gary Marina access road (Buffington Harbor)	10.000
308. Washington	Undertake SR 166 slide repair	6.500
309. Oregon	Construct bike path between Main Street/Highway 99 in Cottage Grove to Row River Trail, Cottage Grove	0.230
310. Minnesota	Upgrade 10th Street South, St. Cloud	1.500
311. Missouri	Construct Grand Ave. viaduct over Mill Creek Valley in St. Louis	2.200
312. Missouri	Construct Strother Rd./I–470 interchange, Jackson Co.	8.000
313. Wisconsin	Upgrade U.S. 51 between I–90/94 to northern Wisconsin	5.000
314. Virginia	Construct trailhead and related facilities and restore old Whitetop Train Station at terminus of Virginia Creeper Trail adjacent to Mount Rogers National Recreation Area	0.250
315. Oregon	Reconstruct Lovejoy ramp, Portland	7.718
316. Michigan	Rehabilitate Lincoln St., Negaunee	0.170
317. New York	Construct full access controlled expressway along NY Route 17 at Parkville, Sullivan Co.	6.000
318. Texas	Construct extension of Bay Area Blvd.	1.000
319. California	Construct pedestrian boardwalk between terminus of Pismo Promenade at Pismo Creek and Grande Avenue in Gover Beach	0.500
320. Michigan	Construct deceleration lane in front of 4427 Wilder Road, Bay City	0.020
321. Massachusetts	Construct Arlington to Boston Bike Path	1.000
322. Virginia	Undertake access improvements for Freemason Harbor Development Initiative, Norfolk	2.000
323. Oregon	Construct bike path along Willamette River, Corvallis	0.808
324. California	Upgrade Highway 99 between State Highway 70 and Lincoln Rd., Sutter Co.	14.300
325. Texas	Construct US 77/83 Expressway extension, Brownsville	3.000
326. Ohio	Undertake improvements to open Federal Street to traffic, Youngstown	2.080
327. Massachusetts	Upgrade I–495 interchange 17 and related improvements including along Route 140	14.480
328. Indiana	Undertake safety and mobility improvements involving street and street crossings and Conrail line, Elkhart	2.000
329. Illinois	Reconstruct interchange at I–294, 127th St. and Cicero Ave. with new ramps to the Tri-State Tollway, Alsip	34.265
330. Minnesota	Construct TH 1 east of Northome including bicycle/pedestrian trail	0.240
331. Missouri	Construct Jefferson Ave. viaduct over Mill Creek Valley in St. Louis	11.000
332. Ohio	Construct connector road between North Road and SR46, Trumbull Co.	5.680
333. Oregon	Repair bridge over Rogue River, Gold Beach	10.000
334. Tennessee	Construct I–40/SR 155 interchange, Davidson	9.000
335. Pennsylvania	Upgrade I–95 between Lehigh Ave. and Columbia Ave. and improvements to Girard Ave./I–95 interchange, Philadelphia	29.000
336. Massachusetts	Construct Hyannis Intermodal Transportation Center, Hyannis	3.200
337. New York	Reconstruct 127th Street viaduct, New York City	1.470
338. California	Construct bicycle path, Westlake Village	0.136
339. California	Upgrade Osgood Road between Washington Blvd. and South Grimmer Blvd., Freemont	2.000
340. Tennessee	Upgrade Briley Parkway between I–40 and Opreyland	9.000
341. Minnesota	Construct Gunflint Realignment project, Grand Marais	0.800
342. Maryland	Construct Baltimore Washington Parkway to Route 197, Prince Georges Co.	8.000
343. Virgin Islands	Construct bypass around Christiansted	8.000
344. Dist. of Col.	Rehabilitate Theodore Roosevelt Memorial Bridge	10.000
345. California	Construct Los Angeles County Gateway Cities NHS Access	8.750
346. South Carolina	Construct pedestrian walkway and safety improvements along SC 277, Richland Co.	0.800
347. Ohio	Upgrade US Rt. 35 between vicinity of Chillicothe to Village of Richmond Dale	5.000
348. California	Extend 7th St. between F St. and North 7th St., Sacramento	2.000
349. Illinois	Construct I–64/North Greenmount Rd. interchange, St. Clair Co.	4.800
350. Texas	Construct 6th and 7th Street overpass over railroad yard, Brownsville	0.500
351. Iowa	Construct four-lane expressway between Des Moines and Marshalltown	11.100
352. Michigan	Construct route improvements along Washington Ave. between Janes Ave. to Johnson St. and East Genesee Ave. between Saginaw River and Janes Ave., Saginaw	3.600
353. Minnesota	Construct pedestrian bridge over TH 169 in Elk River	0.707
354. Michigan	Reconstruct I–75/M-57 interchange	14.000
355. Virginia	Upgrade Danville Bypass in Pittsylvania	4.000
356. Massachusetts	Reconstruct Route 126 and replace bridge spanning Route 9, Town of Framingham	4.700
357. Alabama	Construct improvements to 19th Street between I–59 and Tuxedo Junction, Birmingham	0.900
358. Ohio	Restore Main and First Streets to two-way traffic, Miamisburg	0.450
359. Texas	Upgrade FM225, Nacogdoches	4.000
360. California	Construct railroad at-grade crossings, San Leandro	0.500
361. Pennsylvania	Improve walking and biking trails between Easton and Lehigh Gorge State Park within the Delaware and Lehigh Canal National Heritage Corridor	2.800
362. Massachusetts	Environmental studies, preliminary engineering and design of North-South Connector in Pittsfield to improve access to I–90	2.000
363. Oregon	Upgrade Naito Parkway, Portland	1.500
364. Pennsylvania	Make safety improvements on PA Rt. 61 (Dusselfink Safety Project) between Rt. 183 in Cressona and SR 0215 in Mount Carbon	7.000
365. New York	Capital improvements for the car float operations in Brooklyn, New York, for the New York City Economic Development Corp.	14.000
366. California	Construct Backbone Trail through Santa Monica National Recreation Area	0.200
367. Massachusetts	Reconstruct Greenfield Road, Montague	2.500
368. North Dakota	Upgrade U.S. Route 52 between Donnybrook and US Route 2	2.400
369. Pennsylvania	Construct Philadelphia Intermodal Gateway Project at 30th St. Station	8.000
370. Hawaii	Construct Kapaa Bypass	10.000
371. Missouri	Construct bike/pedestrian path between Delmar Metrolink Station and University City loop business district in St. Louis	0.800
372. Hawaii	Replace Sand Island tunnel with bridge	1.000
373. Missouri	Improve safety and traffic flow on Rt. 13 through Clinton	8.000
374. California	Construct improvements to Moorpark/Highway 101 interchange, Bouchard/Highway 101 interchange and associated street improvements, Thousand Oaks	0.368

[Dollars in Millions]

375. Texas	Construct extension of West Austin Street (FM 2609) between Old Tyler Road and Loop 224, Nacogdoches	1.800
376. Washington	Construct passenger ferry to serve Southworth-Seattle	5.000
377. Hawaii	Construct interchange at junction of proposed North-South road and H–1	20.000
378. South Carolina	Construct I–95/I–26 interchange, Orangeburg Co.	12.000
379. Ohio	Upgrade SR 46 between Mahoning Ave. and Salt Springs Rd., Mahoning and Trumbull Counties	3.520
380. California	Rehabilitate Highway 1 in Guadalupe	0.500
381. Massachusetts	Construct Great River Bridge improvements, Westfield	2.000
382. Maine	Studies and planning for extension of I–95	1.500
383. Michigan	Widen Arch St., Negaunee	0.080
384. Texas	Construct Concord Road Widening project, Beaumont	8.500
385. Massachusetts	Construct accessibility improvments to Charles Street T Station, Boston	4.000
386. Oregon	Purchase and install emitters and receiving equipment to facilitate movement of emergency and transit vehicles at key arterial intersections, Portland	4.500
387. Pennsylvania	Construct bicycle and pedestrian facility between Boston Bridge and McKee Point Park, Allegheny Co.	0.180
388. Oregon	Restore transportation connection between Wauna, Astoria and Port of Astoria	0.700
389. Pennsylvania	Construct Wexford I–79/SR 910 Interchange, Allegheny Co.	1.100
390. Minnesota	Undertake improvements to Hennepin County Bikeway	5.200
391. New Jersey	Construct New Jersey Exit 13A Flyover (extension of Kapkowsk Rd. to Trumbull St.)	3.000
392. Texas	Implement 'Hike and Bike' trail program, Houston	8.000
393. Puerto Rico	Upgrade PR 30 between PR 203 in Gurabo to PR 31 in Juncos	8.000
394. Illinois	Planning, engineering and first phase construction of beltway connector, Decatur	10.310
395. Texas	Extend Texas State Highway 154 between US 80W and State Highway 43S	4.900
396. Illinois	Construct bypass of historic stone bridge, Maeystown	0.820
397. Ohio	Rehabilitate Martin Luther King, Jr. Bridge, Toledo	2.000
398. Missouri	Upgrade Little Blue Expressway, Jackson Co.	3.000
399. Puerto Rico	Upgrade PR 3 between Rio Grande and Fajardo	8.000
400. Illinois	Reconstruct Cossitt Ave. in LaGrange	1.485
401. Pennsylvania	Facilitate coordination of transportation systems at intersection of 46th and Market, and enhance access and related measures to area facilities including purchase of vans for reverse commutes, Philadelphia	4.000
402. Connecticut	Upgrade bridge over Naugatuck River, Ansonia	0.450
403. Pennsylvania	Construct access road to Hastings Industrial Park, Cambria Co.	6.400
404. Pennsylvania	Construct Mon-Fayette Expressway between Union Town and Brownsville	20.000
405. Washington	Reconstruct I–5 interchange, City of Lacy	1.500
406. Dist. of Col.	Construct bicycle and pedestrian walkway (Metropolitan Branch Trail), Union Station to Silver Spring	10.000
407. New Jersey	Upgrade I–78 interchange and West Peddie St. ramps, Newark	6.300
408. Tennessee	Implement ITS technologies, Nashville	2.800
409. Connecticut	Construct bicycle and pedestrian walkway, Town of East Hartford	1.200
410. North Carolina	Upgrade Highway 55 between US 64 and State Route 1121, Wake and Durham Counties	23.000
411. Virginia	Upgrade Route 501 in Bedford County	1.000
412. Georgia	Construct multi-modal passenger terminal, Atlanta	16.000
413. Virginia	Renovate Greater Richmond Transit transportation facility, Richmond	5.000
414. Michigan	Upgrade Van Dyke Road between M–59 and Utica City limits	3.700
415. Pennsylvania	Design, engineer, ROW acquisition and construct the Luzerne County Community College Road between S.R. 2002 and S.R. 3004 one-mile west of Center Street through S.R. 2008 in the vicinity of Prospect Street and the Luzerne County Community College	14.000
416. Texas	Construct two-lane parallel bridge, State Highway 146, FM 517 to vicinity of Dickinson Bayou	4.850
417. North Dakota	Upgrade US Rt. 52, Kenmare to Donnybrook	2.800
418. Minnesota	Improve roads, Edge of Wilderness, Grand Rapids to Effie	6.000
419. Virginia	Construct access road, walking trail and related facilities for the Nicholsville Center, Scott Co.	0.225
420. Maryland	Construct pedestrian and bicycle path between Druid Hill Park and Penn Station, Baltimore	1.800
421. Illinois	Construct access road to Melvin Price Locks and Dam Visitors Center, Madison Co.	1.500
422. New York	Install advance traffic management system along Cross County Parkway between Saw Mill River Parkway and Hutchinson River Parkway	4.000
423. South Carolina	Construct I–77/SC #S–20–30 interchange, Fairfield Co.	7.000
424. Pennsylvania	Rehabilitate Jefferson Heights Bridge, Penn Hills	1.500
425. Oregon	Construct I–205/Sunnyside/Sunnybrook interchange and related extrension road, Clackamas Co.	20.000
426. New York	Conduct Trans-Hudson Freight Improvement MIS, New York City	5.000
427. Illinois	Construct Marion Street multi-modal project in Village of Oak Park	2.000
428. Pennsylvania	Upgrade roadway in the Princeton/Cottman I–95 interchange and related improvements, Philadelphia	20.200
429. California	Extend I–10 HOV lanes, Los Angeles	2.940
430. Massachusetts	Rehabilitate Union Station in Springfield	16.000
431. California	Upgrade Greenville Rd. and construct railroad underpass, Livermore	6.800
432. Pennsylvania	Extend Martin Luther King, Jr. East Busway to link with Mon-Fayette	6.000
433. Michigan	Construct improvements to Linden Rd. between Maple Ave. and Pierson Rd., Genessee Co.	1.200
434. Texas	Construct Titus County West Loop, Mount Pleasant	2.500
435. New York	Upgrade Riverside Drive between 97th St. and Tiemann, New York City	1.470
436. Florida	Construct interchange at 21st Street to provide access to Talleyrand Marine Terminal	11.300
437. Minnesota	Upgrade CSAH 116 north of SCAH 88 in Ely	1.600
438. New York	Rehabilitate Queens Blvd./Sunnyside Yard Bridge, New York City	8.000
439. Oregon	Upgrade I–5, Salem	6.592

[Dollars in Millions]

440. California	Install call boxes along Highway 166 between intersection with Highway 101 and junction with Highway 33	0.288
441. Arkansas	Construct US 63 interchange with Washington Ave. and Highway 63B	2.000
442. Virginia	Upgrade Rt. 600 to facilitate access between I-81 and Mount Rogers National Recreation Area	8.000
443. Pennsylvania	Construct bicycle and pedestrian facility between Washington's Landing and Millvale Borough, Allegheny Co.	0.620
444. New Jersey	Conduct Route 46 Corridor Improvement Project with of the amount provided, $11,500,000 for the Route 46/Riverview Drive Interchange reconstruction project, $16,900,000 for the Route 46/Van Houton Avenue reconstruction project, and $4,100,000 for the Route	32.500
445. Virginia	Construct Southeastern Parkway and Greenbelt in Virginia Beach	4.000
446. Michigan	Upgrade Hill Road corridor between I-75 to Dort Highway, Genesee Co.	3.000
447. Louisiana	Upgrade Lapalco Blvd. between Destrehan Ave. and Lapalco Blvd., Jefferson Parish	8.000
448. California	Upgrade South Higuera Street, San Luis Obispo	0.900
449. Rhode Island	Reconstruct Harris Ave., Woonsocket	2.000
450. California	Construct Olympic Training Center Access Road, Chula Vista	5.000
451. Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	10.000
452. North Carolina	Construct I-540 from east of NC Rt. 50 to east of US Rt. 1 in Wake Co.	13.000
453. Oregon	Upgrade Murray Blvd. including overpass bridge, Millikan to Terman	5.000
454. California	Planning, preliminary engineering and design for Etiwanda Ave./I-10 interchange, San Bernardino Co.	2.000
455. Arkansas	Upgrade US Rt. 412, Mountain Home to Missouri State line	10.000
456. California	Upgrade access road to Mare Island	1.000
457. California	Construct Prunedale Bypass segment of U.S. 101, Monterey Co.	2.200
458. Illinois	Rehabilitate and upgrade 87th Street Station to improve intermodal access	2.362
459. Wisconsin	Upgrade US Rt. 10 between Waupaca to US Rt. 41	8.000
460. Minnesota	Construct railroad crossing connecting University of MN with City of Crookston	0.200
461. Wisconsin	Construct Eau Claire Bypass project	8.000
462. Illinois	Resurface 63rd Street from Western Avenue to Wallace, Chicago	0.750
463. New York	Reconstruct Chili Ave. between W. City Line and West Ave., Rochester	1.600
464. West Virginia	Construct I-81 interchange, Martinsburg	5.300
465. Texas	Construct transportation improvements as part of redevelopment of Kelly AFB, San Antonio	5.000
466. Oregon	Construct roundabout at intersection of Highway 101 and Highway 202, Clatsop Co.	0.400
467. Oregon	Construct bike path improvements between W.D. Street to south parking lot in Island Park and bicycle/pedestrian facility between Island Park path to the Willamalane Senior Center, Springfield	0.100
468. Ohio	Undertake multimodal transportation improvements, Dayton	2.750
469. Massachusetts	Upgrade Rt. 3 between Rt. 128/I-95 to Massachusetts and New Hampshire State Line	8.200
470. Texas	Conduct MIS for Multimodal Downtown Improvement Project, San Antonio	1.000
471. California	Construct improvements to Route 101/Lost Hills Road interchange, Calabasas	5.790
472. Florida	Construct John Young Parkway/I-4 interchange	8.000
473. Texas	Reconstruct FM 364 between Humble Road and I-10, Beaumont	4.800
474. Texas	Construct Austin to San Antonio Corridor	9.500
475. Texas	Construct East Loop, Brownsville	1.000
476. Illinois	Upgrade South Lake Shore Drive between 47th and Hayes, Chicago	7.800
477. Alabama	Construct Finley Ave. Extension East project	3.900
478. Tennessee	Implement middle Tennessee alternative transportation system along the Stones River	9.500
479. Hawaii	Construct improvements to H-1 between the Waiawa interchange and the Halawa interchange	2.000
480. New Jersey	Upgrade Industrial Road between Carteret and Woodbridge Township	3.000
481. Minnesota	Restore MN Transportation facility, Jackson Street Roundhouse, St. Paul	1.000
482. Hawaii	Construct Kawahihee Bypass	1.000
483. Georgia	Upgrade U.S. Rt. 19 between Albany and Thomaston	5.000
484. Michigan	Upgrade M-15 from I-75 north to the Genesee County line	0.500
485. Georgia	Upgrade Lithonia Industrial Boulevard, DeKalb Co.	0.500
486. Michigan	Upgrade Walton Blvd. between Dixie and Sashabaw, Oakland Co.	2.000
487. Kentucky	Reconstruct Liberty and Todd Roads, Lexington	8.000
488. North Carolina	Construct Charlotte Western Outer Loop freeway, Mecklenburg Co.	16.000
489. Tennessee	Construct Crosstown Greenway/Bikeway, Springfield	3.200
490. North Carolina	Construct segment of I-74 between Maxton Bypass and NC 710, Robeson Co.	2.000
491. Pennsylvania	Construct enhancements and related measures, including purchase of vans for reverse commutes, to intermodal facility located at intersection of 52nd and Lancaster Ave., Philadelphia	4.000
492. Illinois	Undertake Industrial Transportation Improvement Program in Chicago	4.350
493. Illinois	Resurface S. Chicago Ave. From 71st to 95th Streets, Chicago	1.060
494. Texas	Upgrade US Rt. 59 between US 281 to I-37	16.000
495. Tennessee	Construct Stones River Greenway, Davidson	7.200
496. South Carolina	Construct Calhoun/Clarendon Causeway	10.000
497. Tennessee	Construct U.S. 40 bypass, Madison Co.	2.000
498. Mississippi	Upgrade Land Fill Road, Panola Co.	1.000
499. Illinois	Construct elevated walkway between Centre Station and arena	1.200
500. New Jersey	Construct interchange improvements and flyover ramps at I-80W to Route D23N in Passaic Co.	10.000
501. Illinois	Construct new entrance to Midway Airport Terminal	6.500
502. North Dakota	Construct Jamestown bypass	4.800
503. Illinois	Resurface 95th St. between Western Ave. and Stony Island Blvd., Chicago	3.120
504. Massachusetts	Upgrade Rt. 9/Calvin Coolidge Bridge, Hadley	10.000
505. Oregon	Acquire and rennovate facility to serve as multimodal transportation center, Eugene	3.590
506. Tennessee	Upgrade SR 386 between US 31 to the Gallatin Bypass, Sumner Co.	3.440

[Dollars in Millions]

507. American Samoa	Construct drainage system improvements associated with highway construction on Tutilla Island, American Samoa	5.000
508. Ohio	Replace I-280 bridge over Maumee River, Toledo area	24.000
509. Pennsylvania	Improve access to McKeesport-Duquesne Bridge	2.268
510. Wisconsin	Upgrade State Highway 29 between Green Bay and Wausau	12.000
511. California	Construct State Route 905 between I-805 and the Otay Mesa Border Crossing, San Diego Co.	25.000
512. California	Undertake median improvements along E. 14th St., San Leandro	1.000
513. Virginia	Conduct preliminary engineering on I-73 between Roanoke and Virginia/North Carolina State line	4.000
514. Illinois	Upgrade industrial park road in Village of Sauget	4.500
515. Massachusetts	Construct TeleCom Boulevard with access via Commercial Street and Corporation Way to the west of Malden River and with access via Santilli Highway to the east of the river in Everett, Medord and Malden	7.000
516. Rhode Island	Construct Blackstone River Bikeway	3.455
517. Oregon	Construct intermodal station, Clackamas Co.	0.600
518. Illinois	Rehabilitate Western Springs Arterial Roadway, Cook Co.	0.825
519. California	Implement enhanced traffic access between I-10, area hospitals and southern portion of Loma Linda	2.000
520. Maine	Replace Ridlonville Bridge across Androscoggin River	1.500
521. New York	Capital improvements for the Red Hook Barge in NY/NJ for the Port Authority of NY/NJ	5.000
522. Oregon	Construct bike path between Terry Street and Greenhill Road, Eugene	1.500
523. Texas	Conduct pipeline express study through Texas Transportation Institute (A&M University)	1.500
524. North Carolina	Construct segment of Raleigh Outer Loop, Wake Co.	2.700
525. North Carolina	Construct segment of new freeway, including right-of-way acquisition, between East of US 401 to I-95, and bridge over Cape Fear River	16.000
526. Kentucky	Construct Newton Pike Extension between West Main St. to South Limestone in Lexington	8.000
527. Indiana	Extend SR 149 between SR 130 to US Rt. 30, Valparaiso	4.000
528. California	Implement safety and congestion mitigation improvements along Pacific Coast Highway, Malibu	0.650
529. Maryland	Upgrade I-95/I-495 interchange at Ritchie Marlboro Rd., Prince Georges	4.800
530. Michigan	Construct arterial connector between US41/M28 and Co. Rd. 480, Marquette	0.500
531. Ohio	Construct SR 711 connector four-lane limited access highway in Mahoning Co.	25.000
532. Illinois	Study for new bridge over Mississippi River with terminus points in St. Clair County and St. Louis, MO.	1.400
533. Michigan	Upgrade Three Mile Road, Grand Traverse	1.000
534. Wisconsin	Construct Abbotsford Bypass	6.000
535. North Carolina	Upgrade US 13/NC11 (including Bethel bypass) in Pitt and Edgecombe	2.000
536. New Jersey	Construct highway connector between Interstate Route 1&9 (Tonelle Ave.) and the New Jersey Turnpike at Secaucus Intermodal Transfer Rail Station	5.000
537. Iowa	Reconstruct US Highway 218 between 7th and 20th Streets including center turn lane from Hubenthal Place to Carbide Lane, Keokuk	2.500
538. Minnesota	Construct grade crossing improvments, Morrison County	1.800
539. California	Upgrade Bristol St., Santa Ana	7.000
540. Illinois	Undertake access improvements to U.S. Rt. 41, Chicago	3.750
541. Illinois	Reconstruct Dixie Highway, Harvey	0.494
542. Minnesota	Upgrade CSAH between TH324 and Snake River	1.200
543. California	Rehabilitate B Street between Foothill Blvd. and Kelly St., Hayward	0.700
544. Illinois	Construct improvements to Pleasant Hill Road, Carbondale	3.500
545. Mississippi	Construct access improvments to various roads, Humphreys Co.	1.000
546. Michigan	Construct safety enhancements at rail crossings, Linden, Fenton, Swartz Creek and Gaines	1.000
547. Maryland	Implement city-wide signal control system replacements and improvements in Baltimore	17.700
548. Michigan	Construct road drainage improvements, Suttons Bay Village	0.240
549. West Virginia	Upgrade Route 10 between Logan and Man	50.000
550. California	Construct Gene Autry Way/I-5 Access project, Anaheim	9.000
551. Tennessee	Reconstruct US 79 between Milan and McKenzie	4.000
552. Illinois	Reconstruct Midlothian Turnpike, Robbins	0.288
553. California	Construct connector between I-5 and SR 113 and reconstruct I-5 interchange with Road 102, Woodland	11.500
554. Massachusetts	Reconstruct Route 2/Jackson Road interchange, Lancaster	3.600
555. California	Construct Airport Blvd. interchange in Salinas	8.000
556. California	Construct Third Street South Bay Basin Bridge, San Francisco	12.500
557. Minnesota	Reconstruct CSAH 48 extension, Brainerd/Baxter	0.320
558. Florida	Upgrade U.S. 319 between Four Points and Oak Ridge Road, Tallahasee	4.000
559. Connecticut	Reconstruct I-84 between vicinity of Route 69 in Waterbury and Marion Avenue in Southington	6.000
560. California	Upgrade Riverside Avenue/I-10 interchange, Rialto	0.925
561. Illinois	Consolidate rail tracks and eliminate grade crossings as part of Gateway Intermodal Terminal access project	1.500
562. Pennsylvania	Construct Robinson Town Centre intermodal facility	2.700
563. North Carolina	Construct bridge over Chockoyotte Creek in Halifex Co.	1.800
564. Texas	Investigate strategies to reduce congestion and facilitate access at the international border crossing in Roma	0.250
565. Hawaii	Construct Waimea Bypass	1.000
566. Oregon	Reconstruct I-5/Beltline Road interchange	3.000
567. Ohio	Construct Intermodal Industrial Park in Wellsville	2.040
568. Ohio	Upgrade Route 82, Strongsville	7.000
569. California	Construct pedestrian promenade, Pismo Beach	0.200
570. Dist. of Col.	Conduct MIS of light rail corridors, D.C.	1.000
571. California	Upgrade I-680 Corridor, Alameda Co.	10.000

[Dollars in Millions]

572. Ohio	Construct new bridge over Muskingum River and highway approaches, Washington County	2.000
573. Massachusetts	Construct improvements along Route 18 to provide for access to waterfront and downtown areas, New Bedford	12.000
574. Minnesota	Upgrade Cross-Range Expressway between Coleraine to CSAH 7	6.000
575. Illinois	Construct transportation improvements to Industrial Viaduct, Chicago	1.500
576. Pennsylvania	Construct American Parkway Bridge project in Allentown	4.000
577. Pennsylvania	Replace Grant Street Bridge, New Castle	2.400
578. Illinois	Extend South 74th Street, Belleville	0.500
579. California	Construct Phase 3 of Alameda Street project, Los Angeles	6.000
580. New York	Rehabilitate Third Avenue Bridge over Harlem River, New York City	1.470
581. West Virginia	Upgrade Route 2 in Cabell Co., including the relocation of Route 2 to provide for a connection to I-64 (Merrick Creek Connector)	25.000
582. Minnesota	Construct Shepard Road/Upper Landing interceptor, St. Paul	3.000
583. Illinois	Construct improvements to segment of Town Creek Road, Jackson Co.	1.300
584. Minnesota	Complete construction of Forest Highway 11, Lake Co.	5.000
585. Ohio	Construct access and related improvements to Downtown Riverfront Area, Dayton	4.900
586. Minnesota	Replace Sauk Rapids Bridge over Mississippi River, Stearns and Benton Counties	10.300
587. Ohio	Replace Jacobs Road Bridge, Mahoning Co.	2.000
588. North Carolina	Make improvements to I-95/SR-1162 interchange in Johnston Co.	3.200
589. Oregon	Rehabilitate Broadway Bridge in Portland	10.000
590. Minnesota	Construct Trunk Highway 169 Causeway, Itasca Co.	8.100
591. Minnesota	Construct Cass County Public Trails Corridors	0.240
592. Tennessee	Construct park and ride intermodal centers for Nashville/Middle Tennessee Commuter Rail	8.000
593. California	Construct bicycle path, Calabasas	0.500
594. Mississippi	Upgrade Hampton Lake Road, Tallahatchie Co.	0.880
595. Michigan	Upgrade M.L. King Drive. Genesee Co.	2.000
596. Michigan	Facilitate access between I-75 and Soo Locks through road reconstruction, bikepath construction and related improvements, Sault Ste. Marie	1.000
597. New York	Construct Midtown West Intermodal Ferry Terminal, New York City	5.000
598. Michigan	Construct Jackson Road project (demonstrating performance of paper and plastic reinforced concrete), Scio Township	4.600
599. Alabama	Upgrade Opoto-Madrid Blvd., Birmingham	1.400
600. Michigan	Reconstruct Bagley Street and improve Genschaw Road, Alpena	0.600
601. Texas	Reconstruct State Highway 87 between Sabine Pass and Bolivar Penninsula, McFadden Beach	1.294
602. Arkansas	Construct Baseline Road RR grade separation, Little Rock	5.000
603. Louisiana	Construct I-10/Louisiana Ave. interchange	8.000
604. Oregon	Construct regional multimodal transportation center in Albany	10.320
605. Oregon	Repair Coos Bay rail bridge, Port of Coos Bay	5.500
606. Illinois	Upgrade Illinois 336 between Illinois 61 to south of Loraine	5.100
607. Illinois	Right-of-way acquisition for segment of Alton Bypass between Illinois 143 to Illinois 140 near Alton	4.000
608. Oregon	Restore the Historic Columbia River Highway including construction of a pedestrian and bicycle path under I-84 at Tanner Creek and restoration of the Tanner Creek and Moffett Creek bridges	2.000
609. New Jersey	Reconstruct intermodal transportation facility on Bergenline Ave., Union City	4.000
610. Tennessee	Upgrade US 231 between SR 268 and Walter Hill, Rutherford	5.100
611. Minnesota	Extend County State Highway 61 extension into Two Harbors	0.800
612. Mississippi	Upgrade roads, Washington Co.	4.410
613. Michigan	Upgrade M-24 from I-75 to the northern Oakland Co. border	0.500
614. Washington	Construct Sequim/Dungeness Valley trail project	1.000
615. California	Construct HOV lane and bicycle lane within the Glendale Blvd. corridor in Los Angeles	16.000
616. Michigan	Upgrade Groveland Mine Road, Dickinson	0.500
617. Pennsylvania	Upgrade Route 219 between Meyersdale and Somerset	5.000
618. Texas	Upgrade IH-30 between Dallas and Ft. Worth	29.000
619. Florida	Upgrade U.S. 319 between I-10 and the Florida/George State line	4.000
620. Rhode Island	Construct Rhode Island Greenways and Bikeways projects with of the amount provided $5,700,000 for the Washington Secondary Bikepath, and $2,100,000 for the South County Bikepath Phase 2	7.800
621. Texas	Conduct feasability study on upgrading SH 16 in South Texas.	0.250
622. Virginia	Construct road improvement, trailhead development and related facilities for Haysi to Breaks Interstate Bicycle and Pedestrian Trail between Haysi and Garden Hole area of Breaks Interstate Park	0.250
623. Minnesota	Upgrade CSAH 16 between TH 53 and CSAH 4	5.400
624. Minnesota	Construct bicycle and pedestrian facility (Mesabi Trail), St. Louis County	3.000
625. Ohio	Construct Black River Intermodal Center, Lorain	2.400
626. Pennsylvania	Reconstruct structures and adjacent roadway, Etna and Aspenwall (design and right-of-way acquisition phases), Allegheny Co.	3.700
627. Florida	Construct safety improvements and beautification along U.S. 92, Daytona Beach	3.000
628. Georgia	Undertake major arterial enhancements in DeKalb Co. with the amount provides as follows: $7,000,000 for Candler Rd., $7,500,000 for Memorial Highway and $900,000 for Bufford Highway	15.400
629. Minnesota	Construct highway construction between Highway 494 and Carver Co. Rd. 147	4.000
630. California	Construct improvements to Harry Bridges Blvd., Los Angeles	9.100
631. California	Extend Route 46 expressway in San Luis Obispo Co.	8.000
632. Michigan	Upgrade M-84 connector between Tittabawasee Rd. and M-13, Bay and Saginaw Counties	16.180
633. California	Construct I-380 connector between Sneath Lane and San Bruno Ave., San Bruno	2.800
634. Maryland	Reconstruct segment of Baltimore Beltway between U.S. 1 and I-70	9.000
635. Ohio	Construct interchange at SR 11 and King Graves Rd. in Trumball Co.	4.800
636. Tennessee	Construct Franklin Road interchange and bypass	2.000

[Dollars in Millions]

637. Arkansas	Construct access routes between interstate highway, industrial park and Slackwater Harbor, Little Rock	1.000
638. California	Upgrade I-880, Alameda	10.000
639. Maine	Upgrade Route 11	4.000
640. Minnesota	Upgrade 77th St. between I-35W and 24th Ave. to four lanes in Richfield	22.800
641. Rhode Island	Reconstruct Pawtucket Ave. and Wilcott St., Pawtucket	1.500
642. Ohio	Construct grade separations at Fitch Road in Olmsted Falls	5.000
643. New Jersey	Upgrade Market St./Essex St. and Rochelle Ave./Main St. to facilitate access to Routes 17 and 80, Bergen Co.	5.000
644. Alabama	Construct improvements to Ensley Avenue between 20th St. and Warrior Rd., Birmingham	1.000
645. California	Seismic retrofit of Golden Gate Bridge	2.000
646. Illinois	Extend Rogers Street to mitigate congestion, Waterloo	1.900
647. Massachusetts	Construct I-95/I-93 interchange, Boston	5.000
648. Minnesota	Upgrade TH 13 between TH 77 and I-494	2.000
649. Indiana	Upgrade Ridge Road between Griffith and Highland	4.400
650. California	Construct bikeways, Santa Maria	0.512
651. Pennsylvania	Upgrade PA 61 between PA 895 and SR 2014, Schuylkill Co.	8.000
652. Pennsylvania	Construct road connector and bridge over Allegheny River to link New Kensington with Allegheny Valley Expressway	5.000
653. Alabama	Replace pedestrian bridges at Village Creek and Valley Creek, Birmingham	0.100
654. Arkansas	Upgrade U.S. 65 in Faulkner and Van Buren Counties	4.000
655. Illinois	Reconstruct U.S. 6, Harvey	1.660
656. Texas	Construct improvements along US 69 including frontage roads, Jefferson Co.	7.680
657. North Carolina	Relocate US 1 from north of Lakeview to SR 1180, Moore and Lee Counties	7.300
658. Massachusetts	Reconstruct Bates Bridge over Merrimack River	4.000
659. Oregon	Design and engineering for Newberg-Dundee Bypass	0.500
660. Massachusetts	Construct Packets Landing Enhancement and Restoration Project, Town of Yarmouth	1.000
661. Massachusetts	Construct roadway improvements on Crosby Drive and Middlesex Turnpike, Beford, Burlington and Billerica	7.717
662. Tennessee	Construct SR22 Bypass, Obion Co.	10.000
663. Indiana	Reconstruct US Rt. 231 between junction of State Road 66 to Dubois Co. line	4.500
664. Massachusetts	Upgrade Lowell Street between Woburn Street and Route 38, Town of Wilmington	1.440
665. New York	Redesign Grand Concourse to enhance traffic flow and related enhancements between E. 161st St. and Fordham Rd., New York City	13.000
666. Massachusetts	Upgrade Spring St. between Bank and Latham Streets, Williamstown	2.000
667. Massachusetts	Construct bikeway between Blackstone and Worcester	8.000
668. Indiana	Repair signal wires, grade-crossing warning devices and other safety protections along South Shore Railroad between Gary and Michigan City	0.700
669. Hawaii	Upgrade Puuloa Road between Kamehameha Highway and Salt Lake Blvd.	9.000
670. California	Upgrade call boxes throughout Santa Barbara County	1.500
671. Missouri	Upgrade Route 6 between I-29 and Route AC, St. Joseph	5.000
672. Tennessee	Upgrade Briley Parkway between McGavock Pike and I-65	9.000
673. Wisconsin	Upgrade Highway 151 between Platteville and Dubuque	8.000
674. Michigan	Construct Detroit Metropolitan/Wayne County South Access Road	20.000
675. Missouri	Upgrade Route 36 between Hamilton and Chillicothe	20.000
676. Pennsylvania	Extend Martin Luther King Busway, Alleghany Co.	2.200
677. Illinois	Study upgrading Illinois 13/127 between Murphysboro and Pinckneyville	2.100
678. Pennsylvania	Construct access to site of former Philadelphia Naval Shipyard and Base, Philadelphia	2.000
679. California	Construct extension of State Route 180 between Rt. 99 and the Hughes/West Diagonal	8.000
680. Iowa	Construct overpass to eliminate railroad crossing in Burlington	3.475
681. West Virginia	Construct Riverside Expressway, Fairmont	36.000
682. Massachusetts	Construct South Weymouth Naval Air Station Connectivity Improvements	16.300
683. Ohio	Construct Eastern US Rt. 23 bypass of Portsmouth	5.000
684. Texas	Construct highway-rail-marine intermodal project, Corpus Christi	11.000
685. Illinois	Construct Central Ave.-Narragansett Ave. connector, Chicago	8.700
686. Massachusetts	Preliminary design of Route 2 connector to downtown Fitchburg	2.000
687. Connecticut	Implement Trinity College Area road improvements, Hartford	6.810
688. New Jersey	Construct Collingswood Circle eliminator, Camen	8.000
689. Virginia	Upgrade Virginia Route 10, Surrey Co.	1.000
690. Alabama	Construct repairs to viaducts connecting downtown and midtown areas, Birmingham	0.600
691. Connecticut	Replace Windham Road bridge, Windham	2.000
692. Maine	Implement rural ITS	0.250
693. Tennessee	Construct SR22 Bypass, Obion Co.	10.000
694. Ohio	Construct Black River intermodal transportation center	5.600
695. California	Construct the South Central Los Angeles Exposition Park Intermodal Urban Access Project in Los Angeles	26.000
696. Georgia	Upgrade I-75 between the Crisp/Dooly Co. line to the Florida State line	11.000
697. California	Construct bicycle paths as part of regional system, Agoura Hills	0.100
698. Massachusetts	Construct bicycle and pedestrian facility (The Riverwalk), Peabody	1.440
699. California	Construct I-5 rail grade crossings between I-605 and State Route 91, Los Angeles and Orange Counties	20.120
700. California	Construct tunnel with approaches as part of Devils Slide project in San Mateo Co.	8.000
701. Texas	Construct US Highway 59 railroad crossing overpass in Texarkana	3.500
702. South Carolina	Construct improvements to I-95/SC 38 interchange	9.000
703. Texas	Construct Cleveland Bypass	13.500
704. Illinois	Rehabilitate WPA Streets in Chicago	4.700
705. California	Implement ITS technologies in Employment Center area of City of El Segundo	3.550
706. California	Construct grade-separated bicycle path along Los Angeles River between Fulton Ave. to the vicinity of Sepulveda Blvd. and the Sepulveda Basin Recreation Area, Los Angeles	1.600
707. Michigan	Replace Barton Rd./M-14 interchange, Ann Arbor	1.000
708. Missouri	Upgrade Mo. Rt. 150, Jackson Co.	3.000

[Dollars in Millions]

709. Michigan	Construct M–24 Corridor from I–69 to southern Lapeer County	4.000
710. Virginia	Upgrade Route 58 from Stuart up Lovers' Leap Mountain towards Carroll Co.	7.000
711. Massachusetts	Implement Cape and Islands Rural Roads Initiative, Cape Cod	0.500
712. New York	Rehabilitate Broadway Bridge, New York City	1.470
713. Massachusetts	Implement Phase II of unified signage system, Essex Co.	0.391
714. Arizona	Design, engineering and ROW acquisition for Area Service Highway, Yuma	1.000
715. Alabama	Construct Decatur Southern Bypass	2.000
716. California	Construct new I–95 interchange with Highway 99W, Tehama Co.	2.200
717. New York	Study transportation improvements for segments of Hutchinson River Parkway and New England Thruway which pass through the Northeast Bronx	0.750
718. California	Construct Alameda Corridor East, San Gabriel Valley	2.940
719. Massachusetts	Reconstruct Pleasant Street-River Terrace, Holyoke	1.600
720. Mississippi	Upgrade Alva-Stage Rd., Montgomery Co.	1.500
721. New York	Upgrade Frederick Douglas Circle, New York City	14.650
722. West Virginia	Construct New River Parkway	6.000
723. Illinois	Upgrade Wood Street between Little Calumet River to 171st St., Dixmore, Harvey, Markham, Hazel Crest	0.990
724. Michigan	Improve Hoban Road and Grand Avenue, City of Mackinac Island	1.120
725. Oregon	Construct South Rivergate rail overcrossing in Portland	13.000
726. Mississippi	Upgrade West County Line Road, City of Jackson	11.000
727. Massachusetts	Implement directional signage program between Worcester CBD and regional airport	0.600
728. California	Upgrade D Street between Grand and Second Streets, Hayward	1.200
729. Pennsylvania	Construction of noise barriers along State Route 28, Aspinwall	0.800
730. Michigan	Upgrade Tittabawasee Road between Mackinaw Road and Midland Road, Saginaw Co.	4.000
731. South Carolina	Construct North Charleston Regional Intermodal Center	4.500
732. Ohio	Upgrade SR 7 (Eastern Ave.) to improve traffic flow into Gallipolis, Gallia Co.	2.000
733. California	Modify HOV lanes, Marin Co.	7.000
734. Minnesota	Construct Highway 210 trail/underpass, Brainerd/Baxter	0.640
735. Pennsylvania	Design, engineer, ROW acquisition and construct the Wilkes-Barre/Scranton International Airport Access Road between Route 315 and the airport	2.000
736. Tennessee	Construct greenway and bicycle path corridor, City of White House	3.800
737. Texas	Upgrade Highway 271 between Paris and Pattonville	2.000
738. North Carolina	Upgrade NC 48 in Halifax and Northampton Counties	1.500
739. Connecticut	Revise interchange ramp on to Route 72 northbound from I–84 East in Plainville, Connecticut	3.750
740. California	Improve Mission Boulevard in San Bernardino, California	8.500
741. Ohio	Widen and reconstruct State Route 82 from Lorain/Cuyahoga County line to I.R. 77.	8.000
742. Tennessee	Widen US–321 from Kinzel Springs to Wean Valley Road	9.100
743. New Hampshire	Construct Orford Bridge	3.400
744. Oklahoma	Reconstruct US–70 in Marshall and Bryan Counties	0.200
745. Washington	Widen SR522 from SR–9 to Paradise Lake Road	4.000
746. New York	Improve Cross Westchester Expressway	1.000
747. Pennsylvania	Improve US 22/Canoe Creek Blair County	2.000
748. Missouri	Upgrade US–60 in Carter County, Missouri.	27.000
749. Ohio	Relocate State Route 60 from Zanesville to Dresden, Muskingum County	1.500
750. Pennsylvania	Construct PA 16 Truck climbing lane in Franklin County	1.000
751. Indiana	Conduct railroad relocation study in Muncie	0.060
752. Pennsylvania	Construct highway-transit transfer facility in Lemoyne	2.000
753. Georgia	Construct surface transportation facilities along Atlanta-Griffin-Macon corridor	39.000
754. Louisiana	Improve US–165 from Alexandria to Monroe	40.000
755. Ohio	Upgrade US–30 from Wooster to Riceland	15.000
756. Washington	Construct Edmonds Crossing Multi-modal transportation project in Edmonds, Washington.	5.000
757. Indiana	Remove and replace Walnut Street in Muncie	2.140
758. Pennsylvania	Improve South Central Business Park in Fulton County	1.000
759. Pennsylvania	Construct exit ramp on I–180 at State Route 2049 in Williamsport	10.500
760. Washington	Construct pedestrian access and safety on Deception Pass Bridge, Deception Pass State Park, Washington	1.000
761. Illinois	Improve and construct grade separation on Cockrell Lane in Springfield	2.400
762. Virginia	Construct the Kemper Street Station connector road in Lynchburg	2.000
763. Oklahoma	Reconstruct and widen I–40 Crosstown Bridge and Realignment in downtown Oklahoma City, including demolition of the existing bridge, vehicle approach roads, interchanges, intersections, signalization and supporting structures between I–35 and I–44.	97.050
764. New Mexico	Improve I–25 at Raton Pass	10.000
765. California	Reconstruct La Loma Bridge in Pasadena	3.000
766. New York	Conduct traffic calming study on National Scenic Byway Route 5 in Hamburg	0.100
767. Pennsylvania	Improve PA–8 between Cherry Tree and Rynd Farm	6.400
768. Alabama	Construct Historic Whistler Bike Trail in Prichard, Alabama	0.670
770. Alaska	Construct capital improvement to the Alaska Marine Highway and related facilities: $6,000,000 for Seward, $3,000,000 for Ketchikan and $3,000,000 for Hollis	12.000
771. Connecticut	Rehabilitate Route 202 bridge in New Milford, Connecticut	2.700
772. Wisconsin	Construct U.S. Highway 10, Freemont to Appleton	4.000
773. Texas	Conduct major investment study for Outer Loop freeway extension between I–35 West at State Highway 170 and State Highway 199 in Tarrant County	0.500
774. Pennsylvania	Reconfigure US–13/Pennsylvania Turnpike interchange	2.230
775. Washington	Construct Washington Pass visitor facilities on North Cascades Highway	1.200
776. Washington	Improve Huntington Avenue South in Castle Rock	0.750
777. California	Construct Centennial Transportation Corridor	21.000
778. Kentucky	Extend Hurstbourne Parkway from Bardstown Road to Fern Valley Road	8.560
779. Pennsylvania	Eliminate 16 at-grade rail crossings through Erie	8.000
780. California	Construct Cabot-Camino Capistrano Bridge project in Southern Orange County	2.000
781. Utah	Widen 106th South from I–15 to Bangerter Highway in South Jordan	5.000

[Dollars in Millions]

782. Ohio	Upgrade 11 warning devices on the rail north/south line from Toledo to Deshler	1.100
783. Washington	Construct Port of Kalama River Bridge	0.900
784. California	Improve Folsom Boulevard—Highway 50 in the city of Folsom	4.000
785. New Hampshire	Construct the Broad Street Parkway in Nashua	16.300
786. New York	Construct County Road 93 between NYS 27 and NYS 454.	0.515
787. Washington	Improve Clinton Ferry Terminal in Clinton	7.750
788. Illinois	Construct Riverfront pedestrian walkway in Peoria	0.050
789. Colorado	Construct alternative truck route in Montrose	5.600
790. New York	I-87 Noise Abatement Program	10.000
791. New Jersey	Construct Toms River bridge project connecting Dover and South Toms River Borough	3.000
792. California	Install Silicon Valley Smart Corridor project along the I-880 corridor	4.860
793. Illinois	Construct Veterans Parkway from Eastland Drive to Commerce Parkway in Bloomington	11.040
794. Pennsylvania	Construct Drexel University Infrastructure Research Facility roadway improvements	1.000
795. New Jersey	Widen Route 1 from Pierson Avenue to Inman Avenue in Middlesex County	7.000
796. Michigan	Construct US-131 Cadillac Bypass project	5.000
797. New Hampshire	Reconstruct US-3 Carroll town line 2.1 miles north	2.000
798. Texas	Upgrade State Highway 35 Houston District Brazoria County	12.000
799. Tennessee	Construct US-27 from State Road 61 to Morgan County line	5.500
800. Pennsylvania	Install citywide signalization (SAMI) project in Lebanon	1.000
801. Maryland	Upgrade US-113 north of US-50 to MD-589 in Worcester County, Maryland	24.000
802. Louisiana	Construct Florida Expressway in St. Bernard and Orleans Parishes	0.200
803. Colorado	Construct I-25 truck lane from Lincoln Avenue to Castle Pines Parkway in Douglas County	3.000
804. Oklahoma	Conduct study of Highway 3 in McCurtain, Pushmataha and Atoka Counties	0.300
805. Texas	Reconstruct intermodal connectors on Highway 78 and Highway 544 in Wylie	10.000
806. Georgia	Construct noise barriers on the westside of I-185 between Macon Road and Airport Thruway and on I-75 between Mt. Zion Road and Old Dixie Highway in the Atlanta area	1.000
807. Arkansas	Construct the Ashdown Bypass/Overpass in Ashdown	5.000
808. Illinois	Constuct Peoria City River Center parking facility in Peoria	4.000
809. Arkansas	Study and construct a multi-modal facility Russellville, Arkans	1.000
810. Washington	Design and implement report and environmental study of the I-5 corridor in Everett, Washington	1.000
811. Pennsylvania	Construct Newton Hamilton SR 3021 over Juniata River in Mifflin County	2.000
812. Texas	Widen State Highway 6 from Senior Road to FM521	12.100
813. South Dakota	Construct Eastern Dakota Expressway (Phase I)	15.790
814. Kentucky	Construct necessary connections for the Taylor Southgate Bridge in Newport and the Clay Wade Bailey Bridge in Covington	9.500
815. Washington	Construct traffic signals on US-2 at Olds Owens Road and 5th Street in Sultan, Washington	0.257
816. Minnesota	Widen Trunk Highway 14/52 from 75th Street, NW to Trunk Highway 63 in Rochester	13.000
817. New Jersey	Improve Old York Road/Rising Run Road intersection in Burlington	6.640
818. Pennsylvania	Construct I-81 noise abatement program in Dauphin County	0.640
819. Alabama	Construct Crepe Myrtle Trail near Mobile, Alabama	1.600
820. California	Construct SR-78/Rancho Del Oro interchange in Oceanside	5.000
821. New Jersey	Improve grade separations on the Garden State Parkway in Cape May County, New Jersey	14.000
822. Pennsylvania	Construct Western Innerloop from PA-26 to State Route 3014	3.600
823. Kansas	Widen US-169 in Miami County	13.500
824. New Hampshire	Construct Hindsale Bridge	3.000
825. Washington	Construct I-5 interchanges in Lewis County	6.650
826. Georgia	Widen Georgia Route 6/US-278 in Polk County	10.888
827. Pennsylvania	Improve access and interchange from I-95 to the international terminal at Philadelphia International Airport	5.000
828. Pennsylvania	Construct rail mitigation and improvement projects from Philadelphia to New Jersey Line	12.800
829. Nevada	Extend I-580 in Washie and Douglas Counties	5.000
830. Georgia	Resurface Davis Drive, Green Street, and North Houston Road in Warner Robins	0.400
831. Oregon	Repair Port of Hood River Bridge Lift Span project	23.500
832. New York	Improve access to I-84/Dutchess intermodal facility in Dutchess County	3.000
833. Georgia	Conduct a study of an interstate multimodal transportation corridor from Atlanta to Chattanooga	5.000
834. Nebraska	Corridor study for Louisville South bypass from State Highway 66 to State Highway 50	0.100
835. Michigan	Conduct feasibility study on widening US-12 to three lanes between US-127 and Michigan Highway 50	0.250
836. Kentucky	Correct rock hazard on US-127 in Russell County	0.035
837. New York	Construct new exit 46A on I-90 at Route 170 in North Chili	10.000
838. California	Construct parking lot, pedestrian bridge and related improvements to improve intermodal transportation in Yorba Linda	3.800
839. Missouri	Construct US-412 corridor from Kennett to Hayti, Missouri	8.000
840. Florida	ITS improvements on US-19 in Pasco County	2.000
841. Florida	Construct I-4 reversible safety lane in Orlando	14.000
842. Connecticut	Improve and realign Route 8 in Winchester	2.020
843. Louisiana	Construct State Highway 3241/State Highway 1088/I-12 interchange in St. Tammany Parish, Louisiana	10.000
844. Nebraska	Corridor study for Plattsmouth Bridge area to US-75 and Horning Road	0.350
845. Michigan	Construct US-131 Business route/industrial connector in Kalamazoo	2.000
846. Michigan	Reconstruct I-94 between Michigan Route 14 and US-23	14.750
847. California	Ontario International Airport ground access program	10.500
848. Texas	Construct the George H.W. Bush Presidential Corridor from Bryan to east to I-45	10.000
849. Virginia	Construct I-73 from Roanoke to the North Carolina border	8.500
850. Louisiana	Kerner's Ferry Bridge Replacement project	1.000

[Dollars in Millions]

851. Washington	Widen SR–522 in Snohomish County: $3,650,000 for phase 1 from SR–9 to Lake Road; $1,500,000 to construct segment from Paradise Lake Road to Snohomish River Bridge	5.200
852. California	Plan and design interchange between I–15 and Sante Fe Road in Barstow, California	4.000
853. California	Upgrade Ft. Irwin Road from I–15 to Fort Irwin	1.500
854. Nebraska	Construct bridge in Newcastle	4.000
855. Indiana	Conduct rail-highway feasibility project study in Muncie	0.100
856. New Jersey	Replace the Ocean City-Longport bridge in Cape May County, New Jersey	26.000
857. Kentucky	Construct a segment of the I–66 corridor from Somerset to I–75	10.000
858. Ohio	Improve and widen SR–45 from North of the I–90 interchange to North Bend Road in Ashtabula County, Ohio	7.920
859. Illinois	Construct I–88 interchange at Peace Road in Dekalb	4.300
860. Virginia	Widen Route 123 from Prince William County line to State Route 645 in Fairfax County, Virginia	10.000
861. Pennsylvania	Widen and improve Route 449 in Potter County	1.000
862. Ohio	Conduct feasibility study for inclusion of US–22 as part of the Interstate System	0.100
863. New Hampshire	Improve the Bridge Street bridge in Plymouth	1.000
864. Louisiana	Conduct a feasibility and design study of Louisiana Highway 30 between Louisiana Highway 44 and I–10	2.000
865. Louisiana	Construct I–610 noise and safety barrier in the Lake View section of New Orleans, Louisiana	1.000
866. New York	Conduct North Road Corridor study in Oswego County	1.500
867. Kansas	Construct Diamond interchange at Antioch and I–435	8.400
868. Iowa	Reconstruct I–235 in Polk County	6.900
869. Florida	Construct Port of Palm Beach road access improvements, Palm Beach County, Florida	21.000
870. Tennessee	Improve the Elizabethon Connector from US–312 to US–19 East	8.450
871. California	Stabilize US–101 at Wilson Creek	1.000
872. Michigan	Improve the I–73 corridor in Jackson and Lenawee Counties	5.000
873. Arkansas	Improve Arkansas State Highway 59 from Rena Road to Old Uniontown Road in Van Buren	2.500
874. Illinois	Construct Richton Road, Crete	2.000
875. Ohio	Widen Licking-SR–79–06.65 (PID 8314) in Licking County	9.400
876. New York	Improve and reconstruct Commerce Street in York Town	0.280
877. Arkansas	Construct Highway 371 from Magnolia to Prescott	3.000
878. Arkansas	Construct Highway 82 from Hamburg to Montrose	7.000
879. California	Improve SR–91/Green River Road interchange	6.500
880. California	Widen and improve I–5/State Route 126 interchange in Valencia	13.900
881. Pennsylvania	Construct US–30 Bypass from Exton Bypass to PA–10	4.400
882. Illinois	Replace State Route 47 Bridge in Morris	19.000
883. New York	Construct County Road 67 at Long Island Expressway Exit 57 between County Road 17 and other designated road	0.700
884. California	Construct I–15/Barton Road West/Anderson Street connection	5.000
885. New York	Reconstruct Route 9 in Plattsburgh	3.354
886. Illinois	Engineering for Peoria to Chicago expressway	5.000
887. Louisiana	Construct Hourma-Thibodaux to I–10 connector from Gramercy to Hourma	3.100
888. Washington	Construct Peace Arch Crossing of Entry (PACE) lane in Blaine	4.900
889. Florida	Purchase and install I–275 traffic management system in Pinellas County, Florida	1.000
890. Mississippi	Construct I–55 connectors to US–51 in Madison, Mississippi	3.000
891. Alabama	Construct Anniston Eastern Bypass from I–20 to Fort McClellan in Calhoun County	44.600
892. Connecticut	Realign and extend Hart Street in New Britain	4.000
893. Texas	Construct Spur 10 from SH–36 to US–59	4.000
894. Wisconsin	Construct U.S. Highway 151 Fond du Lac Bypass	30.000
895. Ohio	Grade separation project at Snow Road Brook Park	3.000
896. Nebraska	Conduct corridor study from Wayne to Vermillion-Newcastle bridge	0.550
897. Pennsylvania	Construct Erie Eastside Connector	21.600
898. New York	Reconstruct County Route 24 in Franklin County	2.473
899. Pennsylvania	Construct SR–3019 over Great Trough Creek in Huntingdon County	0.500
900. California	Construct Tulare County roads in Tulare County	9.000
901. Pennsylvania	Widen PA–228 from Criders Corners to State Route 3015	1.200
902. South Carolina	Three River Greenway Project to and from Gervals Street in Columbia	5.000
903. Washington	Construct State Route 305 corridor improvements in Poulsbo, Washington	3.500
904. Pennsylvania	Improve Lewistown Narrows US–322 in Mifflin and Juniata County	1.000
905. Nevada	Construct the US–395 Carson City Bypass	5.000
906. Illinois	Reconstruct I–74 through Peoria	12.865
907. Florida	Widen Gunn Highway between Erlich Road and South Mobley Road in Hillsborough County	2.000
908. New York	Construct intermodal transportation hub in Patchogue	2.500
909. New York	Upgrade and relocate Utica-Rome Expressway in Oneida, County New York	20.000
910. Georgia	Conduct a study of a multimodal transportation corridor from Lawrenceville to Marietta	2.400
911. Georgia	I–75 advanced transportation management system in Cobb County	1.700
912. New Hampshire	Berlin Heritage Project from the Everett turnpike to Hudson in Berlin County	0.050
913. Alabama	Engineering, right-of-way acquisition and construction of the Birmingham Northern Beltline in Jefferson County	20.000
914. Florida	Replace St. Johns River Bridge in Volusia and Seminole Counties	14.000
915. Maryland	Improve Halfway Boulevard east and west of Exit 5, I–81 in Washington County	4.000
916. Georgia	Construct Harry S Truman Parkway	3.550
917. Pennsylvania	Reconstruct the I–81 Davis Street interchange in Lackawanna	8.000
918. Illinois	Widen 143rd Street in Orland Park	8.000
919. Pennsylvania	Conduct study of Ft. Washington transportation improvements, Upper Dublin, PA	0.500
920. Kansas	Construct grade separations on US–36 and US–77 in Marysville, Kansas	4.200
921. Ohio	Relocate Harrison/Belmont US–250	6.000
922. Arkansas	Widen 28th Street and related improvements in Van Buren, Arkansas	1.000

[Dollars in Millions]

923. Tennessee	Improve County Road 374 in Montgomery County	5.000
924. Virginia	Conduct feasibility study for the construction I–66 from Lynchburg to the West Virginia border	0.500
925. Florida	Expand Palm Valley Bridge in St. Johns County	3.100
926. Michigan	Construct M–6 Grand Rapids South Beltline in Grand Rapids, Michigan	28.720
927. Pennsylvania	Reconstruct PA–309 in Eastern Montgomery with $4,000,000 for noise abatement	17.400
928. Colorado	Reconstruct I–225/Iliff Avenue interchange in Aurora	5.500
929. California	Widen US–101 from Windsor to Arata Interchange	1.600
930. New Jersey	Design and construction Belford Ferry Terminal in Belford, New Jersey	4.600
931. Louisiana	Construct East-West Corridor project in Southwest Louisiana	1.000
932. Kentucky	Construct US–127 Jamestown Bypass	5.800
933. Kentucky	Conduct feasibility study for Northern Kentucky High Priority Corridor (I–74)	0.500
934. Utah	Improve 5600 West Highway from 2100 South to 4100 South in West Valley City	5.000
935. Arkansas	Construct US–270 East-West Arterial in Hot Springs	9.000
936. New York	Improve Route 31 from Baldwinsville to County Route 57	11.750
937. Arkansas	Widen West Phoenix Avenue and related improvements in Fort Smith, Arkansas	8.000
938. Arkansas	Improve Arkansas State Highway 12 from US–71 at Rainbow Curve to Northwest Arkansas Regional Airport	0.500
939. Texas	Widen State Highway 35 from SH288 in Angleton to FM521	6.900
940. Louisiana	Congestion mitigation and safety improvements to the Central thruway in Baton Rouge	3.000
941. North Carolina	Widen North Carolina Route 24 from Swansboro to US–70 in Onslow and Carteret Counties	4.000
942. North Carolina	Construct US–13 from the Wilson the US–264 Bypass to Goldsboro in Wayne and Wilson Counties	4.500
943. Michigan	Construct Bridge Street bridge project in Southfield	4.200
944. Connecticut	Improve Route 7 utility and landscaping in New Milford	7.200
945. Pennsylvania	Construct access improvements between exits 56 and 57 off I–81 in Lackawanna	1.700
946. New Jersey	Construct grade separation of Route 35 and Tinton falls and extend Shrewsbury Avenue in Monmouth	5.000
947. Washington	Improve I–5/196th Street, Southwest Freeway interchange in Lynnwood, Washington	4.500
948. Tennessee	Extend Pellissippi Parkway from State Route 33 to State Route 321 in Blount County	11.800
949. New York	Improve Route 281 in Cortland	9.000
950. California	Construct I–15 Galinas interchange in Riverside County	8.500
951. New Hampshire	Construct the Keene bypass	6.150
952. Illinois	Design and construct US–67 corridor from Jacksonville to Beardstown	10.000
953. Virginia	Conduct Williamsburg 2007 transportation study	0.325
954. Mississippi	Widen US–84 from I–55 at Brookhaven to US–49 at Collins	1.250
955. New York	Reconstruct Jackson Avenue in New Windsor, Orange County	2.624
956. Texas	Widen State Highway 6 from FM521 to Brazoria County line and construct railroad overpass	12.200
957. Tennessee	Reconstruct road and causeway in Shiloh Military Park in Hardin County	15.000
958. Florida	Pedestrian safety initiative on US–19 in Pinellas County	6.800
959. Washington	Improve primary truck access route on East Marine View Drive, FAST corridor in Washington	4.900
960. Florida	Construct Wonderwood Connector from Mayport to Arlington, Duval County, Florida.	38.000
961. California	Improve the Avenue H overpass in Lancaster County	6.100
962. Pennsylvania	Improve safety on PA–41 from US–30 to PA–926	6.000
963. New Jersey	Consrtuct Route 29/129 bicycle, pedestrian and landscape improvement plan	5.500
964. Idaho	Construct critical interchanges and grade-crossings on US–20 between Idaho Falls and Chester	10.000
965. Louisiana	Expand Perkins Road in Baton Rouge	10.000
966. Pennsylvania	Widen US 30 from Walker Rd to Fayetteville in Franklin County	2.000
967. Wyoming	Construct Jackson-Teton Pathway in Teton County	1.830
968. Utah	Widen 7200 South in Midvale	1.100
969. Washington	Conduct feasibility study of State Route 35 Hood River bridge in White Salmon	1.000
970. Arkansas	Upgrade US Route 412, Harrison to Mountain Home, Arkansas	3.550
971. Nevada	Canamex Corridor Innovative Urban Renovation project in Henderson	12.000
972. Georgia	Construct Athens to Atlanta Transportation Corridor	8.000
973. California	Widen State Route 29 between Route 281 and Route 175	0.500
974. California	Upgrade US–101 from Eureka to Arcata	1.000
975. Louisiana	Expand Harding Road from Scenic Highway to the Mississippi River and construct an information center	3.600
976. Indiana	Improve Southwest Highway from Bloomington to Evansville	30.000
977. Pennsylvania	Construct Route 72 overpass at Conrail in Lebanon	8.810
978. Indiana	Construct Hazel Dell Parkway from 96th Street to 146th Street in Carmel	5.500
979. New Jersey	Replace Calhoun Street Bridge in Trenton	1.300
980. Utah	Reconstruct US–89 and interchange at 200 North in Kaysville	7.000
981. California	Construct Nogales Street at Railroad Street grade separation in Los Angeles County, California.	4.500
982. Pennsylvania	Improve Bedford County Business Park Rd in Bedford County	2.000
983. Utah	Extend Main Street from 5600 South to Vine Street in Murray	11.500
984. Pennsylvania	Construct US–30 at PA–772 and PA–41	6.000
985. Illinois	Improve Sugar Grove US30	2.500
986. California	Improve Route 99/Route 120 interchange in Manteca County	8.000
987. Pennsylvania	Widen US–11/15 between Mt. Patrick and McKees Half Falls in Perry County	5.000
988. Ohio	Add lanes and improve intersections on Route 20 in Lake County, Ohio	2.000
989. Pennsylvania	Construct PA–283 North Union Street ramps in Dauphin County	2.450
990. California	Improve and construct I–80 reliever route project; Walters Road and Walters Road Extension Segments	7.400
991. Alabama	Expand US–278 in Cullman County	6.000
992. Ohio	Construct Chagrin River/Gulley Brook corridor scenic greenway along I–90 in Lake County	1.545

[Dollars in Millions]

993. Oregon	Construct phase I: highway 99 to Biddle Road of the highway 62 corridor solutions project.	1.500
994. New York	Renovate State Route 9 in Phillipstown	3.840
995. Arkansas	Enhance area in the vicinity of Dickson Street in Fayetteville	1.500
996. Missouri	Construction US–67/Route 60 interchange in Poplar Bluff, Missouri.	8.000
997. Kansas	Widen US–81 from Minneapolis, Kansas to Nebraska.	27.800
998. California	Widen US–101 from Petaluma Bridge to Novato	33.000
999. Alabama	Construct new I–10 bridge over the Mobile River in Mobile, Alabama.	14.375
1000. Mississippi	Upgrade and widen US–49 in Rankin, Simpson, and Covington Counties	1.250
1001. California	Realign and improve California Route 79 in Riverside County	6.000
1002. New Jersey	Construct East Windsor Bear Brook pathway system	0.360
1003. New York	Construct Hutton Bridge Project	3.000
1004. Ohio	Improve State Route 800 in Monroe County	0.500
1005. Pennsylvania	Improve PA–41 between Delaware State line and PA–926	7.600
1006. New York	Improve Hiawatha Boulevard and Harrison Street corridors in Syracuse	2.250
1007. Pennsylvania	Replace Dellville Bridge in Wheatfield	1.000
1008. Florida	Construct I–4/John Young Parkway interchange project in Orlando	13.659
1009. Connecticut	Reconstruct Broad Street in New Britain	3.200
1010. Washington	Widen US–395 in the vicinity of mile post 170 north of Spokane	10.000
1011. New York	Construct NYS Route 27 at intersection of North Monroe Avenue	4.700
1012. New York	Reconstruct Route 23/Route 205 intersection in Oneonta	0.850
1013. Alaska	Construct Pt. Mackenzie Intermodal Facility	9.000
1014. Maryland	Construct phase 1A of the I–70/I–270/US–340 interchange in Frederick County	15.000
1015. Illinois	Widen and improve US–34 intechange in Aurora	8.000
1016. Florida	A–1–A Beautification project in Daytona, Florida	4.400
1017. Louisiana	Construct I–49 interchange at Caddo Port Road in Shreveport	5.600
1018. Tennessee	Construct Kingsport Highway in Washington County	2.000
1019. New Hampshire	Improve 3 Pisquataqua River Bridges on the New Hampshire—Maine border	2.200
1020. Nebraska	Construct the Antelope Valley Overpass in Lincoln	7.500
1021. Pennsylvania	Install traffic signal upgrade in Clearfield Borough in Clearfield County	0.500
1022. North Carolina	Construct US–311(I–74) from NC–68 to US–29A–70A	30.500
1023. California	Design and initiation of long term improvements along Highway 199 in Del Norte County, California	0.500
1024. Virginia	Improve Lee Highway Corridor in Fairfax, Virginia.	1.800
1025. Illinois	Improve roads in the Peoria Park District	0.810
1026. California	Construct Overland Drive overcrossing in Temecula	5.000
1027. Iowa	Construct the Julien Dubuque Bridge over the Mississippi River at Dubuque	28.000
1028. Kentucky	Construct highway-rail grade separations along the City Lead in Paducah	1.100
1029. Indiana	Safety improvements to McKinley and Riverside Avenues in Muncie	9.100
1030. Pennsylvania	Gettysburg comprehensive road improvement study	4.000
1031. Indiana	Reconstruct Wheeling Avenue in Muncie	1.600
1032. Indiana	Construct Hoosier Heartland from Lafayette to Ft. Wayne	25.000
1033. Louisiana	Upgrade and widen I–10 between Williams Boulevard and Tulane Avenue in Jefferson and Orleans Parishes	12.000
1034. Louisiana	Construct Metairie Rail Improvements and Relocation project in Jefferson and Orleans Parishes, Louisiana.	7.000
1035. Wisconsin	Construct STH–26/US–41 Interchange in Oshkosh	3.000
1036. Pennsylvania	Improve Sidling Hill Curve and Truck Escape in Fulton County	0.500
1037. New York	Construct Wellwood Avenue from Freemont Street to Montauk Highway in Lindenhurst	1.200
1038. New York	Improve ferry infrastructure in Greenport	1.000
1039. Alaska	Construct Spruce Creek Bridge in Soldotna	0.350
1040. Alabama	Construct East Foley corridor project from Baldwin County Highway 20 to State Highway 59 in Alabama.	7.000
1041. Louisiana	Construct North/South Road/I–10–US–61 connection in the Kenner, Louisiana.	7.000
1042. Texas	Construct FM2234(McHard Road) from SH–35 to Beltway 8 at Monroe Boulevard	6.400
1043. Michigan	Construct M–5 Haggerty Connector	3.200
1044. Kentucky	Ohio River Major Investment Study Project, Kentucky and Indiana	40.100
1045. Ohio	Construct Muskingum–SR–16	8.000
1046. Ohio	Relocate SR–30 for final design of south alternative in Carroll County, Ohio	1.000
1047. Missouri	Upgrade US–63 in Howell County, Missouri.	8.000
1048. California	Widen SR–23 between Moorpark and Thousand Oaks	14.000
1049. Connecticut	Reconstruct Post Office Town Farm Road in Enfield, Connecticut	1.500
1050. Washington	Improve I–90/Sunset Way interchange in Issaquah, WA	19.800
1051. New York	Construct Elmira Arterial from Miller to Cedar	3.000
1052. California	Construct Imperial Highway grade separation and sound walls at Esperanza Road/Orangethorpe Avenue in Yorba Linda, California.	14.500
1053. Wyoming	Widen and improve Cody—Yellowstone Highway from the entrance to Yellowstone National Park to Cody	10.170
1054. Florida	West Palm Beach Traffic Calming Project on US–1 and Flagur Drive	15.000
1055. Missouri	Construction and upgrade of US–71/I–49 in Newton and McDonald County, Missouri.	33.303
1056. Virginia	Commuter and freight rail congestion and mitigation project over Quantico Creek	10.000
1057. California	Complete Citraeado Parkway project in San Diego County	3.000
1058. Tennessee	Improve State Route 92 from I–40 to South of Jefferson City	4.550
1059. Washington	Redevelop Port of Anacortes waterfront	0.077
1060. Mississippi	Widen US–98 from Pike County to Foxworth	1.250
1061. New York	Construct US–219 from Route 39 to Route 17	20.000
1062. Michigan	Construct US–27 between St. Johns and Ithaca	8.500
1063. California	Construct highway-rail grade separation for Fairway Drive and Union Pacific track	4.215
1064. Tennessee	Reconstruct Old Walland Highway bridge over Little River in Townsend	1.680
1065. California	Construct I–10 Tippecanoe/Anderson interchange project in Loma Linda and San Bernardino County, California.	2.000

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1066. California	Construct State Route 76 in Northern San Diego.	10.000
1067. Nebraska	Construct NE–35 alternative and modified route expressway in Norfolk and Wayne	4.500
1068. Arkansas	Construct Highway 425 from Pine Bluff to the Louisiana State line	7.000
1069. Tennessee	Construct bridge and approaches on State Route 33 over the Tennessee River (Henley Street Bridge)	13.200
1070. Mississippi	Construct Jackson International Airport Parkway and connectors from High Street to the Jackson International Airport in Jackson, Mississippi.	10.000
1071. Wisconsin	Reconstruct U.S. Highway 10, Waupaca County	12.000
1072. Ohio	Construct highway-rail grade separations on Heisley Road between Hendricks Road and Jackson Street in Mentor	8.205
1073. Virginia	Widen I–64 Bland Boulevard interchange	30.675
1074. Illinois	Improve IL–159 in Edwardsville	4.275
1075. Iowa	Extend NW 86th Street from NW 70th Street to Beaver Drive in Polk County	7.000
1076. New York	Construct County Route 21, Peeksill Hollow Road renovation project	7.577
1077. Iowa	IA–192 relation and Avenue G viaduct in Council Bluffs	6.000
1078. Ohio	Upgrade and widen US–24 from I–469 to I–475	23.000
1079. Illinois	Construct crossings over Fox River in Kane County	10.200
1080. Florida	Construct North East Dade Bike Path in North Miami Beach, Florida.	1.600
1081. Pennsylvania	Improve Oxford Valley Road/US–1 interchange in Bucks County	4.000
1082. California	Improve highway access to Humboldt Bay and Harbor Port	0.500
1083. North Carolina	Construct I–85 Greensboro Bypass in Greensboro, North Carolina.	29.500
1084. Pennsylvania	Reconfigure I–81 Exit 2 Ramp in Franklin County	0.700
1085. Indiana	Feasibility study of State Road 37 improvements in Noblesville, Elwood and Marion	0.600
1086. New Jersey	Revitalize Route 130 from Cinnaminson to Willingboro	4.000
1087. Ohio	Upgrade I–77/US–250/SR–39 interchange in Tuscarawas County	1.000
1088. Virginia	Enhance Maple Avenue streetscape in Vienna, Virginia	2.700
1089. Arkansas	Widen Highway 65/82 from Pine Bluff to the Mississippi State line	7.000
1090. New Jersey	Construct Route 31 Fleming Bypass in Hunterdon County, New Jersey.	15.400
1091. New York	Conduct safety study and improve I–90 in Downtown Buffalo	0.400
1092. Utah	Widen SR–36 from I–80 to Mills Junction	3.000
1093. Alabama	Construct the Montgomery Outer Loop from US–80 to I–85 via I–65	17.650
1094. Tennessee	Construct Foothills Parkway from Walland to Weans Valley	11.500
1095. California	Upgrade and synchronize traffic lights in the Alameda Corridor East in Los Angeles County	23.000
1096. New York	Conduct feasibility study of new International bridges on the NY/Canada border	0.500
1097. Colorado	Construct C–470/I–70 ramps in Jefferson Co.	6.250
1098. Virginia	Improve Route 123 from Route 1 to Fairfax County line in Prince William County, Virginia.	15.000
1099. Washington	Construct Interstate 405/NE 8th Street interchange project in Bellevue, WA	23.500
1100. New Hampshire	Widen I–93 from Salem north	12.100
1101. South Dakota	Replace Meridan Bridge	3.250
1102. Washington	Extend Mill Plain Boulevard in Vancouver	4.000
1103. Colorado	Improve SH–74/JC–73 interchange in Evergreen County	6.250
1104. Tennessee	Improve US–64 in Hardeman and McNairy Counties	5.000
1105. Illinois	Design and construct I–72/MacArthur Boulevard interchange in Springfield	5.500
1106. Pennsylvania	Replace bridge over Shermans Creek in Carroll	1.000
1107. Illinois	Improve IL–113 in Kankakee	7.700
1108. Pennsylvania	Realign PA29 in the Borough of Collegeville, Montgomery County, Pennsylvania	0.550
1109. Louisiana	Construct Causeway Boulevard/Earhart Expressway interchange in Jefferson, Parish, Louisiana	5.000
1110. Pennsylvania	Improve PA 26 in Huntingdon County	1.000
1111. New York	Construct Furrows Road from Patchogue/Holbrook Road to Waverly Avenue in Islip	1.500
1112. Tennessee	Reconstruction of US–414 In Henderson County	5.000
1113. Indiana	Widen 116th Street in Carmel	1.500
1114. Louisiana	Reconstruct Jefferson Lakefront bikepath in Jefferson Parish, Louisiana.	1.000
1115. Utah	Construct 7800 South from 1300 West to Bangerter Highway in West Jordan	6.500
1116. Mississippi	Construct segment 2 and 3 of the Bryam-Clinton Corridor in Hinds County	1.250
1117. Kentucky	Construct Route 259–101 from Brownsville to I–65	1.000
1118. New Jersey	Replace Kinnaman Avenue bridge over Pohatcong Creek in Warren County	1.600
1119. Louisiana	Widen Lapalco Boulevard from Barataria Boulevard to Destrehan Avenue in Jefferson Parish, Louisiana.	5.000
1120. Florida	Restore and rehabilitate Miami Beach Bridge and waterfront in Miami Beach, Florida.	1.800
1121. Texas	Widen Highway 287 from Creek Bend Drive to Waxahacie bypass	13.500
1122. Utah	Widen and improve 123rd/126th South from Jordan River to Bangerter Highway in Riverton	5.000
1123. Ohio	Construct a new interchange at County Road 80 and I–77 in Dover with $100,000 to preserve or reconstruct the Tourism Information Center	7.100
1124. Pennsylvania	Realign Route 501 in Lebanon County	1.600
1125. Pennsylvania	Construct Williamsport-Lycoming County Airport Access road from I–80 to the airport	7.000
1126. New York	Construct the Mineola intermodal facility and Hicksville intermodal facility in Nassau County	14.000
1127. Arkansas	Construct Highway 15 from Connector Road to Railroad Overpass in Pine Bluff	1.000
1128. Kentucky	Redevelop and improve ground access to Louisville Waterfront District in Louisville, Kentucky.	2.840
1129. Ohio	Improve and widen SR–91 from SR–43 south to county line/city line in Solon	5.000
1130. Louisiana	Extend I–49 from I–220 to Arkansas State line	4.400
1131. Pennsylvania	West Philadelphia congestion mitigation initiative	0.410
1132. New York	Judd Road Connector in New Hartford and Whitestown, New York	37.300
1133. South Dakota	Construct Eastern Dakota Expressway (Phase II)	31.438
1134. Virginia	Conduct historic restoration of Roanoke Passange Station in Roanoke	0.500
1135. Louisiana	Construct Port of St. Bernard Intermodal facility	2.100

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1136. Mississippi	Construct segment 2 of the Jackson University Parkway in Jackson	1.250
1137. Indiana	Extend East 56th Street in Lawrence	6.500
1138. Ohio	Improve and construct SR–44/Jackson Street Interchange in Painesville	4.000
1139. Pennsylvania	Widen US–30 from US–222 to PA–340 and from PA–283 to PA–741	12.000
1140. Ohio	Construct State Route 209 from Cambridge and Byesville to the Guernsey County Industrial Park	2.200
1141. California	Construct I–5/Avenida Vista Hermosa interchange in San Clemente	3.000
1142. Pennsylvania	Improve PA 17 from PA 274 to PA 850 in Perry County	1.000
1143. Georgia	Improve GA–316 in Gwinnett County	40.900
1144. New York	Construct congestion mitigation project for Brookhaven	5.000
1145. New Hampshire	Construct Chestersfield Bridge	3.000
1146. California	Improve the interchange at Cabo and Nason Street in Moreno Valley	6.000
1147. Missouri	Widen US–63 in Randolph and Boone Counties, Missouri	45.360
1148. New Jersey	Upgrade Garden State Parkway Exit 142	30.000
1149. New York	Improve Bedford-Banksville Road from Millbrook to Connecticut State line	2.880
1150. New York	Upgrade and improve Albany to Saratoga to Adirondack intermodal transportation corridor	14.000
1151. Oklahoma	Reconstruct US–99/SH377 from Prague to Stroud in Lincoln County	9.000
1152. Washington	Safety improvements to State Route 14 in Columbia River Gorge National Scenic Area	4.200
1153. Nevada	Widen I–50 between Fallon and Fernley	4.000
1154. South Carolina	Widen and relocate SC–6 in Lexington County	8.000
1155. Kansas	Widen US–54 from Liberal, Kansas southwest to Oklahoma.	8.000
1156. Virginia	Improve East Eldon Street in Herndon	0.500
1157. Michigan	Improve US–31 from Holland to Grand Haven	5.000
1158. Arkansas	Construct turning lanes at US–71/AR–8 intersection in Mena	0.250
1159. California	Widen LaCosta Avenue in Carlsbad	3.000
1160. Alaska	Improve roads in Kotzebue	2.350
1161. New Hampshire	Construct Manchester Airport access road in Manchester	10.700
1162. Texas	Upgrade SH 130 in Caldwell amd Williamson Counties	1.000
1163. South Dakota	Construct Heartland Expressway Phase I	6.505
1164. New York	Design and construct Outer Harbor Bridge in Buffalo.	16.260
1165. Pennsylvania	Reconstruct State Route 2001 in Pike County	9.000
1166. Ohio	Construct interchange at I–480 in Independence, Ohio.	6.000
1167. New Mexico	Improve US–70 southwest of Portales	10.000
1168. California	Willits Bypass, Highway 101 in Mendocino County, California	1.000
1169. Florida	Widen US–192 between County Route 532 and I–95 in Brevard and Osceola Counties	25.000
1170. Georgia	Widen US–84 South from US–82 to the Ware County Line in Waycross and Ware Counties	3.200
1171. New Hampshire	Reconstruct bridge over the Connecticut River between Lebanon, NH and White River Junction, VT	3.000
1172. Ohio	Conduct feasibility study for the construction of Muskingum County South 93–22–40 connector	0.700
1173. Georgia	Reconstruct SR–26/US–60 from Bull River to Lazaretto Creek	3.550
1174. Wisconsin	Improve Janesville transportation	4.000
1175. Illinois	Reconstruct US–30 in Joliet	9.000
1176. New Mexico	Complete the Paseo del Norte East Corridor in Bernalillo County	7.500
1177. Michigan	Construct I–96/Beck Wixom Road interchange	2.600
1178. Pennsylvania	Construct US–322 Conchester Highway between US–1 and PA–452	25.000
1179. New Mexico	Extend Unser Boulevard in Albuquerque	1.000
1180. Arkansas	Conduct planning for highway 278 and rail for the Warren/Monticello Arkansas Intermodal Complex	1.000
1181. Washington	Widen SR–543 from I–5 to International Boundary, Washington.	3.616
1182. New York	Construct congestion mitigation project for Smithtown	1.000
1183. Mississippi	Widen MS–15 from Laurel to Louiseville	10.000
1184. Pennsylvania	Construct Abbey Trails in Abington Township	0.500
1185. Mississippi	Construct East Metro Corridor in Rankin County, Mississippi.	3.500
1186. Utah	Construct I–15 interchange at Atkinville	8.000
1187. California	Improve SR–70 from Marysville Bypass to Oroville Freeway	15.000
1188. New Hampshire	Construct Conway bypass from Madison to Bartlett	7.100
1189. New York	Improve the Route 31/I–81 Bridge in Watertown	2.473
1190. Pennsylvania	Relocate PA–113 at Creamery Village in Skippack	3.000
1191. Indiana	Upgrade 4 warning devices on north/south rail line from Terre Haute to Evansville	0.400
1192. Pennsylvania	Construct noise abatement barriers along US–581 from I–83 2 miles west in Cumberland County	0.480
1193. Louisiana	Install computer signal synchronization system in Baton Rouge	6.500
1194. Alabama	Construct US–231/I–10 Freeway Connector from the Alabama border to Dothan	1.350
1195. Michigan	Improve I–94 in Kalamazoo County	5.000
1196. Florida	Construct Englewood Interstate connector from River Road to I–75 in Sarasota and Charlotte Counties	10.000
1197. New York	Conduct scope and design study of Hamilton Street interchange in Erwin.	16.500
1198. Alabama	Extend I–759 in Etowah County	15.000
1199. Pennsylvania	US–209 Marshall's Creek Traffic Relief project in Monroe County	10.000
1200. Georgia	Construct the Fall Line Freeway from Bibb to Richmond Counties	23.000
1201. Indiana	Construct SR–9 bypass in Greenfield	3.150
1202. Illinois	Construct Alton Bypass from IL–40 to Fosterburg Road	2.500
1203. New York	Replace of Route 92 Limestone Creek Bridge in Manlius	4.000
1204. Indiana	Upgrade 14 warning devices on east/west rail line from Gary to Auburn	1.400
1205. New York	Improve 6th and Columbia Street project in Elmira	0.700
1206. Michigan	Improve Kent County Airport road access in Grand Rapids, Michigan	11.280
1207. Arkansas	Enhance area around the Paris Courthouse in the vicinity of Arkansas Scenic Highway 22 and Arkansas Scenic Highway 309, Paris Arkansas	0.400
1208. Virginia	Downtown Staunton Streetscape Plan—Phase I in Staunton	0.500

[Dollars in Millions]

1209. New York	Construct CR–85 from Foster Avenue to CR97 in Suffolk County	0.675
1210. California	Construct interchange between I–15 and Main Street in Hesperia, California	10.000
1211. Pennsylvania	Construct Ardmore Streetscape project	0.500
1212. New York	Reconstruct Route 25/Route 27 intersection in St. Lawrence County	1.000
1213. Connecticut	Relocate and realign Route 72 in Bristol	4.800
1214. Pennsylvania	Improve Park Avenue/PA 36 in Blair County	0.600
1215. Virginia	Construct Route 288 in the Richmond Metropolitan Area	22.000
1216. New York	Construct city of Glen Cove waterfront improvements	5.000
1217. North Carolina	Upgrade and improve US–19 from Maggie Valley to Cherokee	20.000
1218. New York	Construct Eastern Long Island Scenic Byway in Suffolk County	15.000
1219. Pennsylvania	Widen SR–247 and SR–2008 between 84 and Lackawanna Valley Industrial Highway for the Moosic Mountain Business Park	10.900
1220. Louisiana	Construct and equip Transportation Technology and Emergency Preparedness Center in Baton Rouge, Louisiana	5.400
1221. Pennsylvania	Reconstruct I–95/Street Road interchange in Bucks County	7.500
1222. Mississippi	Widen State Route 24 from Liberty to I–55	1.250
1223. New York	Initiate study and subsequent development and engineering of an international trade corridor in St. Lawrence County	2.000
1224. Missouri	Construct Highway 36 Hannibal Bridge and approaches in Marion County	3.496
1225. New York	Reconstruct Ridge Road Bridge in Orange County	0.160
1226. New Jersey	Reconstruct South Pembrton Road from Route 206 to Hanover Street	8.000
1227. Ohio	Improve Alum Creek Drive from I–270 to Frebis Avenue in Franklin County	7.000
1228. Ohio	Construct SR–315 Ohio State University Ramp project in Franklin County	3.000
1229. North Carolina	Construct US–64/264 in Dare County	2.000
1230. New Mexico	Improve US–70 from I–25 to Organ in New Mexico.	25.000
1231. Kentucky	Construct connection between Natcher Bridge and KY–60 east of Owensboro	3.000
1232. California	Widen 5th Street and replace 5th Street bridge in Highland, California	1.000
1233. New Mexico	Reconstruct US–84/US–285 from Santa Fe to Espanola	15.000
1234. Iowa	Improve IA–60 Corridor from LeMar to MN State line	8.800
1235. Louisiana	Construct Leeville Bridge on LA–1	1.500
1236. Tennessee	Reconstruct US–27 in Morgan County	3.000
1237. Texas	Improve US 82, East-West Freeway between Memphis Avenue and University Avenue	16.400
1238. Alabama	Construction of Eastern Black Warrior River Bridge and right-of-way acquisition and construction of an extension of the Black Warrior Parkway from US–82 to US–43 in Tuscaloosa County	23.000
1239. North Carolina	Construct US–117, the Elizabeth City Bypass in Pasquotank County	4.500
1240. Florida	Construct Cross Seminole Trail connection in Seminole County	1.500
1241. New York	Construct County Road 50 in the vicinity of Windsor Avenue	1.360
1242. Ohio	Construct greenway enhancements in Madison	2.300
1243. Nebraska	Conduct corridor study of NE–35 alternative and modified route in Norfolk, Wayne and Dakota City	1.000
1244. New York	Improve Broadway in North Castle in Westchester County	2.520
1245. Louisiana	Extend Louisiana Highway 42 between US–61 and I–10 in Ascension Parish	8.000
1246. Alaska	Extend Kenai Spur Highway-North Road in Kenai Peninsula Borough	8.000
1247. Utah	Construct underpass at 100th South in Sandy	3.900
1248. Connecticut	Construct Seaview Avenue Corridor project	10.000
1249. New Jersey	Replace Maple Grange Road bridge over Pochuck Creek in Sussex County	1.800
1250. New York	Construct congestion mitigation project for Riverhead	2.500
1251. Pennsylvania	Improve PA 453 from Water Street to Tyrone in Huntingdon County	1.000
1252. Oklahoma	Reconstruct County Road 237 from Indiahoma to Wichita Mountains Wildlife Refuge	0.250
1253. Washington	Construct 192nd Street from Sr–14 to SE 15th	5.000
1254. Ohio	Construct Licking-Thornwood Connector in Licking County	1.500
1255. Pennsylvania	Improve I–95/PA–413 Interchange in Bucks County	7.500
1256. Florida	Construct US–98/Thomas Drive interchange	15.000
1257. Texas	Widen Meacham Boulevard from I–35W to FM–146 and extend Meacham Boulevard from west of FM–156 to North Main Street	3.500
1258. Utah	Construct Cache Valley Highway in Logan	7.000
1259. Texas	Relocation of Indiana Avenue between 19th Street to North Loop 289 and Quaker Avenue intersection	9.600
1260. Kentucky	Reconstruct KY–210 from Hodgenville to Morning Star Road, Larue County	8.000
1261. Georgia	Construct Rome to Memphis Highway in Floyd and Bartow Counties	4.112
1262. Pennsylvania	Realign West 38th Street from Shunpike Road to Myrtle Street in Erie County	7.200
1263. New York	Upgrade Chenango County Route 32 in Norwich	1.600
1264. California	Rehabilitate historic train depot in San Bernadino	3.500
1265. Louisiana	Construct the Southern extension of I–49 from Lafayette to the Westbank Expressway	5.500
1266. New York	Replace Kennedy-class ferries, Staten Island	40.000
1267. Florida	Construct South Connector Road and Airport Road interchange in Jacksonville, Florida	9.000
1268. Virginia	Construct the Lynchburg/Madison Heights bypass in Lynchburg	1.500
1269. California	Widen I–15 from Victorville to Barstow in California	24.000
1270. New York	Traffic Mitigation Project on William Street and Losson Road in Cheektowaga	3.000
1271. Pennsylvania	Improve PA 56 from I–99 to Somerset County Line in Bedford County	1.000
1272. Pennsylvania	Renovate Harrisburg Transportation Center in Dauphin County	2.500
1273. Washington	Widen Columbia Center Boulevard in Kennewick	1.610
1274. Indiana	Improve State Road 31 in Columbus	0.500
1275. New York	Construct pedestrian access bridge from Utica Union Station	0.250
1276. Pennsylvania	Improve Route 219 in Clearfield County	1.000
1277. Kentucky	Construct KY–70 from Cave City to Mammoth Cave	2.000
1278. New Jersey	Replace Groveville-Allentown Road bridge in Hanilton	3.200
1279. Washington	Construct Mount Vernon multi-modal transportation facility project in Mount Vernon, Washington	3.500
1280. New Jersey	Construct pedestrian bridge in Washington Township	3.000

[Dollars in Millions]

1281. Indiana	Install traffic signalization system in Muncie	0.900
1282. New Mexico	Improve 84/285 between Espanola and Hernandez	5.000
1283. Florida	Widen of State Road 44 in Volusia County	2.250
1284. Maryland	Construct improvements a I–270/MD–187 interchange	10.000
1285. Louisiana	Increase capacity of Lake Pontchartrain Causeway	2.000
1286. Pennsylvania	Construct Walnut Street pedestrian bridge in Dauphin County	1.000
1287. Pennsylvania	Improve US–22/PA–866 Intersection in Blair County	2.000
1288. Indiana	Expand 126th Street in Carmel	1.000
1289. Ohio	Upgrade 1 warning device on the rail line from Marion to Ridgeway	0.100
1290. Illinois	Conduct Midwest Regional intermodal facility feasibility study in Rochelle	0.400
1291. Minnesota	Construct Trunk Highway 610/10 from Trunk Highway 169 in Brooklyn Park to I–94 in Maple Grove	15.000
1292. Oklahoma	Improve Battiest-Pickens Road between Battiest and Pickens in McCurtain County	3.000
1293. Mississippi	Widen US–61 from Louisiana State line to Adams County	1.250
1294. California	Construct capital improvements along I–680 corridor	5.000
1295. Arkansas	Study and construct Van Buren intermodal port facility in Van Buren, Arkansas	0.300
1296. New York	Construct access road from Lake Avenue to Milestrip Road in Blasdell	0.240
1297. Iowa	Construct I–29 airport interchange overpass in Sioux City	6.200
1298. Pennsylvania	Construct PA–309 Sumneytown Pike Connector	4.400
1299. Kentucky	Construct Savage-Cedar Knob Bridge at Koger Creek	0.350
1300. Washington	Widen SR–527 from 112th SE to 132nd SE in Everett	4.700
1301. Kentucky	Complete I–65 upgrade from Elizabethtown to Tennessee State line	5.000
1302. Illinois	Replace Gaumer Bridge near Alvin	0.900
1303. South Carolina	Construct I–26/US–1 connector in Columbia	12.000
1304. Illinois	Construct Sullivan Road Bridge over the Fox River	10.000
1305. California	Extend State Route 7 in Imperial County	10.000
1306. South Carolina	Construct high priority surface transportation projects eligible for Federal-aid highway funds	10.000
1307. New York	Construct Erie Canal Preserve I–90 rest stop in Port Byron	3.000
1308. Virginia	Improve Harrisonburg East Side roadways in Harrisonburg	0.500
1309. Texas	Improve I–35 West from Spur 280 to I–820 in Fort Worth	4.000
1310. Pennsylvania	Construct US–202 Section 600 Phase I Early Action project in Upper Gwynedd and Lower Gwynedd	5.000
1311. Pennsylvania	PA 26 over Piney Creek 2-bridges in Bedford County	0.800
1312. Florida	Widen and realign Eller Drive in Port Everglades, Florida	5.600
1313. Illinois	Improve access to Rantoul Aviation Center in Rantoul	1.600
1314. Florida	Deploy magnetic lane marking system on I–4	0.500
1315. Alaska	Construct the a bridge joining the Island of Gravina to the Community of Ketchikan on Revilla Island	20.000
1316. Louisiana	Conduct feasibility study, design and construction of connector between Louisiana Highway 16 to I–12 in Livingston Parish	5.000
1317. New York	Improve Hardscrabble Road from Route 22 to June Road in North Salem	2.880
1318. California	Enhance Fort Bragg and Willitis passenger stations	0.500
1319. New Mexico	Improve Uptown in Bernalillo County	1.500
1320. Missouri	Construction of airport ground transportation terminal for the Springfield/Branson Airport intermodal facility in Springfield, Missouri	5.000
1321. North Carolina	Widen US–421 from North Carolina Route 194 to two miles East of US–221	7.400
1322. Kentucky	Construct US–127: $800,000 for the segment between the Albany Bypass and KY–90; $10,375,000 for the segment between the Albany Bypass and Clinton County High School; $40,000 for the segment between KY696 and the Tennessee State line	11.215
1323. Missouri	Upgrade US–71 interchange in Carthage, Missouri	1.000
1324. Ohio	Reconstruct Morgan County 37 in Morgan County	0.500
1325. New York	Construct Maybrook Corridor bikeway in Dutchess County	1.404
1326. New York	Construct Poughkeepsie Intermodal Facility in Poughkeepsie	3.750
1327. Illinois	Construct Orchard Road Bridge over the Fox River	7.000
1328. Pennsylvania	Improve PA–23 Corridor from US–30 Bypass between Lancaster County line and Morgantown	4.000
1329. California	Improve State Route 57 interchange at Lambert Road in Brea	0.985
1330. Texas	Upgrade State Highway 35 Yoakum District in Matagorda and Buazovia Counties	12.000
1331. Pennsylvania	Improve T–344 Bridge over Mahantango Creek in Snyder County	0.700
1332. Ohio	Complete safety/bicycle path in Madison Township	0.030
1333. New Jersey	Upgrade Montvale/Chestnut Ridge Road and Grand Avenue intersection at Garden State Parkway in Bergan County	0.500
1334. Kentucky	Widen US–27 from Norwood to Eubank	30.000
1335. California	Extend Highway 41 in Madera County	10.000
1336. New York	Improve and reconstruct Stony Street in York Town	0.350
1337. Pennsylvania	Complete Broad Street ramps at Route 611 bypass in Bucks County	1.770
1338. Tennessee	Construct State Route 131 from Gill Road to Bishop Road	2.400
1339. Georgia	Construct the Savannah River Parkway in Bullock, Jenkins, Screven and Effinghaus Counties	10.000
1340. Illinois	Improve Illinois Route 29 in Sangamon and Christian Counties	2.300
1341. Mississippi	Widen State Route 6 from Pontotoc to US–45 at Tupelo in Mississippi	15.000
1342. Kansas	Construct road and rail grade separations in Wichita	35.000
1343. Illinois	Widen US–20 in Freeport	5.100
1344. Minnesota	Construct Mankato South Route in Mankato	7.000
1345. Michigan	Construct interchange at Eastman Avenue/US–10 in Midland	11.000
1346. California	Highway 65 improvement and mitigation project	4.000
1347. Pennsylvania	Improve access to Raystown in Huntingdon County	1.500
1348. Indiana	Construct East 79th from Sunnyside Road to Oaklandon Road in Lawrence	4.000
1349. Georgia	Widen and reconstruct Corder Road from Pineview Drive to the Russell Parkway	3.400
1350. New York	Rahabilitate Jay Covered Bridge in Essex County	1.000

[Dollars in Millions]

1351. New York	Improve Long Ridge Road from Pound Ridge Road to Connecticut State line	2.800
1352. Mississippi	Widen MS–45 from Brooksville to US–82 in Mississippi.	4.500
1353. Ohio	Upgrade US–30 in Hancock	15.000
1354. Illinois	Construct an interchange at I–90 and Illinois Route 173 in Rockford	7.500
1355. New York	Construct Route 17-Lowman Crossover in Ashland	4.800
1356. New Jersey	Rehabilitate East Ridgewood Avenue over Route 17 in Bergan County	3.600
1357. Pennsylvania	St. Thomas Signals Hade and Jack Rds US–30 in Franklin County	0.200
1358. New York	Improve Route 9 in Dutchess County	1.560
1359. Ohio	Rail mitigation and improvement projects from Vermillion to Conneaut	12.000
1360. Virginia	Complete North Section of Fairfax County Parkway in Fairfax County, Virginia.	10.000
1361. Arkansas	Conduct design study and acquire right of way on US–71 in the vicinity of Fort Chaffee, Fort Smith	5.000
1362. Pennsylvania	Realign Moulstown Road/Route 194/Eisenhower Drive York County	2.000
1363. Florida	Construct Greater Orlando Aviation Authority Consolidated Surface Access in Orlando	1.341
1364. Florida	Construct US17/92 and SR–436 interchange in Orange/Osceola/Seminole County region	2.750
1365. Washington	Construct State Route 7—Elbe rest area and interpretive facility in Pierce County, WA.	0.600
1366. Virginia	Improve the RIC airport connector road in Richmond	3.000
1367. Tennessee	Improve State Road 60 from Waterville to US–64 in Bradley County	1.600
1368. Pennsylvania	Relocate US–219 Ridgeway, Pennsylvania, truck bypass connector along Osterhout Street	6.000
1369. Pennsylvania	Construct PA 36 Convention Center Connector in Blair County	1.000
1370. New Jersey	Construct US–22/Chimney Rock Road interchange in Somerset County	23.000
1371. Alaska	Improve Dalton Highway from Fairbanks to Prudhoe Bay	5.000
1372. Pennsylvania	Allegheny Trail from Pittsburgh, Pennsylvania to Cumberland, Maryland	12.000
1373. Washington	Reconstruct I–21/Keys Road intersection in Yakima	8.640
1374. Pennsylvania	Upgrade 2 sections of US–6 in Tioga County	1.500
1375. Illinois	Congestion mitigation for Illinois Route 31 and Illinois Route 62 intersection in Algonquin	12.000
1376. Illinois	Construct Towanda-Barnes Road in Mclean County	7.760
1377. Pennsylvania	Construct Lackawanna River Heritage Trail in Lackawanna	0.500
1378. Pennsylvania	Reconstruct I–81 Plainfield interchange in Cumberland County	3.520
1379. Kentucky	Reconstruct US–127: $7,500,000 for the segment between Dry Ridge Road and US–231 and US–31; $4,000,000 for the segment between Allen-Warren County line and Dry Ridge Road	11.500
1380. Tennessee	Construct State Route 30 from Athens to Etowah in McMinn County	10.320
1381. Arizona	Replace US–93 Hoover Dam Bridge	20.000
1382. Iowa	Conduct study of Port of Des Moines, Des Moines	0.100
1383. Missouri	Bull Shoals Lake Ferry in Taney County, Missouri.	0.697
1384. Pennsylvania	Widen PA–413 in Bucks County	2.000
1385. Mississippi	Construct I–20 interchange at Pirate Cove	1.000
1386. Texas	Complete State Highway 35 in Aransas County	10.000
1387. California	Construct interchange between I–15 and SR–18 in San Bernardino, California.	8.000
1388. Pennsylvania	Improve Route 94 Corridor through Hanover to Maryland State Line.	8.000
1389. Ohio	Upgrade 2 warning devices on the rail north/south line from Columbus to Toledo	0.200
1390. Pennsylvania	Resurface current 219 bypass at Bradford	6.500
1391. New Jersey	Construct Route 17 bridge over the Susquehanna and Western Rail line in Rochelle Park	1.500
1392. Louisiana	Replace ferry in Plaquemines Parish	2.150
1393. New York	Construct Hudson River scenic overlook from Route 9 to Waterfront in Poughkeepsie	0.455
1394. California	Complete State Route 56 in San Diego	4.000
1395. New Jersey	Replace Clove Road bridge over tributary of Mill Brook and Clove Brook in Sussex County	1.000
1396. California	Construct interchanges for I–10 in Coachella Valley, Riverside County	3.000
1397. South Dakota	Construct US–16 Hell Canyon Bridge and approaches in Custer County	0.441
1398. Wisconsin	Reconstruct U.S. Highway 151, Waupun to Fond du Lac	26.000
1399. Indiana	Construct I–70/Six Points interchange in Marion and Hendricks County	19.950
1400. Wyoming	Reconstruct Cheyenne Area Norris Viaduct	8.000
1401. California	Extend State Route 52 in San Diego	5.000
1402. Kansas	Reconstruct K–7 from Lone Elm Road to Harrison	3.100
1403. Mississippi	Construct US–84 from Eddiceton to Auburn Road	1.250
1404. Florida	Construct County Road 470 Interchange in Lake County	8.000
1405. Virginia	Widen I–81 in Roanoke and Botetourt Counties and in Rockbridge, Augusta and Rockingham Counties	6.000
1406. California	Improve and modify the Port of Hueneme Intermodal Corridor—Phase II in Ventura County	22.400
1407. New York	Construct Bay Shore Road SR–231 to SR–27 in Suffolk County	8.000
1408. Alabama	Complete I–59 interchange in Dekalb County	4.000
1409. Michigan	Construct interchange at US–10/Bay City Road in Midland	4.000
1410. Connecticut	Improve Route 4 intersection in Harwinton, Connecticut.	1.800
1411. Colorado	Construct Wadsworth Boulevard improvement project in Arvada	1.000
1412. Connecticut	Reconstruct Post Office Town Farm Road in Enfield, Connecticut	1.500
1413. Pennsylvania	Widen and signalize Sumneytown Pike and Forty Foot Road in Montgomery County, Pennsylvania.	4.300
1414. Tennessee	Improve State Road 95 from Westover Drive to SR–62 in Roane and Anderson Counties	4.900
1415. New York	FJ&G Rail/Trail Project in Fulton County	0.700
1416. Pennsylvania	Construct Towamencin Township multimodal center	2.900
1417. Michigan	Relocate US–31 from River Road to Naomi Road in Berrian County	18.000
1418. Alaska	Extend West Douglas Road in Goldbelt and Juneau	3.300
1419. Illinois	Construct US–67 in Madison and Jersey Counties	6.800
1420. Idaho	Reconstruct US–95 from Bellgrove to Mica	10.000
1421. Idaho	Construct US–95: Sandcreek Alternate Route in Sandpoint	15.000
1422. Ohio	Construct highway-rail grade separations on Snow Road in Brook Park	3.000
1423. New York	Construct Southern State Parkway ITS between NYS Route 110 and Sagtikos Parkway	4.825
1424. Florida	Widen US–17/92 in Volusia County	1.800
1425. Connecticut	Realign Route 4 intersection in Farmington	2.800

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1426. Louisiana	Construct Louisiana Highway 1 from the Gulf of Mexico to US–90	0.750
1427. Kentucky	Construct Kentucky 31E from Bardstowns to Salt River	1.000
1428. Virginia	Constuct Third Bridge/Tunnel Crossing of Hampton Road	5.000
1429. Washington	Widen Cook Road in Skagit County, Washington.	3.100
1430. Pennsylvania	Construct 25.5 miles of the Perkiomen Trail	0.540
1431. Louisiana	Construct Port of South Louisiana Connector in Saint John the Baptist Parish	0.700
1432. New York	Construct CR–96 from Great South Bay to Montauk Highway in Suffolk County	0.275
1433. Pennsylvania	Construct US–6 Tunkhannock Bypass in Wyoming County	2.400
1434. Alabama	Construct Eastern Shore Trail project in Fairhope, Alabama.	1.355
1435. Georgia	Construct North River Causeway and Bridge, St. Mary's County	2.900
1436. Utah	Construct Phase II of the University Avenue Interchange in Provo	10.000
1437. California	Widen SR–71 from Riverside County to SR–91	13.000
1438. Arkansas	Construct access route to Northwest Arkansas Regional Airport in Highfill, Arkansas.	16.000
1439. California	Construct Ocean Boulevard and Terminal Island Freeway interchange in Long Beach, California.	20.000
1440. Nebraska	Widen and reconstruct I–680 from Pacific Street to Dodge Street in Douglas County	8.000
1441. Indiana	Lafayette Railroad relocation project in Lafayette, Indiana.	29.400
1442. Florida	Construct pedestrian overpass from Florida National Scenic Trail over I–4	2.500
1443. Michigan	Construct interchange at I–75/North Down River Road	1.500
1444. New York	Construct CR–96 from Montauk Highway to Sunrise Highway in Suffolk County	0.435
1445. Connecticut	Widen Route 10 from vicinity of Lazy Lane to River Street in Southington, Connecticut	4.640
1446. Connecticut	Widen Route 4 in Torrington	2.800
1447. Washington	Construct Port of Longview Industrial Rail Corridor and Fibre Way Overpass in Longview	2.500
1448. Virginia	Construct I–95/State Route 627 interchange in Stafford County	4.000
1449. Colorado	Complete the Powers Boulevard north extension in Colorado Springs	12.000
1450. Ohio	Construct St. Clairsville Bike Path in Belmont County	0.500
1451. South Dakota	Construct Aberdeen Truck bypass	2.576
1452. New York	Conduct extended needs study for the Tappan Zee Bridge	4.000
1453. Washington	Widen SR–99 between 148th Street and King County Line in Lynnwood	3.000
1454. Texas	Construct State Highway 121 from I–30 to US–67 in Cleburne	32.000
1455. Oklahoma	Reconstruct US–70 from Broken Bow to Arkansas State line in McCurtain County	7.500
1456. Georgia	Conduct study of a multimodal transportation corridor along GA–400	25.000
1457. New York	Reconstruct and widen Route 78 from I–90 to Route 15	5.500
1458. Nebraska	Construct South Beltway in Linclon	5.500
1459. Nebraska	Replace US–81 bridge between Yankton, south Dakota and Cedar County, Nebaska	1.500
1460. Florida	Construct Alden Road Improvement Project in Orange County	0.700
1461. California	Improve and widen Forest Hill Road in Placer County	7.000
1462. Washington	Improve Hillsboro Street/Highway 395 intersection in Pasco	3.550
1463. Missouri	Construct Hermann Bridge on Highway 19 in Montgomery and Gasconade Counties	1.544
1464. Utah	Widen and improve 123rd/126th South from 700 East to Jordan River in Draper	7.000
1465. Illinois	Improve Constitution Avenue in Peoria	3.500
1466. New York	Reconstruct Washington County covered bridge project	1.700
1467. New York	Reconstruct Stoneleigh Avenue in Putnam County	3.920

SEC. 128. WOODROW WILSON MEMORIAL BRIDGE.

Section 407(a) of the National Highway System Designation Act of 1995 (109 Stat. 630–631) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by striking "(a)" and all that follows through the period at the end of paragraph (1) and inserting the following:

"(a) CONVEYANCES.—

"(1) CONVEYANCE TO STATES AND DISTRICT OF COLUMBIA.—

"(A) GENERAL AUTHORITY.—Not later than 60 days after the date of the enactment of this subparagraph, the Secretary shall convey to the State of Virginia, the State of Maryland, and the District of Columbia all right, title, and interest of the United States in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the project.

"(B) ACCEPTANCE OF TITLE.—Except as provided in paragraph (3), upon conveyance by the Secretary, the State of Virginia, the State of Maryland, and the District of Columbia shall accept the right, title, and interest in and to the Bridge.

"(C) CONSOLIDATION OF JURISDICTION.—For the purpose of making the conveyance under this paragraph, the Secretary of the Interior and the head of any other Federal department or agency that has jurisdiction over the land adjacent to the Bridge shall transfer such jurisdiction to the Secretary.

"(D) FUNDS ALLOCATED.—No funds made available for the high cost Interstate System reconstruction and improvement program under section 160 of title 23, United States Code, may be allocated for the Bridge before the State of Virginia, the State of Maryland, and the District of Columbia accept right, title, and interest in and to the Bridge under this paragraph.

"(2) CONVEYANCE TO AUTHORITY.—After execution of the agreement under subsection (c), the State of Virginia, State of Maryland, and the District of Columbia shall convey to the Authority their respective rights, titles, and interests in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project. Except as provided in paragraph (3), 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."; and

(3) in paragraph (3), as redesignated by paragraph (1) of this section, by striking "conveyance under paragraph (1)" and inserting "conveyance under this subsection".

SEC. 129. TRAINING.

(a) TRAINING POSITIONS FOR WELFARE RECIPIENTS.—Section 140(a) is amended by inserting after the third sentence the following: "In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted.".

(b) TYPES OF TRAINING.—Section 140(b) is amended—

(1) in the first sentence—

(A) by inserting "and technology" after "construction"; and

(B) by inserting after "programs" the following: ", and to develop and fund summer transportation institutes"; and

(2) in the last sentence by striking "may be available" and inserting "may be utilized".

(c) HEAVY EQUIPMENT OPERATOR TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall establish a heavy equipment operator training facility in Hibbing, Minnesota. The purpose of the facility shall be to develop an appropriate curriculum for training, and to train operators and future operators of heavy equipment in the safe use of such equipment.

(2) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of establishment of the facility under this subsection shall be 80 percent and such funds shall remain available until expended.

(d) MOTOR CARRIER OPERATOR VEHICLE AND TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall make grants to the State of Pennsylvania to establish and operate an advanced tractor trailer

safety and operator training facility in Chambersburg, Pennsylvania. The purpose of the facility shall be to develop and coordinate an advance curriculum for the training of operators and future operators of tractor trailers. The facility shall conduct training on the test track at Letterkenny Army Depot and the unused segment of the Pennsylvania Turnpike located in Bedford County, Pennsylvania. The facility shall be operated by a not-for-profit entity and, when Federal assistance is no longer being provided with respect to the facility, shall be privately operated.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $500,000 per fiscal year shall be available to carry out this subsection. Such funds shall remain available until expended. The Federal share of the cost of establishment and operation of the facility under this subsection shall be 80 percent.

SEC. 130. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to provide assistance and support to State and local efforts on surface and aviation-related transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATED TO OLYMPIC EVENTS.—Notwithstanding any other provision of law, the Secretary may give priority to funding for a transportation project related to an Olympic event from funds available to carry out 1 or more of sections 144(g)(1) and 160 of title 23, United States Code, and sections 5309 and 5326 of title 49, United States Code, if the project meets the extraordinary needs associated with an international quadrennial Olympic event and if the project is otherwise eligible for assistance under such section.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in planning activities of States, metropolitan planning organizations, and sponsors of transportation projects related to an international quadrennial Olympic event under sections 134 and 135 of title 23, United States Code, and in developing intermodal transportation plans necessary for such projects in coordination with State and local transportation agencies.

(d) USE OF ADMINISTRATIVE EXPENSES.—The Secretary may provide assistance from funds deducted under section 104(a) of title 23, United States Code, for the development of an Olympic and Paralympic transportation management plan in cooperation with an Olympic and a Paralympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic event.

(e) TRANSPORTATION PROJECTS RELATED TO OLYMPIC EVENTS.—

(1) GENERAL AUTHORITY.—The Secretary may provide assistance to States and local governments in carrying out transportation projects related to an international quadrennial Olympic event. Such assistance may include planning, capital, and operating assistance.

(2) FEDERAL SHARE.—The Federal share of the costs of projects assisted under this subsection shall not exceed 80 percent. For purposes of determining the non-Federal share, highway, aviation, and transit projects shall be considered a program of projects.

(f) ELIGIBLE GOVERNMENTS.—A State or local government is eligible to receive assistance under this section only if it is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AIRPORT DEVELOPMENT PROJECTS.—

(1) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport.".

(2) DISCRETIONARY GRANTS.—Section 47115(d) of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic events.".

SEC. 131. NATIONAL DEFENSE HIGHWAYS.

(a) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for the reconstruction of such highway or portion of highway.

(b) FUNDING.—The Secretary may make available, from funds appropriated for expenditure on the National Highway System, not to exceed $20,000,000 per fiscal year for each of fiscal years 1998 through 2003 to carry out this section. Such sums shall remain available until expended.

SEC. 132. MISCELLANEOUS SURFACE TRANSPORTATION PROGRAMS.

(a) INFRASTRUCTURE AWARENESS PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to fund the production of a documentary about infrastructure in cooperation with a not-for-profit national public television station and the National Academy of Engineering which shall demonstrate how public works and infrastructure projects stimulate job growth and the economy and contribute to the general welfare of the nation.

(2) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for each of fiscal years 1998, 1999, and 2000. Such funds shall remain available until expended.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this subsection shall be determined in accordance with this subsection.

(b) STUDY OF PARKING FACILITIES ADEQUACY.—

(1) STUDY.—The Secretary shall conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours of service rules. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortages. The study shall be carried out in cooperation with research entities representing motor carriers, the travel plaza industry, and commercial motor vehicle drivers.

(2) REPORT.—Not later than January 1, 2001, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

(3) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, for each of fiscal years 1998, 1999, and 2000, the Secretary may use not to exceed $500,000 per fiscal year to carry out this section.

SEC. 133. ELIGIBILITY.

(a) AMBASSADOR BRIDGE ACCESS, MICHIGAN.—Notwithstanding section 129 of title 23, United States Code, or any other provision of law, improvements to and construction of access roads, approaches, and related facilities (such as signs, lights, and signals) necessary to connect the Ambassador Bridge in Detroit, Michigan, to the Interstate System shall be eligible for funds apportioned under sections 104(b)(1) and 104(b)(3) of such title.

(b) CUYAHOGA RIVER BRIDGE, OHIO.—Notwithstanding section 149 of title 23, United States Code, or any other provision of law, a project to construct a new bridge over the Cuyahoga River in Cleveland, Ohio, shall be eligible for funds apportioned under section 104(b)(2) of such title.

(c) CONNECTICUT.—In fiscal year 1998, the State of Connecticut may transfer any funds remaining available for obligation under the section 104(b)(5)(A) of title 23, United States Code, as in effect on the day before the date of the enactment of this Act, for construction of the Interstate System to any other program eligible for assistance under chapter 1 of such title. Before making any distribution of the obligation limitation under section 103(c)(4) of this Act, the Secretary shall make available to the State of Connecticut sufficient obligation authority under section 103(c) of this Act to obligate funds available for transfer under this subsection.

(d) SAN FRANCISCO-OAKLAND BAY BRIDGE, CALIFORNIA.—In accordance with section 502 of this Act, a project to reconstruct the Interstate System approach to the western end of the San Francisco-Oakland Bay Bridge and the ramps connecting the bridge to Treasure Island shall be eligible for funds under section 160 of title 23, United States Code, relating to the high-cost Interstate System reconstruction and improvement program.

(e) SOUTHERN CALIFORNIA.—Notwithstanding section 120(l)(1) of title 23, United States Code—

(1) private entity expenditures to construct the SR–91 toll road located in Orange County, California, from SR–55 to the Riverside County line may be credited toward the State matching share for any Federal-aid project beginning construction after the SR–91 toll road was opened to traffic; and

(2) private expenditures for the future SR–125 toll road in San Diego County, California, from SR–905 to San Miguel Road may be credited against the State match share for Federal-aid highway projects beginning after SR–125 is opened to traffic.

(f) INTERNATIONAL BRIDGE, SAULT STE. MARIE, MI.—The International Bridge Authority, or its successor organization, shall be permitted to continue collection of tolls for the maintenance, operation, capital improvements, and future expansions to the International Bridge and its approaches, plaza areas, and associated buildings and structures.

(g) INFORMATION SERVICES.—A food business that would otherwise be eligible to display a mainline business logo on a specific service food sign described in section 2G–5.7(4) of part IIG of the 1988 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways under the requirements specified in that section, but for the fact that the business is open 6 days a week, cannot be prohibited from inclusion on such a food sign.

SEC. 134. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS.

(a) ADVANCED CONSTRUCTION.—Section 115 is amended—

(1) in subsection (b)—

(A) by moving the text of paragraph (1) (including subparagraphs (A) and (B)) 2 ems to the left;

(B) by striking "(1) IN GENERAL.—";

(C) by striking paragraphs (2) and (3); and

(D) by striking "(A) prior" and inserting "(1) prior"; and

(E) by striking "(B) the project" and inserting "(2) the project";

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

(b) AVAILABILITY OF FUNDS.—Section 118 is amended—

(1) in the subsection heading for subsection (b) by striking "; DISCRETIONARY PROJECTS"; and

(2) by striking subsection (e) and inserting the following:

"(e) EFFECT OF RELEASE OF FUNDS.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.".

(c) FEDERAL SHARE PAYABLE.—Section 120 is amended in each of subsections (a) and (b) by striking "shall be" and inserting "shall not exceed".

(d) PAYMENTS TO STATES FOR CONSTRUCTION.—Section 121 is amended—

(1) in subsection (a)—

(A) by striking the second sentence; and

(B) by striking the last sentence and inserting the following: "Such payments may also be made for the value of the materials (1) which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the projects, and (2) which are not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the material cannot be stockpiled in such vicinity.";

(2) by striking subsection (b) and inserting the following:

"(b) PROJECT AGREEMENT.—No payment shall be made under this chapter except for a project covered by a project agreement. After completion of the project in accordance with the project agreement, a State shall be entitled to payment out of the appropriate sums apportioned or allocated to it of the unpaid balance of the Federal share payable on account of such project.";

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

(e) ADVANCES TO STATES.—Section 124 is amended—

(1) by striking "(a)" the first place it appears; and

(2) by striking subsection (b).

(f) DIVERSION.—Section 126, and the item relating to such section in the table of sections for chapter 1, are repealed.

(g) STATE HIGHWAY DEPARTMENT.—Section 302 is amended—

(1) by adding at the end of subsection (a) the following: "Compliance with this provision shall have no effect on the eligibility of costs.";

(2) by striking "(a)"; and

(3) by striking subsection (b).

(h) BRIDGE COMMISSIONS.—Public Law 87–441, relating to bridge commissions created by Congress and Federal approval of membership of such commissions, is repealed.

(i) OTHER AMENDMENTS.—

(1) Section 1023(h)(1) of Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended by striking "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 inserting "September 30, 2003".

(2) Section 127(a) is amended by inserting before the next to the last sentence the following: "With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load.".

(3) Section 127(a) is amended by adding at the end the following: "The State of Louisiana may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually.".

(4) Section 127 is amended by adding at the end the following new subsection:

"(h) MAINE AND NEW HAMPSHIRE.—With respect to Interstate Route 95 in the State of New Hampshire, State laws or regulations in effect on January 1, 1987, shall be applicable for purposes of this section. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, State laws or regulations in effect on October 1, 1995, shall be applicable for purposes of this section.".

(j) SPECIALIZED HAULING VEHICLES.—

(1) STUDY.—The Secretary shall conduct a study to examine the impact of the truck weight standards on specialized hauling vehicles.

(2) 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 with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 135. ACCESS OF MOTORCYCLES.

Section 102 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following:

"(b) ACCESS OF MOTORCYCLES.—No State or political subdivision of a State may restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance.".

SEC. 136. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION AUTHORIZATION LAWS.

(a) ISTEA HIGH PRIORITY CORRIDORS.—

(1) IN GENERAL.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) is amended—

(A) in paragraph (5)(B)(iii)(I)(ff) by inserting before the semicolon ", including a connection to Andrews following the Route 41 Corridor";

(B) in paragraph (9) by inserting after "New York" the following: ", including United States Route 322 between United States Route 220 and I–80";

(C) in paragraph (18)—

(i) by inserting before "Indianapolis, Indiana" the following: "Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along I–69 and from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along I–94 via Marshall, Michigan, thence south to"; and

(ii) by striking "and to include" and inserting the following:

"as follows:

"(A) In Tennessee, Mississippi, Arkansas, and Louisiana, the Corridor shall—

"(i) follow the alignment generally identified in the Corridor 18 Special Issues Study Final Report; and

"(ii) run in an East/South direction to United States Route 61 and cross the Mississippi River (in the vicinity of Memphis, Tennessee) to Highway 79, and then follow Highway 79 south to 2 miles west of Altimer, Arkansas, and across the Arkansas River at Lock and Dam Number 4, Arkansas, and then proceed south in the direction of Monticello, Arkansas, and link up with the route proposed in the Corridor 18 Special Issues Study Final Report which would continue to Haynesville, Louisiana.

"(B) In the Lower Rio Grande Valley, the Corridor shall—

"(i) include United States Route 77 from the Rio Grande River to Interstate Route 37 at Corpus Christi, Texas, and then to Victoria, Texas, via United States Route 77;

"(ii) include United States Route 281 from the Rio Grande River to Interstate Route 37 and then to Victoria, Texas, via United States Route 59; and

"(iii) include";

(D) in paragraph (21) by striking "United States Route 17 in the vicinity of Salamanca, New York" and inserting "Interstate Route 80";

(E) by inserting ", including I–29 between Kansas City and the Canadian border" before the period at the end of paragraph (23); and

(F) by inserting after paragraph (29) the following:

"(30) Interstate Route 5 in the States of California, Oregon, and Washington, including California State Route 905 between Interstate Route 5 and the Otay Mesa Port of Entry.

"(31) The Mon-Fayette Expressway and Southern Beltway in Pennsylvania.

"(32) The Wisconsin Development Corridor from the Iowa, Illinois, and Wisconsin border near Dubuque, Iowa, to the Upper Mississippi River Basin near Eau Claire, Wisconsin, as follows:

"(A) United States Route 151 from the Iowa border to Fond du Lac via Madison, Wisconsin, then United States Route 41 from Fond du Lac to Marinette via Oshkosh, Appleton, and Green Bay, Wisconsin.

"(B) State Route 29 from Green Bay to I–94 via Wausau, Chippewa Falls, and Eau Claire, Wisconsin.

"(C) United States Route 10 from Appleton to Marshfield, Wisconsin.

"(33) The Capital Gateway Corridor following United States Route 50 from the proposed intermodal transportation center connected to I–395 in Washington, D.C., to the intersection of United States Route 50 with Kenilworth Avenue and the Baltimore-Washington Parkway in Maryland.

"(34) The Alameda Corridor East generally described as 52.8 miles from east Los Angeles (terminus of Alameda Corridor) through the San Gabriel Valley terminating at Colton Junction in San Bernandino.

"(35) Everett-Tacoma FAST Corridor.

"(36) New York and Pennsylvania State Route 17 from Harriman, New York, to its intersection with I–90 in Pennsylvania.

"(37) United States Route 90 from I–49 in Lafayette, Louisiana, to I–10 in New Orleans.

"(38) The Ports-to-Plains Corridor from the Mexican Border via I–27 to Denver, Colorado.

"(39) United States Route 63 from Marked Tree, Arkansas, to I–55.".

(2) PROVISIONS APPLICABLE TO CORRIDORS.—Section 1105(e)(5)(A) of such Act is amended—

(A) by inserting after "referred to" the first place it appears the following: "in subsection (c)(1),";

(B) by striking "and" the second place it appears; and

(C) by inserting after "(c)(20)" the following: ", in subsection (c)(36), and in subsection (c)(37)".

(3) ROUTES.—Section 1105(e)(5) of such Act is further amended—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A) the following:

"(B) ROUTES.—

"(i) DESIGNATION.—The routes referred to in subsections (c)(18) and (c)(20) shall be designated as Interstate Route I–69. A State having

jurisdiction over any segment of routes referred to in subsections (c)(18) and (c)(20) shall erect signs identifying such segment that is consistent with the criteria set forth in subsections (e)(5)(A)(i) and (e)(5)(A)(ii) as Interstate Route I–69, including segments of United States Route 59 in the State of Texas. The segment identified in subsection (c)(18)(B)(i) shall be designated as Interstate Route I–69 East, and the segment identified in subsection (c)(18)(B)(ii) shall be designated as Interstate Route I–69 Central. The State of Texas shall erect signs identifying such routes as segments of future Interstate Route I–69.

"(ii) RULEMAKING TO DETERMINE FUTURE INTERSTATE SIGN ERECTION CRITERIA.—The Secretary shall conduct a rulemaking to determine the appropriate criteria for the erection of signs for future routes on the Interstate System identified in subparagraph (A). Such rulemaking shall be undertaken in consultation with States and local officials and shall be completed not later than December 31, 1998.";

(C) by striking the last sentence of subparagraph (A) and inserting it as the first sentence of subparagraph (B)(i), as inserted by subparagraph (B) of this paragraph; and

(D) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking "(C)" and inserting "(D)".

(b) AMENDMENTS TO SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—Section 146 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2130), relating to lane restrictions, is repealed.

SEC. 137. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

(a) IN GENERAL.—Section 217 is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

(2) in subsection (e) by striking ", other than a highway access to which is fully controlled,";

(3) by striking subsection (g) and inserting the following:

"(g) PLANNING AND DESIGN.—Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted. Transportation plans and projects shall provide due consideration for safety and contiguous routes. Safety considerations shall include the installation and maintenance of audible traffic signals and audible signs at street crossings.";

(4) in subsection (h) by striking "No motorized vehicles shall" and inserting "Motorized vehicles may not";

(5) in subsection (h)(3) by striking "when State and local regulations permit,";

(6) in subsection (h)—

(A) by striking "and" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) when State or local regulations permit, electric bicycles; and"; and

(7) by striking subsections (i) and (j) and inserting the following:

"(i) DEFINITIONS.—In this section, the following definitions apply:

"(1) BICYCLE TRANSPORTATION FACILITY.—The term 'bicycle transportation facility' means new or improved lanes, paths, or shoulders for use by bicyclists, traffic control devices, shelters, and parking facilities for bicycles.

"(2) ELECTRIC BICYCLE.—The term 'electric bicycle' means any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.

"(3) PEDESTRIAN.—The term 'pedestrian' means any person traveling by foot and any mobility impaired person using a wheelchair.

"(4) WHEELCHAIR.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.".

(b) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—Section 109(n) is amended to read as follows:

"(n) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for nonmotorized transportation traffic and light motorcycles, unless such project or regulatory action provides for a reasonably alternate route or such a route exits.".

(c) RAILWAY-HIGHWAY CROSSINGS.—Section 130 is amended by adding at the end the following:

"(j) BICYCLE SAFETY.—In carrying out projects under this section, a State shall take into account bicycle safety.".

(d) HIGHWAY AND STREET DESIGN STANDARDS.—

(1) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall initiate, in conjunction with the American Association of State Highway and Transportation Officials, a study to consider proposals to amend the policies of such association relating to highway and street design standards to accommodate bicyclists and pedestrians.

(2) REPORT.—Not later than 2 years after such date of enactment, the Secretary shall transmit to Congress a report on the results of the study with any recommendations on amending the policies referred to in paragraph (1) the Secretary determines appropriate.

(e) NATIONAL BICYCLE SAFETY EDUCATION CURRICULA.—

(1) DEVELOPMENT.—The Secretary is authorized to develop a national bicycle safety education curricula that may include courses relating to on-road training.

(2) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a copy of the curricula.

(3) FUNDING.—From amounts made available under section 210 of this Act, the Secretary may use not to exceed $500,000 for fiscal year 1998 to carry out this subsection.

(f) DESIGN GUIDANCE.—In implementing section 217(g) of title 23, United States Code, the Secretary, in cooperation with the American Association of State Highway and Transportation Officials, the Institute of Transportation Engineers, and other interested organizations, shall develop guidance on the various approaches to accommodating bicycles and pedestrian travel. The guidance shall address issues such as the level and nature of the demand, volume, and speed of motor vehicle traffic, safety, terrain, cost, and sight distance. The guidance shall be developed within 1 year after the date of the enactment of this Act.

SEC. 138. HAZARD ELIMINATION PROGRAM.

Section 152 is amended—

(1) in subsection (a) by inserting ", bicyclists," after "motorists";

(2) by adding at the end of subsection (a) the following: "In carrying out this section, States shall minimize any negative impact on safety and access for bicyclists and pedestrians.";

(3) in subsection (b) by inserting after "project" the following: "or safety improvement project described in subsection (a)"; and

(4) in subsections (f) and (g) by striking "highway" each place it appears.

SEC. 139. PROJECT ADMINISTRATION.

(a) LIFE CYCLE COST ANALYSIS.—Section 106(e) is amended—

(1) in paragraph (1) by striking "with a cost of $25,000,000 or more";

(2) by adding at the end of paragraph (1) the following: "The program shall be based on the principles contained in section 2 of Executive Order 12893."; and

(3) in paragraph (2) by inserting after "maintenance," the following: "user costs,".

(b) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess the impact that a utility company's failure to relocate their facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects. The study shall also assess the following:

(A) Methods States use to mitigate such delays, including the use of the courts to compel utility cooperation.

(B) The prevalence and use of incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites and, conversely, penalties assessed on utility companies for utility relocation delays on such projects.

(C) The extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations.

(D) Whether individual States compensate transportation contractors for business costs they incur when Federal-aid highway and bridge projects under contract to them are delayed by utility company caused delays in utility relocations and any methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study with any recommendations the Comptroller General determines appropriate as a result of the study.

SEC. 140. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (B)(i) by striking ", except to" and all that follows through "services";

(2) by striking subparagraph (C) and inserting the following:

"(C) SELECTION, PERFORMANCE, AND AUDITS.—

"(i) IN GENERAL.—All requirements for architectural, engineering, and related services at any phase of a highway project funded in whole or in part with Federal-aid highway funds shall be performed under a contract awarded in accordance with subparagraph (A) unless the simplified acquisition procedures of the Federal Acquisition Regulations of title 48, Code of Federal Regulations, apply.

"(ii) PROHIBITION ON STATE RESTRICTIONS.—A State shall not impose any overhead restriction, or salary limitation inconsistent with the Federal Acquisition Regulations, that would preclude any qualified firm from being eligible to compete for contracts awarded in accordance with subparagraph (A).

"(iii) COMPLIANCE WITH FEDERAL ACQUISITION REGULATIONS.—The process for selection, award, performance, administration, and audit of the resulting contracts shall comply with the procedures, cost principles, and cost accounting principles of the Federal Acquisition Regulations,

including parts 30, 31, and 36 of title 48, Code of Federal Regulations.";

(3) in subparagraph (G)—

(A) by inserting "(i) GENERAL RULE.—" before "Subpargraphs";

(B) by adding at the end the following:

"(ii) STATE OPTION.—Congress has determined that the State opt-out period for the contract administration procedures has expired. States that have complied with or received waivers from the Secretary regarding the requirements of section 307 of the National Highway Designation Act of 1995, as of the date of the enactment of this clause, shall not be subject to the requirements of subparagraph (A)."; and

(C) by indenting clause (i), as designated by subparagraph (A) of this paragraph, and aligning it with clause (ii), as added by subparagraph (B) of this paragraph; and

(4) by adding at the end the following:

"(H) COMPLIANCE.—A State shall comply, with respect to any architecture, engineering, or related service contract for any phase of a Federal-aid highway project, with the qualifications-based selection procedures of the Federal Acquisition Regulations, and with the single audit procedures required under this paragraph, or with an existing State law or a statute enacted in accordance with the legislative session exemption provided by subparagraph (G).".

SEC. 141. COMMERCIAL MOTOR VEHICLE STUDY.

(a) STUDY.—The Secretary shall request the Transportation Research Board of the National Academy of Sciences to conduct a study regarding the regulation of weights, lengths, and widths of commercial motor vehicles operating on Federal-aid highways to which Federal regulations currently apply. In conducting the study, the Board shall review current law, regulations, studies (including Transportation Research Board Special Report 225), and practices and develop recommendations regarding any revisions to current law and regulations that the Board deems appropriate.

(b) FACTORS TO CONSIDER AND EVALUATE.—In developing recommendations under subsection (a), the Board shall consider and evaluate the impact of the recommendations described in subsection (a) on the economy, the environment, safety, and service to communities.

(c) CONSULTATION.—In carrying out the study, the Board shall consult the Department of Transportation, States, the motor carrier industry, freight shippers, highway safety groups, air quality and natural resource management groups, commercial motor vehicle driver representatives, and other appropriate entities.

(d) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Board shall transmit to Congress and the Secretary a report on the results of the study conducted under this section.

(e) RECOMMENDATIONS.—Not later than 6 months after the date of receipt of the report under subsection (d), the Secretary may transmit to Congress a report containing comments or recommendations of the Secretary regarding the report.

(f) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $250,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(g) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the study under this section shall be 100 percent and such funds shall remain available until expended.

SEC. 142. NEW YORK AVENUE TRANSPORTATION DEVELOPMENT AUTHORITY.

(a) ESTABLISHMENT.—There is established an authority to be known as the New York Avenue Transportation Development Authority (hereinafter in this section referred to as "Authority").

(b) MEMBERSHIP.—The Authority shall be composed of 5 members appointed as follows:

(1) 3 individuals appointed by the President.

(2) 2 individuals appointed by the mayor of the District of Columbia.

(c) COMPENSATION.—Members of the Authority may not receive pay, allowances, or benefits by reason of their service on the Authority.

(d) DUTIES.—The Authority shall develop a transportation improvement plan for the Capital Gateway Corridor and vicinity following United States Route 50 from I-395 in Washington, D.C., to the intersection of United States Route 50 with Kenilworth Avenue and the Baltimore-Washington Parkway in Maryland, which shall include—

(1) engineering, pre-design, and design necessary to improve the corridor; and

(2) economic feasibility studies of financing the project, including the feasibility of repaying funds that may be borrowed from the Highway Trust Fund to carry out the project.

(e) CONSIDERATIONS FOR TIP.—In developing the transportation improvement plan, the Authority shall consider—

(1) how a tunnel or other method to re-route interstate traffic from the surface of New York Avenue may improve traffic on and access to the New York Avenue Corridor; and

(2) how to improve access to the National Arboretum.

(f) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Authority shall report to the Congress on any additional legal authorities it needs to carry out the transportation improvement plan.

(g) FUNDING.—The Authority is eligible to receive funds authorized under the National Corridor Planning and Development program established in section 115.

SEC. 143. DEFINITIONS.

Section 101(a) is amended to read as follows:

"(a) DEFINITIONS.—The following definitions apply:

"(1) APPORTIONMENT.—The term 'apportionment' includes unexpended apportionments made under prior authorization laws.

"(2) CARPOOL PROJECT.—The term 'carpool project' means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

"(3) CONSTRUCTION.—The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits which directly benefit the Federal-aid highway program. Such term includes—

"(A) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce);

"(B) resurfacing, restoration, and rehabilitation;

"(C) acquisition of rights-of-way;

"(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

"(E) elimination of hazards of railway grade crossings;

"(F) elimination of roadside obstacles;

"(G) improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

"(H) capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

"(4) COUNTY.—The term 'county' includes corresponding units of government under any other name in States which do not have county organizations and, in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

"(5) FEDERAL-AID HIGHWAYS.—The term 'Federal-aid highways' means highways eligible for assistance under this chapter other than highways classified as local roads or rural minor collectors.

"(6) FEDERAL-AID SYSTEM.—The term 'Federal-aid system' means any one of the Federal-aid highway systems described in section 103.

"(7) FEDERAL LANDS HIGHWAYS.—The term 'Federal lands highways' means forest highways, public lands highways, park roads, parkways, and Indian reservation roads which are public roads.

"(8) FOREST DEVELOPMENT ROADS AND TRAILS.—The term 'forest development roads and trails' means a forest road or trail under the jurisdiction of the Forest Service.

"(9) FOREST HIGHWAY.—The term 'forest highway' means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

"(10) FOREST ROAD OR TRAIL.—The term 'forest road or trail' means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System and which is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

"(11) HIGHWAY.—The term 'highway' includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

"(12) HIGHWAY SAFETY IMPROVEMENT PROJECT.—The term 'highway safety improvement project' means a project which corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, or installs traffic control or warning devices at high accident potential locations.

"(13) INDIAN RESERVATION ROADS.—The term 'Indian reservation roads' means public roads that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

"(14) INTERSTATE SYSTEM.—The term 'Interstate System' means the Dwight D. Eisenhower

National System of Interstate and Defense Highways described in section 103(e).

"(15) MAINTENANCE.—The term 'maintenance' means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

"(16) NATIONAL HIGHWAY SYSTEM.—The term 'National Highway System' means the Federal-aid highway system described in section 103(b).

"(17) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—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, such as integrated traffic control systems, incident management programs, and traffic control centers.

"(18) OPERATIONAL IMPROVEMENT.—The term 'operational improvement' means a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs and such other capital improvements to public roads as the Secretary may designate, by regulation; except that such term does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

"(19) PARK ROAD.—The term 'park road' means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

"(20) PARKWAY.—The term 'parkway', as used in chapter 2 of this title, means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

"(21) PROJECT.—The term 'project' means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking eligible for assistance under this title.

"(22) PROJECT AGREEMENT.—The term 'project agreement' means the formal instrument to be executed by the State highway department and the Secretary as required by section 110(a).

"(23) PUBLIC AUTHORITY.—The term 'public authority' means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

"(24) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term 'public lands development roads and trails' means those roads or trails which the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his control.

"(25) PUBLIC LANDS HIGHWAY.—The term 'public lands highway' means any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

"(26) PUBLIC ROAD.—The term 'public road' means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

"(27) RURAL AREAS.—The term 'rural areas' means all areas of a State not included in urban areas.

"(28) SECRETARY.—The term 'Secretary' means Secretary of Transportation.

"(29) STATE.—The term 'State' means any one of the fifty States, the District of Columbia, or Puerto Rico.

"(30) STATE FUNDS.—The term 'State funds' includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

"(31) STATE HIGHWAY DEPARTMENT.—The term 'State highway department' means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

"(32) TRANSPORTATION ENHANCEMENT ACTIVITIES.—The term 'transportation enhancement activities' means, with respect to any project or the area to be served by the project, any of the following activities if such activity has a direct link to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs, landscaping and other scenic beautification, including removal of graffiti and litter to the extent that such removal is in excess of fiscal year 1997 maintenance levels for removal of graffiti and litter, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and provision of tourist and welcome centers.

"(33) URBAN AREA.—The term 'urban area' means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

"(34) URBANIZED AREA.—The term 'urbanized area' means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, at a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.".

TITLE II—HIGHWAY SAFETY

SEC. 201. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 202. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) is amended—

(1) in the fourth sentence by striking "(4)" and inserting "(4) to prevent accidents and"; and

(2) in the eighth sentence by striking "include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and".

(b) ADMINISTRATION OF STATE PROGRAMS.—Section 402(b) is amended—

(1) by striking "(b)(1)" and all that follows through paragraph (2) and inserting the following:

"(b) ADMINISTRATION OF STATE PROGRAMS.—";

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively;

(3) in paragraph (1)(C), as so redesignated, by striking "paragraph (5)" and inserting "paragraph (3)"; and

(4) in paragraph (2), as so redesignated, by striking "paragraph (3)(C)" and inserting "paragraph (1)(C)".

(c) APPORTIONMENT OF FUNDS.—The 6th sentence of section 402(c) is amended by inserting "the apportionment to the Secretary of the Interior shall not be less than three-fourths of 1 percent of the total apportionment and" after "except that".

(d) APPLICATION IN INDIAN COUNTRY.—Section 402(i) is amended to read as follows:

"(i) APPLICATION IN INDIAN COUNTRY.—

"(1) IN GENERAL.—For the purpose of application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The requirements of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary of Transportation determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—In this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.".

(e) RULEMAKING PROCEEDING.—Section 402(j) is amended to read as follows:

"(j) RULEMAKING PROCEEDING.—The Secretary may from time to time conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.".

SEC. 203. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403(a)(2)(A) is amended by inserting ", including training in work zone safety management" after "personnel".

SEC. 204. OCCUPANT PROTECTION INCENTIVE GRANTS.

(a) IN GENERAL.—Chapter 4 is amended by inserting after section 404 the following:

"§ 405. Occupant protection incentive grants

"(a) GENERAL AUTHORITY.—

"(1) AUTHORITY TO MAKE GRANTS.—Subject to the provisions of this section, the Secretary shall make grants under subsections (b) and (c) to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or

improperly restrained in motor vehicles. Such grants may be used by recipient States only to implement and enforce, as appropriate, such programs.

"(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under subsection (b) or (c) in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the Building Efficient Surface Transportation and Equity Act of 1998.

"(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under subsection (b) or (c) in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

"(A) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

"(B) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

"(C) in the fifth and sixth fiscal years in which the State receives the grant, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

"(b) GRANT A.—A State may establish its eligibility for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary at least 5 of the following and, beginning in fiscal year 2001, at least 6 of the following:

"(1) SAFETY BELT USE LAW.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever an individual (other than a child who is secured in a child restraint system) in the front seat of the vehicle (and, beginning in fiscal year 2000, in any seat in the vehicle) does not have a safety belt properly secured about the individual's body.

"(2) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of its safety belt use law.

"(3) MINIMUM FINE OR PENALTY POINTS.—The State imposes a minimum fine, or provides for the imposition of penalty points against an individual's driver's license, for a violation of its safety belt use law.

"(4) CHILD SAFETY SEAT LAW.—The State has in effect a child passenger protection law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a child up to 4 years of age in the vehicle is not properly secured in a child safety seat.

"(5) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State has implemented a statewide special traffic enforcement program for occupant protection that emphasizes publicity for the program.

"(6) CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The State has implemented a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraints systems.

"(7) CHILD PASSENGER PROTECTION LAW.—The State has in effect a child passenger protection law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a child up to 10 years of age (and, beginning in fiscal year 2003, a child up to 16 years of age) in the vehicle is not properly restrained.

"(c) GRANT B.—A State may establish its eligibility for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary each of the following:

"(1) STATE SAFETY BELT USE RATE.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the years a grant under this subparagraph is received.

"(2) SURVEY METHOD.—The State follows safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

"(d) GRANT AMOUNTS.—The amount of each grant for which a State qualifies under subsection (b) or (c) for a fiscal year shall equal up to 30 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(e) DEFINITIONS.—In this subsection, the following definitions apply:

"(1) CHILD SAFETY SEAT.—The term 'child safety seat' means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

"(3) MULTIPURPOSE PASSENGER VEHICLE.—The term 'multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

"(4) PASSENGER CAR.—The term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(5) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(6) SAFETY BELT.—The term 'safety belt' means—

"(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

"(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(g) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of an occupant protection program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 404 the following:

"405. Occupant protection incentive grants.".

SEC. 205. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

Section 410 is amended to read as follows:

"§410. Alcohol-impaired driving countermeasures

"(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

"(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.

"(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first and second fiscal years in which the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

"(2) in the third and fourth fiscal years in which the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

"(d) BASIC GRANT ELIGIBILITY.—

"(1) BASIC GRANT A.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary at least 5 of the following:

"(A) .08 BAC PER SE LAW.—A law that provides that any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

"(B) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for individuals who operate

motor vehicles while under the influence of alcohol that requires that—

"(i) in the case of an individual who, in any 5-year period beginning after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

"(I) shall suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; and

"(II) shall suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; and

"(ii) the suspension and revocation referred to under clause (i) shall take effect not later than 30 days after the day on which the individual refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures.

"(C) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages and for preventing persons from making alcoholic beverages available to individuals under age 21. Such system may include a graduated licensing system, the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older, and the issuance of drivers' licenses that are tamper resistant.

"(D) ENFORCEMENT PROGRAM.—Either—

"(i) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol; or

"(ii) a statewide special traffic enforcement program for impaired driving that emphasizes publicity for the program.

"(E) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment, confiscation, or forfeiture; dedicated detention facilities; special measures to reduce driving with a suspended license; and assignment of treatment.

"(F) DRIVERS WITH HIGH BAC'S.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assessment of individuals convicted of driving under the influence of alcohol.

"(G) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessment of first time offenders; and incorporation of treatment into judicial sentencing.

"(H) TESTING FOR BAC.—An effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle drivers in fatal accidents and, in fiscal year 2000 and in each fiscal year thereafter, a rate of such testing that is equal to or greater than the national average.

"(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary each of the following:

"(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available.

"(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of the calendar years referred to in subparagraph (A).

"(3) BASIC GRANT AMOUNT.—The amount of a basic grant made to a State for a fiscal year under this subsection shall equal up to 30 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(e) DISCRETIONARY GRANTS.—

"(1) IN GENERAL.—Upon receiving an application from a State, the Secretary may make grants to the State for carrying out innovative programs (other than the programs specified in subsection (d)) to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances. Such programs may seek to achieve such a reduction through legal, judicial, enforcement, educational, technological, or other approaches.

"(2) ELIGIBILITY.—A State shall be eligible to receive a grant under this subsection in a fiscal year only if the State is eligible to receive a grant under subsection (d) in such fiscal year.

"(3) FUNDING.—Of the amounts made available to carry out this section, not to exceed 12 percent shall be available for making grants under this subsection.

"(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(g) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of an alcohol-impaired driving countermeasures program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(2) CONTROLLED SUBSTANCES.—The term 'controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(3) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.".

SEC. 206. STATE HIGHWAY SAFETY DATA IMPROVEMENTS.

(a) IN GENERAL.—Chapter 4 is further amended by adding at the end the following new section:

"§411. State highway safety data improvements

"(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make grants to States that adopt and implement effective programs to—

"(1) improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities for national, State, and local highway and traffic safety programs;

"(2) evaluate the effectiveness of efforts to make such improvements;

"(3) link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data; and

"(4) improve State data systems' compatibility with national data systems and those of other States and enhance the Secretary's ability to observe and analyze national trends in crash occurrences, rates, outcomes, and causation.

Such grants may be used by recipient States only to implement such programs.

"(b) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze national trends in crash occurrences, rates, outcomes, and causation. A State's multiyear highway safety data and traffic records plan described in subsection (e)(1) shall demonstrate how the model data elements will be incorporated into the State's data systems for the State to be eligible for grants under this section.

"(c) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.

"(d) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

"(2) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

"(3) in the fifth and sixth fiscal years in which the State receives the grant under this section, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

"(e) FIRST-YEAR GRANTS.—

"(1) ELIGIBILITY.—A State shall be eligible for a first-year grant under this section in a fiscal year if the State either—

"(A) demonstrates, to the satisfaction of the Secretary, that the State has—

"(i) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership, including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities);

"(ii) completed, within the preceding 5 years, a highway safety data and traffic records assessment or an audit of the State's highway safety data and traffic records system; and

"(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan, to be approved by the State's highway safety data and traffic records coordinating committee, that identifies and prioritizes the State's highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined; or

"(B) provides, to the satisfaction of the Secretary—

"(i) a certification that the State has met the requirements of clauses (i) and (ii) of subparagraph (A);

"(ii) a multiyear plan that—

"(I) identifies and prioritizes the State's highway safety data and traffic records needs and goals;

"(II) specifies how the State's incentive funds for the fiscal year will be used to address those needs and goals; and

"(III) identifies performance-based measures by which progress toward those goals will be determined; and

"(iii) a certification that the State's highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan described in clause (ii).

"(2) GRANT AMOUNTS.—The amount of a first-year grant made to a State for a fiscal year under this subsection shall equal—

"(A) if the State is eligible for the grant under paragraph (1)(A), $125,000, subject to the availability of appropriations; and

"(B) if the State is eligible for the grant under paragraph (1)(B), an amount determined by multiplying—

"(i) the amount appropriated to carry out this section for such fiscal year; by

"(ii) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State shall receive less than $225,000, subject to the availability of appropriations.

"(f) SUCCEEDING YEAR GRANTS.—

"(1) ELIGIBILITY.—A State shall be eligible for a grant under this subsection in any fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (e) if the State, to the satisfaction of the Secretary—

"(A) submits or updates a multiyear plan described in subsection (e)(1)(A)(iii);

"(B) certifies that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan; and

"(C) reports annually on the State's progress in implementing the multiyear plan.

"(2) GRANT AMOUNTS.—The amount of a succeeding year grant made to the State for a fiscal year under this paragraph shall equal the amount determined by multiplying—

"(A) the amount appropriated to carry out this section for such fiscal year; by

"(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State shall receive less than $225,000, subject to the availability of appropriations.

"(g) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(h) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a highway safety data improvements program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.".

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

"411. State highway safety data improvements.".

SEC. 207. NATIONAL DRIVER REGISTER.

(a) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—Section 30302 of title 49, United States Code, is amended by adding at the end the following:

"(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—

"(1) AGREEMENT.—The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

"(2) REQUIRED DEMONSTRATION.—Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's 'Problem Driver Pointer System' (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

"(3) TRANSITION PERIOD.—Any agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes the States may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary shall continue to fund these transferred functions.

"(4) FEES.—The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization of performing these functions in such fiscal year.

"(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.".

(b) ACCESS TO REGISTER INFORMATION.—

(1) CONFORMING AMENDMENTS.—Section 30305(b) of title 49, United States Code, is amended—

(A) in paragraph (2) by inserting before the period at the end the following: ", unless the information is about a revocation or suspension still in effect on the date of the request";

(B) in paragraph (8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908)—

(i) by striking "paragraph (2)" and inserting "subsection (a) of this section"; and

(ii) by moving the text of such paragraph 2 ems to the left; and

(C) by redesignating paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3262), as paragraph (9).

(2) FEDERAL AGENCY ACCESS PROVISION.—Section 30305(b) of title 49, United States Code, is further amended—

(A) by redesignating paragraph (6) as paragraph (10) and inserting such paragraph after paragraph (9);

(B) by inserting after paragraph (5) the following:

"(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).''; and

(C) by adding at the end the following:

"(11) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.".

SEC. 208. SAFETY STUDIES.

(a) BLOWOUT RESISTANT TIRES STUDY.—The Secretary shall conduct a study on the benefit to public safety of the use of blowout resistant tires on commercial motor vehicles and the potential to decrease the incidence of accidents and fatalities from accidents occurring as a result of blown out tires.

(b) SCHOOL BUS OCCUPANT SAFETY STUDY.—The Secretary shall conduct a study to assess occupant safety in school buses. The study shall examine available information about occupant safety and analyze options for improving occupant safety.

(c) REPORTS.—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 each study conducted under this section.

(d) LIMITATION ON FUNDING.—The Secretary may not expend more than $200,000, from funds made available by section 210, for conducting each study under this section.

SEC. 209. EFFECTIVENESS OF LAWS ESTABLISHING MAXIMUM BLOOD ALCOHOL CONCENTRATIONS.

(a) STUDY.—The Comptroller General shall conduct a study to evaluate the effectiveness of State laws that—

(1) deem any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle to be driving while intoxicated; and

(2) deem any individual under the age of 21 with a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle to be driving while intoxicated;

in reducing the number and severity of alcohol-involved crashes.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Public Works and the Environment of the Senate a report containing the results of the study conducted under this section.

SEC. 210. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NHTSA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration $128,200,000 for fiscal year 1998, $150,700,000 for fiscal year 1999, and $195,700,000 for each of fiscal years 2000 through 2003.

(2) FHWA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the Federal Highway Administration $12,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, and $25,000,000 for each of fiscal years 2000 through 2003.

(3) NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of such title by the National Highway Traffic Safety Administration $55,000,000 for each of fiscal years 1998 through 2003.

(4) FHWA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of such title by the Federal Highway Administration $20,000,000 for each of fiscal years 1998 through 2003.

(5) OCCUPANT PROTECTION INCENTIVE GRANTS.—For carrying out section 405 of such title $9,000,000 for fiscal year 1998 and $20,000,000 for each of fiscal years 1999 through 2003.

(6) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—For carrying out section 410 of such title $35,000,000 for fiscal year 1998 and $45,000,000 for each of fiscal years 1999 through 2003.

(7) STATE HIGHWAY SAFETY DATA GRANTS.—For carrying out section 411 of such title $2,500,000 for fiscal year 1998 and $12,000,000 for each of fiscal years 1999 through 2003.

(8) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 of title 49, United States Code, by the National Highway Traffic Safety Administration, $2,300,000 for each of fiscal years 1998 through 2003.

(b) TRANSFERS.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraph (5), (6), or (7) of subsection (a) to the amounts made available under any other of such paragraphs in order to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which the State is eligible under sections 405, 406, and 410 of title 23, United States Code.

SEC. 211. TRANSPORTATION INJURY RESEARCH.

(a) CENTER FOR TRANSPORTATION INJURY RESEARCH.—

(1) IN GENERAL.—The Secretary shall make grants to establish and maintain a center for transportation injury research at the Calspan University of Buffalo Research Center affiliated with the State University of New York at Buffalo.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $2,000,000 per fiscal year shall be available to carry out this subsection.

(b) HEAD AND SPINAL CORD INJURY RESEARCH.—

(1) IN GENERAL.—The Secretary shall make grants to the Neuroscience Center for Excellence at Louisiana State University and the Virginia Transportation Research Institute at George Washington University for research and technology development for preventing and minimizing head and spinal cord injuries relating to automobile accidents.

(2) FUNDING.—Of amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(F), $500,000 per fiscal year shall be available to carry out this subsection.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 301. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

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

SEC. 302. DEFINITIONS.

Section 5302 is amended to read as follows:

"§5302. Definitions

"(a) IN GENERAL.—In this chapter, the following definitions apply:

"(1) CAPITAL PROJECT.—The term 'capital project' means a project for—

"(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in mass transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights of way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating a bus;

"(C) remanufacturing a bus;

"(D) overhauling rail rolling stock;

"(E) preventive maintenance;

"(F) leasing equipment or a facility for use in mass transportation subject to regulations the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than acquisition or construction; or

"(G) a mass transportation improvement that enhances economic development or incorporates private investment (including commercial and residential development and pedestrian and bicycle access to a mass transportation facility) because the improvement—

"(i) enhances the effectiveness of a mass transportation project and is related physically or functionally to that mass transportation project or establishes new or enhanced coordination between mass transportation and other transportation; and

"(ii) provides a fair share of revenue for mass transportation that will be used for mass transportation.

"(2) CHIEF EXECUTIVE OFFICER OF A STATE.—The term 'chief executive officer of a State' includes the designee of the chief executive officer.

"(3) EMERGENCY REGULATION.—The term 'emergency regulation' means a regulation—

"(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(b) of this title; and

"(B) prescribed by the Secretary of Transportation as the result of a finding that a delay in the effective date of the regulation—

"(i) would injure seriously an important public interest;

"(ii) would frustrate substantially legislative policy and intent; or

"(iii) would damage seriously a person or class without serving an important public interest.

"(4) FIXED GUIDEWAY.—The term 'fixed guideway' means a mass transportation facility—

"(A) using and occupying a separate right of way or rail for the exclusive use of mass transportation and other high occupancy vehicles; or

"(B) using a fixed catenary system and a right of way usable by other forms of transportation.

"(5) HANDICAPPED INDIVIDUAL.—The term 'handicapped individual' means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use effectively, without special facilities, planning, or design, mass transportation service or a mass transportation facility.

"(6) LOCAL GOVERNMENTAL AUTHORITY.—The term 'local governmental authority' includes—

"(A) a political subdivision of a State;

"(B) an authority of at least one State or political subdivision of a State;

"(C) an Indian tribe; and

"(D) a public corporation, board, or commission established under the laws of a State.

"(7) MASS TRANSPORTATION.—The term 'mass transportation' means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or sightseeing transportation.

"(8) NET PROJECT COST.—The term 'net project cost' means the part of a project that reasonably cannot be financed from revenues.

"(9) NEW BUS MODEL.—The term 'new bus model' means a bus model (including a model using alternative fuel)—

"(A) that has not been used in mass transportation in the United States before the date of production of the model; or

"(B) used in mass transportation in the United States but being produced with a major change in configuration or components.

"(10) PREVENTIVE MAINTENANCE.—The term 'preventive maintenance' means a major activity intended to improve or upgrade a transit vehicle or facility or repair or replace a damaged, malfunctioning, overaged, or outmoded transit vehicle or facility system, subsystem, element, or component. Such term does not include any activity of a routine or servicing nature, such as checking and replenishing fluid levels, adjusting settings on otherwise properly operating components, washing and cleaning a transit vehicle or facility, changing tires and wheels, or repairing damage to a vehicle or facility caused by an accident.

"(11) PUBLIC TRANSPORTATION.—The term 'public transportation' means mass transportation.

"(12) REGULATION.—The term 'regulation' means any part of a statement of general or particular applicability of the Secretary of Transportation designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

"(13) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

"(14) TRANSIT.—The term 'transit' means mass transportation.

"(15) TRANSIT ENHANCEMENT.—The term 'transit enhancement' means with respect to any project or an area to be served by the project, historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities and canals); projects that enhance transit safety and security; landscaping and other scenic beautification and art in and around mass transportation stations, facilities, bus shelters, bridges, and buses; bicycle and pedestrian access to mass transportation, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles; projects that enhance access for the disabled to mass transportation; and archaeological planning and research related to mass transportation projects.

"(16) URBAN AREA.—The term 'urban area' means an area that includes a municipality or other built-up place that the Secretary of Transportation, after considering local patterns and trends of urban growth, decides is appropriate for a local mass transportation system to serve individuals in the locality.

"(17) URBANIZED AREA.—The term 'urbanized area' means an area—

"(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

"(B) designated as an urbanized area within boundaries fixed by State and local officials and approved by the Secretary of Transportation.

"(b) AUTHORITY TO MODIFY 'HANDICAPPED INDIVIDUAL'.—The Secretary of Transportation by regulation may modify the definition of subsection (a)(5) as it applies to section 5307(d)(1)(D) of this title.".

SEC. 303. METROPOLITAN PLANNING.

(a) GOALS AND OBJECTIVES OF PLANNING PROCESS.—Section 5303(b) is amended to read as follows:

"(b) GOALS AND OBJECTIVES OF PLANNING PROCESS.—

"(1) CONSIDERATION.—To the extent that the metropolitan planning organization determines appropriate, the metropolitan transportation planning process may include consideration of goals and objectives that—

"(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increase the safety and security of the transportation system for all users;

"(C) increase the accessibility and mobility for people and freight;

"(D) protect and enhance the environment, conserve energy, and enhance quality of life;

"(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(F) promote efficient system utilization and operation; and

"(G) preserve and optimize the existing transportation system.

This paragraph shall apply to the development of long-range transportation plans and transportation improvement programs.

"(2) CONVERSION TO GOALS AND OBJECTIVES.—The metropolitan planning organization shall cooperatively determine with the State and mass transportation operators how the considerations listed in paragraph (1) are translated into metropolitan goals and objectives and how they are factored into decisionmaking.".

(b) COORDINATION.—Section 5303(e) is amended by adding at the end the following:

"(4) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than one metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.".

(c) LONG-RANGE TRANSPORTATION PLAN.—Section 5303(f) is amended—

(1) in paragraph (1) by inserting "transportation" after "long-range";

(2) in paragraph (1) by striking "at least shall—" and inserting "shall contain, at a minimum, the following:";

(3) in paragraph (1)(A)—

(A) by striking "identify" and inserting "An identification of"; and

(B) by striking the semicolon at the end and inserting a period;

(4) by striking paragraph (1)(B) and inserting the following:

"(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.";

(5) in paragraph (1)(C)—

(A) by striking "assess" and inserting "An assessment of"; and

(B) by striking "; and" and inserting a period;

(6) in paragraph (1)(D) by striking "indicate" and inserting "Indicate";

(7) in paragraph (4) by inserting after "employees," the following: "freight shippers and providers of freight transportation services,"; and

(8) in paragraph (5) by inserting "transportation" before "plan".

SEC. 304. TRANSPORTATION IMPROVEMENT PROGRAM.

Section 5304 is amended—

(1) in subsection (a) by striking "2 years" and inserting "3 years"; and

(2) in subsection (b)(2)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following:

"(D) may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.".

SEC. 305. TRANSPORTATION MANAGEMENT AREAS.

Section 5305(d)(1) is amended by striking "of the National Highway System" each place it appears and inserting the following: "under the National Highway System and high risk road safety programs,".

SEC. 306. URBANIZED AREA FORMULA GRANTS.

(a) SECTION HEADING.—

(1) AMENDMENT TO SECTION.—Section 5307 is amended by striking the section heading and inserting the following:

"§5307. Urbanized area formula grants".

(2) CONFORMING AMENDMENT.—The item relating to section 5307 in the table of sections for chapter 53 is amended to read as follows:

"5307. Urbanized area formula grants.".

(b) DEFINITIONS.—Section 5307(a) is amended—

(1) by striking "In this section—" and inserting "In this section, the following definitions apply:";

(2) by inserting "ASSOCIATED CAPITAL MAINTENANCE ITEMS.—The term" after "(1)"; and

(3) by inserting "DESIGNATED RECIPIENT.—The term" after "(2)".

(c) GENERAL AUTHORITY.—Section 5307(b) is amended—

(1) in paragraph (1)—

(A) by striking ", improvement, and operating costs" and inserting "and improvement costs"; and

(B) by adding at the end the following new sentence: "In an urbanized area with a population of less than 200,000, the Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation.";

(2) by striking paragraphs (3) and (5); and

(3) by redesignating paragraph (4) as paragraph (3).

(d) ADVANCE CONSTRUCTION.—Section 5307(g)(3) is amended by striking "the amount by which" and all that follows through the period at the end and inserting "the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.".

(e) COORDINATION OF REVIEWS.—Section 5307(i)(2) is amended by adding at the end the following: "To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.".

(f) TRANSIT ENHANCEMENT ACTIVITIES.—Section 5307(k) is amended to read as follows:

"(k) TRANSIT ENHANCEMENT ACTIVITIES.—2 percent of the funds apportioned to urbanized areas of at least 200,000 population under section 5336 for a fiscal year shall only be available for transit enhancement activities.".

(g) CONFORMING AMENDMENTS.—Section 5307(n) is amended—

(1) by striking "(1)" the first place it appears and all that follows through "(2)"; and

(2) by inserting "5319," after "5318,".

SEC. 307. MASS TRANSIT ACCOUNT BLOCK GRANTS.

Section 5308, and the item relating to section 5308 in the table of sections for chapter 53, are repealed.

SEC. 308. CAPITAL PROGRAM GRANTS AND LOANS.

(a) SECTION HEADING.—Section 5309 is amended in the section heading by striking "**Discretionary**" and inserting "**Capital program**".

(b) CONFORMING AMENDMENT.—The item relating to section 5309 in the table of sections for

chapter 53 is amended by striking "Discretionary" and inserting "Capital program".

(c) GENERAL AUTHORITY.—Section 5309(a) is amended—

(1) by striking paragraph (1)(E) and inserting the following:

"(E) capital projects to modernize existing fixed guideway systems;";

(2) by striking "and" at the end of paragraph (1)(F);

(3) by striking the period at the end of paragraph (1)(G) and inserting "; and"; and

(4) by inserting after paragraph (1)(G) the following:

"(H) capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.".

(d) CONSIDERATION OF DECREASED COMMUTER RAIL TRANSPORTATION.—Section 5309(c) is repealed.

(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—Section 5309(e) is amended to read as follows:

"(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

"(1) IN GENERAL.—The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary determines that the proposed project is—

"(A) based on the results of an alternatives analysis and preliminary engineering;

"(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

"(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

"(2) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

"(3) PROJECT JUSTIFICATION.—In evaluating a project under paragraph (1)(B), the Secretary shall—

"(A) consider the direct and indirect costs of relevant alternatives;

"(B) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

"(C) identify and consider existing mass transportation supportive land use policies and future land use patterns and the costs of urban sprawl;

"(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

"(E) consider population density, current transit ridership in the corridor, and cost per new rider;

"(F) consider the technical capability of the grant recipient to construct the project;

"(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

"(H) consider other factors the Secretary determines appropriate to carry out this chapter.

"(4) LOCAL FINANCIAL COMMITMENT.—

"(A) EVALUATION OF PROJECT.—In evaluating a project under paragraph (1)(C), the Secretary shall require that—

"(i) the proposed project plan provides for the availability of contingency amounts the Secretary determines to be reasonable to cover unanticipated cost increases;

"(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

"(B) STABILITY, RELIABILITY, AND AVAILABILITY OF LOCAL FINANCING.—In assessing the stability, reliability, and availability of proposed sources of local financing for the project, the Secretary shall consider—

"(i) existing grant commitments;

"(ii) the degree to which financing sources are dedicated to the purposes proposed;

"(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

"(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

"(5) REGULATIONS.—No later than 120 days after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, the Secretary shall issue regulations on how the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment as required under this subsection.

"(6) PROJECT EVALUATION AND RATING.—A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making such findings, the Secretary shall evaluate and rate the project as either highly recommended, recommended, or not recommended based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the regulations issued under paragraph (5).

"(7) FULL FUNDING GRANT AGREEMENT.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

"(8) LIMITATIONS ON APPLICABILITY.—

"(A) PROJECTS WITH A SECTION 5309 FEDERAL SHARE OF LESS THAN $25,000,000.—A project for a new fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

"(B) PROJECTS IN NONATTAINMENT AREAS.—The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

"(i) located in a nonattainment area;

"(ii) a transportation control measure (as defined by the Clean Air Act (42 U.S.C. 7401 et seq.)); and

"(iii) required to carry out the State Implementation Plan.

"(C) PROJECTS FINANCED WITH HIGHWAY FUNDS.—This subsection does not apply to a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

"(D) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of the enactment of this subparagraph.".

(f) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) is amended—

(1) in the subsection heading by striking "FINANCING" and inserting "FUNDING";

(2) by striking "full financing" each place it appears and inserting "full funding"; and

(3) in paragraph (1)(B)—

(A) by striking "30 days" and inserting "60 days";

(B) by inserting before the first comma "or entering into a full funding grant agreement"; and

(C) by striking "issuance of the letter." and inserting "letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.".

(g) ALLOCATING AMOUNTS.—Section 5309(m) is amended to read as follows:

"(m) ALLOCATING AMOUNTS.—

"(1) IN GENERAL.—Of the amounts made available by section 5338(b) for grants and loans under this section for each of fiscal years 1998 through 2003—

"(A) 40 percent shall be available for fixed guideway modernization;

"(B) 40 percent shall be available for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems; and

"(C) 20 percent shall be available to replace, rehabilitate, and buy buses and related equipment and to construct bus-related facilities.

"(2) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

"(3) BUS AND BUS FACILITY GRANTS.—

"(A) CONSIDERATION.—In making grants under paragraph (1)(C), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

"(B) FUNDING FOR BUS TESTING FACILITY.—Of the amounts made available by paragraph (1)(C), $3,000,000 shall be available in each of fiscal years 1998 through 2003 to carry out section 5318.

"(C) FUNDING FOR BUS TECHNOLOGY PILOT PROGRAM.—Of the funds made available by paragraph (1)(C), 10 percent shall be available in each of fiscal years 1998 through 2003 to carry out the bus technology pilot program under subsection (o).

"(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.

"(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for, or receiving, assistance for a project described in clause (A), (B), or (C) of paragraph (1) may receive assistance for a project described in another of those clauses.".

(h) ADVANCE CONSTRUCTION.—Section 5309(n)(2) is amended by striking "in a way" and inserting "in a manner".

(i) CONFORMING AMENDMENTS.—

(1) RELOCATION OF SUBSECTION.—Section 5309 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (o) as subsections (f) through (n), respectively.

(2) CROSS REFERENCES.—Chapter 53 is amended—

(A) in section 5319 by striking "5309(h)" and inserting "5309(g)";

(B) in section 5328(a)(2) by striking "5309(e)(1)–(6) of this title" and inserting "5309(e)"; and

(C) in section 5328(a)(4) by striking "5309(m)(2) of this title" and inserting "5309(o)(1)".

(3) REFERENCES TO FULL FUNDING GRANT AGREEMENTS.—Sections 5320 and 5328(a)(4) are each amended by striking "full financing" each place it appears and inserting "full funding". The subsection heading for section 5320(e) is amended by striking "FINANCING" and inserting "FUNDING".

(j) BUS TECHNOLOGY PILOT PROGRAM.—Section 5309 is further amended by adding at the end the following:

"(o) BUS TECHNOLOGY PILOT PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a pilot program for the testing and deployment of new bus technology, including clean fuel and alternative fuel technology.

"(2) PROJECTS.—Under the pilot program, the Secretary shall carry out projects for testing and deployment of new bus technology, including clean fuel and alternative fuel technology. The Secretary shall select projects for funding under the pilot program that will employ a variety of technologies and will be performed in a variety of geographic areas of the country with populations under 50,000, between 50,000 and 200,000, and over 200,000.

"(3) REPORT.—Not later than April 30, 2000, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the pilot program, including a description of the projects carried out, the amounts obligated, and the status of the test and deployment activities undertaken.".

(k) REPORTS.—Section 5309 is further amended by adding at the end the following:

"(p) REPORTS.—

"(1) FUNDING LEVELS AND ALLOCATIONS OF FUNDS FOR FIXED GUIDEWAY SYSTEMS.—

"(A) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

"(B) RECOMMENDATIONS ON FUNDING.—The annual report under this paragraph shall include evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of the enactment of this Act or October 1 of the preceding fiscal year, whichever date is earlier. The report shall also include recommendations of projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

"(2) SUPPLEMENTAL REPORT ON NEW STARTS.—The Secretary shall submit a report to Congress on the 31st day of August of each year that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

"(3) ANNUAL GAO REVIEW.—The General Accounting Office shall—

"(A) conduct an annual review of—

"(i) the processes and procedures for evaluating and rating projects and recommending projects; and

"(ii) the Secretary's implementation of such processes and procedures; and

"(B) shall report to Congress on the results of such review by April 30 of each year.".

(l) PROJECT DEFINED.—Section 5309 is further amended by adding at the end the following:

"(q) PROJECT DEFINED.—In this section, the term 'project' means, with respect to a new fixed guideway system or extension to an existing fixed guideway system, a minimum operable segment of the project.".

SEC. 309. DOLLAR VALUE OF MOBILITY IMPROVEMENTS.

(a) IN GENERAL.—The Secretary shall not consider the dollar value of mobility improvements, as specified in the report required under section 5309(m)(1)(C) or section 5309(p) (as added by this Act), in evaluating projects under section 5309 of title 49, United States Code, in developing regulations, or in carrying out any other duty of the Secretary.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the dollar value of mobility improvements and the relationship of mobility improvements to the overall transportation justification of a new fixed guideway system or extension to an existing system.

(2) REPORT.—Not later than January 1, 2000, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study, including an analysis of the factors relevant to determining the dollar value of mobility improvements.

SEC. 310. FORMULA GRANTS AND LOANS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) SECTION HEADING.—Section 5310 is amended in the section heading by striking "**Grants**" and inserting "**Formula grants**".

(b) CONFORMING AMENDMENT.—The item relating to section 5310 in the table of sections for chapter 53 is amended by inserting "formula" before "grants".

SEC. 311. FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS.

(a) INTERCITY BUS TRANSPORTATION.—Section 5311 is amended—

(1) in the section heading by striking "**Financial assistance**" and inserting "**Formula grants**"; and

(2) in subsection (f)(1) by striking "10 percent of the amount made available in the fiscal year ending September 30, 1993, and".

(b) CONFORMING AMENDMENT.—The item relating to section 5311 in the table of sections for chapter 53 is amended by striking "Financial assistance" and inserting "Formula grant".

SEC. 312. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING PROJECTS.

(a) IN GENERAL.—Section 5312 is amended—

(1) in each of subsections (a) and (b) by striking the first parenthetical phrase; and

(2) by adding at the end the following:

"(d) JOINT PARTNERSHIPS FOR DEPLOYMENT OF INNOVATION.—

"(1) CONSORTIUM DEFINED.—In this subsection, the term 'consortium' means one or more public or private organizations located in the United States which provide mass transportation service to the public and one or more businesses, including small and medium sized businesses, incorporated in a State, offering goods or services or willing to offer goods or services to mass transportation operators. It may include as additional members public or private research organizations located in the United States, or State or local governmental authorities.

"(2) GRANTS AND AGREEMENTS.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements with consortia selected competitively from among public and private partnerships to promote the early deployment of innovation in mass transportation technology, services, management, or operational practices. Any such grant, contract, or agreement shall provide for the sharing of costs, risks, and rewards of early deployment of innovation. Such grants, contracts, and agreements shall be subject to such terms and conditions as the Secretary prescribes.

"(3) CONSULTATION REQUIREMENT.—This subsection shall be carried out in consultation with the transit industry.

"(4) COST SHARING.—Any consortium that receives a grant or enters into a contract or agreement under this subsection shall provide at least 50 percent of the cost of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to such project.

"(5) PUBLIC NOTICE.—The Secretary shall periodically give public notice of—

"(A) the technical areas for which joint partnerships are solicited under this subsection;

"(B) required qualifications of consortia desiring to participate in such partnerships;

"(C) the method of selection and evaluation criteria to be used in selecting participating consortia and projects under this subsection; and

"(D) the process by which projects will be awarded under this subsection.

"(6) ACCEPTANCE OF REVENUES.—The Secretary may accept a portion of the revenues resulting from sales of an innovation supported under this subsection and deposit any revenues accepted into a special account of the Treasury of the United States to be established for purposes of carrying out this subsection.

"(e) INTERNATIONAL MASS TRANSPORTATION PROGRAM.—

"(1) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the United States domestic mass transportation community about technological innovations available in the international marketplace and activities that may afford domestic businesses the opportunity to become globally competitive in the export of mass transportation products and services. These activities may include—

"(A) development, monitoring, assessment, and dissemination domestically of information about worldwide mass transportation market opportunities;

"(B) cooperation with foreign public sector entities in research, development, demonstration, training, and other forms of technology transfer and exchange of experts and information;

"(C) advocacy, in international mass transportation markets, of firms, products, and services available from the United States;

"(D) informing the international market about the technical quality of mass transportation products and services through participation in seminars, expositions, and similar activities; and

"(E) offering those Federal Transit Administration technical services which cannot be readily obtained from the United States private sector to foreign public authorities planning or undertaking mass transportation projects if the

cost of these services will be recovered under the terms of each project.

"(2) COOPERATION.—The Secretary may carry out activities under this subsection in cooperation with other Federal agencies, State or local agencies, public and private nonprofit institutions, government laboratories, foreign governments, or any other organization the Secretary determines is appropriate.

"(3) FUNDING.—The funds available to carry out this subsection shall include funds paid to the Secretary by any cooperating organization or person and shall be deposited by the Secretary in a special account in the Treasury of the United States to be established for purposes of carrying out this subsection. The funds shall be available for promotional materials, travel, reception, and representation expenses necessary to carry out the activities authorized by this subsection. Reimbursement for services provided under this subsection shall be credited to the appropriation account concerned.".

(b) MASS TRANSPORTATION TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.—

(1) GENERAL AUTHORITY.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements with eligible consortia to promote the development and early deployment of innovation in mass transportation technology, services, management, or operational practices. The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(2) ELIGIBILITY CRITERIA.—To be qualified to receive funding under this section, an eligible consortium shall—

(A) be organized for the purpose of designing, developing, and deploying advanced mass transportation technologies that address identified technological impediments in the mass transportation field;

(B) have an established mechanism for designing, developing, and deploying advanced mass transportation technologies as evidenced by participation in a Federal program such as the consortia funded pursuant to Public Law 102–396;

(C) facilitate the participation in the consortium of small- and medium-sized businesses in conjunction with large established manufacturers, as appropriate;

(D) be designed to use State and Federal funding to attract private capital in the form of grants or investments to further the purposes of this section; and

(E) provide for the sharing of costs, risks, and rewards of early deployment of innovation in mass transportation technologies.

(3) GRANT REQUIREMENTS.—Grants, contracts, and agreements under paragraph (1) shall be eligible under and consistent with section 5312 of title 49, United States Code, and shall be subject to such terms and conditions as the Secretary prescribes.

(4) FEDERAL SHARE OF COSTS.—The Federal share of costs for a grant, contract, or agreement with a consortium under this subsection shall not exceed 50 percent of the net project cost.

(5) ELIGIBLE CONSORTIUM DEFINED.—For purposes of this section, the term "eligible consortium" means a consortium of—

(A) businesses incorporated in the United States;

(B) public or private educational or research organizations located in the United States;

(C) entities of State or local governments in the United States;

(D) Federal laboratories; or

(E) existing consortia funded pursuant to Public Law 103–396.

(6) FUNDING.—

(A) SET-ASIDE OF AMOUNTS MADE AVAILABLE UNDER SECTION 5338(d).—Of the funds made available by or appropriated under section 5338(d) of title 49, United States Code, for a fiscal year $5,000,000 shall be available to carry out this subsection.

(B) SET-ASIDE OF AMOUNTS MADE AVAILABLE UNDER SECTION 5309(o).—Of the funds made available to carry out the bus technology pilot program under section 5309(o) of title 49, United States Code, for a fiscal year $5,000,000 shall be available to carry out this subsection.

(c) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Of the funds made available for a fiscal year to carry out the bus technology pilot program under section 5309(o) of title 49, United States Code, $4,850,000 shall be available to carry out the fuel cell powered transit bus program and the intermodal transportation fuel cell bus maintenance facility.

(d) ADVANCED TECHNOLOGY PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall make grants for the development of low speed magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $5,000,000 per fiscal year shall be available to carry out this subsection.

(3) FEDERAL SHARE.—The Federal share payable on account of activities carried out using a grant made under this subsection shall be 80 percent of the cost of such activities.

(e) INTELLIGENT TRANSPORTATION SYSTEMS APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall make grants for the study, design, and demonstration of fixed guideway technology in North Orange-South Seminole County, Florida, and in Galveston, Texas.

(2) FUNDING.—Of the amounts made available pursuant to section 5338(d) of title 49, United States Code, for fiscal year 1999, $1,500,000 shall be available to carry out this subsection. Of such sums, $750,000 shall be available for fixed guideway activities in North Orange-South Seminole County, Florida, and $750,000 shall be available for fixed guideway activities in Galveston, Texas.

SEC. 313. NATIONAL PLANNING AND RESEARCH PROGRAMS.

Section 5314(a)(2) is amended by striking "$2,000,000" and inserting "$3,000,000".

SEC. 314. NATIONAL TRANSIT INSTITUTE.

(a) IN GENERAL.—Section 5315 is amended—

*(1) in the section heading by striking "**mass transportation**" and inserting "**transit**"; and*

(2) in subsection (a)—

(A) by striking "mass transportation" in the first sentence and inserting "transit";

(B) by inserting "and architectural design" before the semicolon at the end of paragraph (5);

(C) by striking "carrying out" in paragraph (7) and inserting "delivering";

(D) by inserting ", construction management, insurance, and risk management" before the semicolon at the end of paragraph (11);

(E) by striking "and" at the end of paragraph (13);

(F) by striking the period at the end of paragraph (14) and inserting "; and"; and

(G) by adding at the end the following:

"(15) innovative finance.".

(b) CONFORMING AMENDMENT.—The item relating to section 5315 in the table of sections for chapter 53 is amended by striking "mass transportation" and inserting "transit".

SEC. 315. UNIVERSITY RESEARCH INSTITUTES.

Section 5316, and the item relating to section 5316 in the table of sections for chapter 53, are repealed.

SEC. 316. TRANSPORTATION CENTERS.

Section 5317, and the item relating to section 5317 in the table of sections for chapter 53, are repealed.

SEC. 317. BUS TESTING FACILITIES.

(a) OPERATION AND MAINTENANCE.—Section 5318(b) is amended—

(1) by striking "make a contract with" and inserting "enter into a contract or cooperative agreement with, or make a grant to,";

(2) by inserting "or organization" after "person";

(3) by inserting ", cooperative agreement, or grant" after "The contract"; and

(4) by inserting "mass transportation" after "and other".

(b) AVAILABILITY OF AMOUNTS.—Section 5318(d) is amended by striking "make a contract with" and inserting "enter into a contract or cooperative agreement with, or make a grant to,".

SEC. 318. BICYCLE FACILITIES.

Section 5319 is amended by striking "under this section is for 90 percent of the cost of the project" and inserting "made eligible by this section is for 90 percent of the cost of the project; except that, if the grant or any portion of the grant is made with funds required to be expended under section 5307(k) and the project involves providing bicycle access to mass transportation, that grant or portion of that grant shall be at a Federal share of 95 percent".

SEC. 319. GENERAL PROVISIONS ON ASSISTANCE.

(a) TECHNICAL AMENDMENT.—Section 5323(d) is amended by striking "BUYING AND OPERATING BUSES.—"

and inserting "CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—".

(b) GOVERNMENT'S SHARE.—Section 5323(i) is amended to read as follows:

"(i) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equipment (including clean fuel or alternative fuel vehicle-related equipment) for purposes of complying with or maintaining compliance with the Clean Air Act, is for 90 percent of the net project cost of such equipment attributable to compliance with such Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of such equipment attributable to compliance with such Acts.".

(c) BUY AMERICA.—Section 5323(j)(7) is amended to read as follows:

"(7) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification made under this subsection if the Secretary is satisfied that the manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.".

(d) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—Section 5323 is amended by redesignating subsections (k) and (l) as subsections (l) and (m) and by inserting after subsection (j) the following:

"(k) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—To the extent feasible, governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services and shall be included in the planning for such services.".

(e) SUBMISSION OF CERTIFICATIONS.—Section 5323 is further amended by adding at the end the following:

"(n) SUBMISSION OF CERTIFICATIONS.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(e)(2).".

(f) REQUIRED PAYMENTS AND ELIGIBLE COSTS.—Section 5323 is further amended by adding at the end the following:

"(o) REQUIRED PAYMENTS AND ELIGIBLE COSTS OF PROJECTS THAT ENHANCE ECONOMIC DEVELOPMENT OR INCORPORATE PRIVATE INVESTMENT.—

"(1) REQUIRED PAYMENTS.—Each grant or loan under this chapter for a capital project described in section 5302(a)(1)(G) shall require that a person making an agreement to occupy space in a facility funded under this chapter pay a reasonable share of the costs of the facility through rental payments and other means.

"(2) ELIGIBLE COSTS.—Eligible costs for a capital project described in section 5302(a)(1)(G)—

"(A) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; but

"(B) do not include construction of a commercial revenue producing facility or a part of a public facility not related to mass transportation.".

SEC. 320. CONTRACT REQUIREMENTS.

(a) EFFICIENT PROCUREMENT.—Section 5325 is amended—

(1) by striking subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b); and

(3) by adding at the end the following:

"(c) EFFICIENT PROCUREMENT.—A recipient may award a procurement contract under this chapter to other than the lowest bidder when the award furthers an objective consistent with the purposes of this chapter, including improved long-term operating efficiency and lower long-term costs.".

(b) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—Section 5325(b), as redesignated by subsection (a)(2), is amended—

(1) by inserting "or requirement" after "A contract"; and

(2) by inserting before the last sentence the following: "When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other government agencies, as provided in subparagraphs (C) through (F) of section 112(b)(2) of title 23.".

SEC. 321. SPECIAL PROCUREMENTS.

(a) TURNKEY SYSTEM PROJECTS.—Section 5326(a) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) TURNKEY SYSTEM PROJECT DEFINED.—In this subsection, the term 'turnkey system project' means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a mass transportation system or an operable segment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.";

(2) in paragraph (2)—

(A) by inserting "SELECTION OF TURNKEY PROJECTS.—" after "(2)"; and

(B) by inserting "or an operable segment of a mass transportation system" after "transportation system";

(3) in paragraph (3) by inserting "DEMONSTRATIONS.—" after "(3)"; and

(4) by aligning paragraphs (2) and (3) with paragraph (1) of such section, as amended by paragraph (1) of this section.

(b) TECHNICAL AMENDMENT.—Section 5326 is amended by striking subsection (c) and inserting the following:

"(c) ACQUIRING ROLLING STOCK.—A recipient of financial assistance of the United States Government under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

"(1) based on—

"(A) initial capital costs; or

"(B) performance, standardization, life cycle costs, and other factors; or

"(2) with a party selected through a competitive procurement process.

"(d) PROCURING ASSOCIATED CAPITAL MAINTENANCE ITEMS.—A recipient of a grant under section 5307 of this title procuring an associated capital maintenance item under section 5307(b) may enter into a contract directly with the original manufacturer or supplier of the item to be replaced, without receiving prior approval of the Secretary, if the recipient first certifies in writing to the Secretary that—

"(1) the manufacturer or supplier is the only source for the item; and

"(2) the price of the item is no more than the price similar customers pay for the item.".

(c) CONFORMING AMENDMENT.—Section 5334(b)(4) is amended by striking "5323(a)(2), (c) and (e), 5324(c), and 5325 of this title" and inserting "5323(a)(2), 5323(c), 5323(e), 5324(c), 5325(a), 5325(b), 5326(c), and 5326(d)".

SEC. 322. PROJECT MANAGEMENT OVERSIGHT AND REVIEW.

Section 5327(c)(2) is amended—

(1) by striking "make contracts" and inserting "enter into contracts"; and

(2) by inserting before the period at the end of the first sentence the following: "and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section".

SEC. 323. STUDY ON ALCOHOL AND CONTROLLED SUBSTANCES RANDOM TESTING RATE CALCULATION.

(a) STUDY.—The Secretary shall conduct a study to determine how the alcohol and controlled substances random testing rate under section 5331 of title 49, United States Code, should be calculated.

(b) CONSIDERATIONS.—In conducting the study under this section, the Secretary shall consider—

(1) the differences in random testing results among employers subject to section 5331 of title 49, United States Code;

(2) the differences in random testing results among employers subject to such section in areas with populations of at least 200,000, in areas with populations less than 200,000, and in other than urbanized areas;

(3) the deterrent effect of random testing; and

(4) the effect of random testing on public safety.

(c) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with any proposed changes to the calculation of the random alcohol and controlled substances testing rate.

SEC. 324. ADMINISTRATIVE PROCEDURES.

(a) TRAINING AND CONFERENCE COSTS.—Section 5334(a) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following:

"(10) collect fees to cover the costs of training or conferences, including costs of promotional materials, sponsored by the Federal Transit Administration to promote mass transportation and credit amounts collected to the appropriation concerned.".

(b) FLEXIBILITY FOR AREAS WITH POPULATIONS UNDER 200,000.—Section 5334(i) is amended to read as follows:

"(i) FLEXIBILITY FOR AREAS WITH POPULATIONS UNDER 200,000.—Not later than 180 days after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, the Secretary shall seek public comment on ways to simplify and streamline the administration of the formula program for urbanized areas with populations of less than 200,000 and shall make, to the extent feasible and consistent with statutory requirements, every effort to ease any administrative burdens thereby identified.".

(c) TECHNICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 5334 is amended by inserting "**provisions**" after "**Administrative**".

(2) TABLE OF SECTIONS.—The item relating to section 5334 in the table of sections for chapter 53 is amended by inserting "provisions" after "Administrative".

SEC. 325. REPORTS AND AUDITS.

(a) NATIONAL TRANSIT DATABASE.—Section 5335(a) is amended—

(1) by striking "REPORTING SYSTEM AND UNIFORM SYSTEM OF ACCOUNTS AND RECORDS" and inserting "NATIONAL TRANSIT DATABASE"; and

(2) in paragraph (1)—

(A) by striking "by uniform categories," and inserting "using uniform categories"; and

(B) by striking "and a uniform system of accounts and records" and inserting "and using a uniform system of accounts".

(b) REPORTS.—Section 5335 is further amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsection (d) as subsection (b).

SEC. 326. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336 is amended—

(1) in the section heading by striking "**block grants**" and inserting "**formula grants**"; and

(2) by striking subsection (d) and inserting the following:

"(d) LIMITATION ON OPERATING ASSISTANCE AND PREVENTIVE MAINTENANCE.—Of the funds apportioned under this section for urbanized areas, such sums as may be necessary shall be available for operating assistance for urbanized areas with populations under 200,000, except that the total amount of such funds made available for such operating assistance and for urbanized areas for preventive maintenance activities that become eligible for capital assistance under section 5307 on the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998 may not exceed $400,000,000 for any fiscal year.".

SEC. 327. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) DISTRIBUTION.—Section 5337(a) is amended to read as follows:

"(a) DISTRIBUTION.—The Secretary of Transportation shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 1998 through 2003 as follows:

"(1) The first $497,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Baltimore, $8,372,000.

"(B) Boston, $38,948,000.

"(C) Chicago/Northwestern Indiana, $78,169,000.

"(D) Cleveland, $9,509,500.

"(E) New Orleans, $1,730,588.

"(F) New York, $176,034,461.

"(G) Northeastern New Jersey, $50,604,653.

"(H) Philadelphia/Southern New Jersey, $58,924,764.

"(I) Pittsburgh, $13,662,463.

"(J) San Francisco, $33,989,571.

"(K) Southwestern Connecticut, $27,755,000.

"(2) The next $74,849,950 shall be apportioned as follows:

"(A) $4,849,950 to the Alaska Railroad for improvements to its passenger operations.

"(B) Of the remaining $70,000,000—

"(i) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A); and

"(ii) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Pittsburgh, 61.76 percent.

"(B) Cleveland, 10.73 percent.

"(C) New Orleans, 5.79 percent.

"(D) 21.72 percent in urbanized areas to which paragraph (2)(B)(ii) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(5) The next $140,000,000 shall be apportioned as follows:

"(A) 65 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 35 percent to other urbanized areas eligible for assistance under section 5336(b)(2)(A) of this title if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(6) The next $100,000,000 shall be apportioned as follows:

"(A) 60 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 40 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(7) Remaining amounts shall be apportioned as follows:

"(A) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.".

(b) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—Section 5337 is further amended by adding at the end the following:

"(e) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—(1) Amounts apportioned under paragraphs (2)(B), (3), and (4) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route miles for segments of fixed guideway systems used to determine apportionments for fiscal year 1997.

"(2) Amounts apportioned under paragraphs (5) through (7) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available.".

SEC. 328. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 is amended to read as follows:

"§5338. Authorizations

"(a) FORMULA GRANTS.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5310, and 5311—

"(A) $2,697,600,000 for fiscal year 1998;

"(B) $3,213,000,000 for fiscal year 1999; and

"(C) $3,553,000,000 for each of fiscal years 2000 through 2003.

"(2) FROM THE GENERAL FUND.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated to carry out sections 5307 and 5311—

"(A) $290,000,000 for fiscal year 1998; and

"(B) $68,000,000 for fiscal year 1999.

"(3) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this subsection for a fiscal year—

"(A) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

"(B) 5.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

"(C) 92.23 percent shall be available to provide financial assistance for urbanized areas under section 5307.

"(b) CAPITAL PROGRAM GRANTS AND LOANS.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309:

"(1) $2,197,000,000 for fiscal year 1998.

"(2) $2,412,000,000 for fiscal year 1999.

"(3) $2,613,000,000 for each of fiscal years 2000 through 2003.

"(c) PLANNING.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, 5305, and 5313(b) $54,000,000 for each of fiscal years 2000 through 2003.

"(2) FROM THE GENERAL FUND.—There are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b)—

"(A) $48,000,000 for fiscal year 1998; and

"(B) $52,000,000 for fiscal year 1999.

"(3) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this subsection for a fiscal year—

"(A) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305; and

"(B) 17.28 percent shall be available for State planning under section 5313(b).

"(d) RESEARCH.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322 $38,000,000 for each of fiscal years 2000 through 2003.

"(2) FROM THE GENERAL FUND.—There are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322 $38,000,000 for each of fiscal years 1998 and 1999.

"(3) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this subsection for a fiscal year—

"(A) not less than $5,250,000 shall be available for providing rural transportation assistance under section 5311(b)(2);

"(B) not less than $8,250,000 shall be available for carrying out transit cooperative research programs under section 5313(a);

"(C) not less than $3,000,000 shall be available to carry out programs under the National Transit Institute under section 5315; and

"(D) the remainder shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322.

"(e) UNIVERSITY TRANSPORTATION RESEARCH.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5505 $6,000,000 for each of fiscal years 2000 through 2003.

"(2) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out section 5505 $6,000,000 per fiscal year for fiscal years 1998 and 1999.

"(f) ADMINISTRATION.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund for administrative expenses to carry out section 5334 $52,000,000 for each of fiscal years 2000 through 2003.

"(2) FROM THE GENERAL FUND.—There is authorized to be appropriated for administrative expenses to carry out section 5334—

"(A) $46,000,000 for fiscal year 1998; and

"(B) $50,000,000 for fiscal year 1999.

"(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

"(1) GRANTS FINANCED FROM THE HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(1), (b), (c)(1), (d)(1), (e)(1), or (f)(1) is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

"(2) GRANTS FINANCED FROM GENERAL FUNDS.—A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(2), (c)(2), (d)(2), (e)(2), or (f)(2) is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent amounts are provided in advance in an appropriations law.

"(h) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (e) shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—Chapter 53 is amended as follows:

(1) In sections 5303(h)(1), 5303(h)(2)(A), and 5303(h)(3)(A) by striking "5338(g)(1)" and inserting "5338(c)(3)(A)".

(2) In section 5303(h)(1) by striking "–5306" and inserting "and 5305".

(3) In section 5303(h)(4) by striking "5338(g)" and inserting "5338(c)(3)(A)".

(4) In section 5309(f)(4), as redesignated by section 308(i)(1)(B) of this Act, by striking "5338(a)" and inserting "5338(b)".

(5) In section 5310(b) by striking "5338(a)" and inserting "5338(a)(3)(A)".

(6) In section 5311(c) by striking "5338(a)" and inserting "5338(a)(3)(B)".

(7) In section 5313(a)(1) by striking "section 5338(g)(3)" and inserting "sections 5338(d)(3)(B) and 5338(d)(3)(D)".

(8) In section 5313(b)(1) by striking "5338(g)(3)" and inserting "5338(c)(3)(B)".

(9) In section 5314(a)(1) by striking "5338(g)(4)" and inserting "5338(d)(3)(D)".

(10) In section 5318(d) by striking "5338(j)(5)" and inserting "5309(m)(3)(B)".

(11) In section 5333(b) by striking "5338(j)(5)" each place it appears and inserting "5338(b)".

(12) In section 5336(a) by striking "5338(f)" and inserting "5338(a)(3)(C)".

(13) In section 5336(e)(1) by striking "5338(f)" and inserting "5338(a)(3)(C)".

SEC. 329. OBLIGATION CEILING.

(a) CAPITAL PROGRAM GRANTS AND LOANS.—Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the

Highway Trust Fund by section 5338(b) of title 49, United States Code, shall not exceed—

(1) $2,000,000,000 in fiscal year 1998;

(2) $2,412,000,000 in fiscal year 1999; and

(3) $2,613,000,000 in each of fiscal years 2000 through 2003.

(b) FORMULA GRANTS, PLANNING, RESEARCH, ADMINISTRATION, AND STUDIES.—Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsections (a), (c), (d), (e), and (f) of section 5338 of title 49, United States Code, and sections 331 and 332 of this Act shall not exceed—

(1) $2,260,000,000 in fiscal year 1998;

(2) $3,213,000,000 in fiscal year 1999; and

(3) $3,703,000,000 in each of fiscal years 2000 through 2003.

SEC. 330. ACCESS TO JOBS CHALLENGE GRANT PILOT PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to assist States, local governmental authorities, and nonprofit organizations in financing transportation services designed to transport welfare recipients to and from jobs and activities related to their employment. The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(b) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary shall consider the following:

(1) The percentage of the population in the area to be served that are welfare recipients.

(2) The need for additional services (including bicycling) to transport welfare recipients to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs.

(3) The extent to which the applicant demonstrates coordination with, and the financial commitment of, existing transportation service providers and the extent to which the applicant demonstrates coordination with the State agency or department that administers the State program funded under part A of title IV of the Social Security Act.

(4) The extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands existing transit networks or hours of service or both.

(5) The extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs.

(6) The extent to which the applicant presents a comprehensive approach to addressing the needs of welfare recipients and identifies long-term financing strategies to support the services under this section.

(c) ELIGIBLE PROJECTS.—The Secretary may make grants under this section for—

(1) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

(2) promoting the use of transit by workers with nontraditional work schedules;

(3) promoting the use by appropriate agencies of transit vouchers for welfare recipients under specific terms and conditions developed by the Secretary; and

(4) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of the Internal Revenue Code of 1986.

No planning or coordination activities are eligible for assistance under this section.

(d) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis. The Secretary shall select not more than 10 demonstration projects for the pilot program, including 6 projects from urbanized areas with populations of at least 200,000, 2 projects from urbanized areas with populations less than 200,000, and 2 projects from other than urbanized areas.

(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds appropriated to carry out this section. The Federal share of the costs for a project under this section shall not exceed 50 percent of the net project cost. The remainder shall be provided in cash from sources other than revenues from providing mass transportation. Funds appropriated to a Federal department or agency (other than the Department of Transportation) and eligible to be used for transportation may be used toward the nongovernment share payable on a project under this section.

(f) PLANNING REQUIREMENTS.—The requirements of sections 5303 through 5306 of title 49, United States Code, apply to grants made under this section. Applications must reflect coordination with and the approval of affected transit grant recipients and the projects financed must be part of a coordinated public transit-human services transportation planning process.

(g) GRANT REQUIREMENTS.—A grant under this section shall be subject to all of the terms and conditions of grants made under section 5307 of title 49, United States Code, and such terms and conditions as determined by the Secretary.

(h) PROGRAM EVALUATION.—

(1) COMPTROLLER GENERAL.—Six months after the date of the enactment of this Act and each 6 months thereafter, the Comptroller General shall conduct a study to evaluate the access to jobs program conducted under this section and transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate the results of the study.

(2) DEPARTMENT OF TRANSPORTATION.—The Secretary shall conduct a study to evaluate the access to jobs program conducted under this section and transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate the results of the study within 2 years of the date of the enactment of this Act.

(i) DEFINITIONS.—In this section, the following definitions apply:

(1) CAPITAL PROJECT AND URBANIZED AREA.—The terms "capital project" and "urbanized area" have the meaning such terms have under section 5302 of title 49, United States Code.

(2) EXISTING TRANSPORTATION SERVICE PROVIDERS.—The term "existing transportation service providers" means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from Federal, State, or local sources for nonemergency transportation services.

(3) WELFARE RECIPIENT.—The term "welfare recipient" means an individual who receives or received aid or assistance under a State program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) at any time during the 3-year period ending on the date the applicant applies for a grant under this section.

(j) FUNDING.—There is authorized to be appropriated to carry out this section $42,000,000 per fiscal year for fiscal years 1998 through 2003. Such sums shall remain available until expended.

SEC. 331. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 1997.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall ensure that the total apportionments and allocations made to a designated grant recipient under section 5338 of this Act for fiscal year 1998 shall be reduced by the amount apportioned to such designated recipient pursuant to section 8 of the Surface Transportation Extension Act of 1997 (111 Stat. 2559).

(b) FIXED GUIDEWAY MODERNIZATION ADJUSTMENT.—In making the apportionments described in subsection (a), the Secretary shall adjust the amount apportioned to each urbanized area for fixed guideway modernization for fiscal year 1998 to reflect the method for apportioning funds in section 5337(a).

SEC. 332. PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.

(a) FINAL DESIGN AND CONSTRUCTION.—The following projects are authorized for final design and construction for fiscal years 1998 through 2003 under section 5309(m)(1)(B) of title 49, United States Code:

(1) Atlanta—Athens Commuter Rail.

(2) Atlanta—Griffin Commuter Rail.

(3) Atlanta—North Line Extension.

(4) Austin—NW/North Central/SE—Airport LRT.

(5) Baltimore—Central LRT Extension to Glen Burnie.

(6) Boston—Massport Airport Intermodal Transit Connector.

(7) Boston—North Shore Blue Line Extension to Beverly.

(8) Charlotte—South Corridor Transitway.

(9) Chicago—Navy Pier-McCormick Place Busway.

(10) Chicago—North Central Upgrade Commuter Rail.

(11) Chicago—Ravenswood Line Extension.

(12) Chicago—Southwest Extension.

(13) Chicago—West Line Expansion.

(14) Cleveland—Akron-Canton Commuter Rail.

(15) Cleveland—Berea Metroline Extension.

(16) Cleveland—Blue Line Extension.

(17) Cleveland—Euclid Corridor Extension.

(18) Cleveland—I-90 Corridor to Ashtabula County.

(19) Cleveland—Waterfront Line Extension.

(20) Dallas—North Central Extension.

(21) Dallas—Ft. Worth RAILTRAN (Phase II).

(22) Denver—East Corridor (Airport).

(23) Denver—Southeast LRT (I-25 between 6th & Lincoln).

(24) Denver—Southwest LRT.

(25) Denver—West Corridor LRT.

(26) East St. Louis-St. Clair County—Mid-America Airport Corridor.

(27) Ft. Lauderdale-West Palm Beach-Miami Tri-County Commuter Rail.

(28) Galveston—Trolley Extension.

(29) Hartford—Griffin Line.

(30) Hollis—Ketchikan Ferry.

(31) Houston—Regional Bus Plan—Phase I.

(32) Kansas City—I-35 Commuter Rail.

(33) Kansas City—Southtown Corridor.

(34) Las Vegas Corridor.

(35) Little Rock—River Rail.

(36) Los Angeles—Metrolink San Bernadino Line.

(37) Los Angeles—MOS-3.

(38) Los Angeles—Metrolink (Union Station-Fullerton).

(39) Louisville—Jefferson County Corridor.

(40) MARC—Commuter Rail Improvements.

(41) Maryland Light Rail Double Track.

(42) Memphis—Medical Center Extension.

(43) Miami—East-West Corridor.

(44) Miami—North 27th Avenue Corridor.

(45) Miami—South Busway Extension.

(46) Milwaukee—East-West Corridor.
(47) Monterey County Commuter Rail.
(48) Nashua, NH—Lowell, MA Commuter Rail.
(49) Nashville—Commuter Rail.
(50) New Orleans—Canal Streetcar.
(51) New York—8th Avenue Subway Connector.
(52) New York—Brooklyn—Staten Island Ferry.
(53) New York—Long Island Railroad East Side Access.
(54) New York—Staten Island Ferry—Whitehall Intermodal Terminal.
(55) New York Susquehanna and Western Commuter Rail.
(56) New Jersey Urban Core.
(57) Norfolk—Virginia Beach Corridor.
(58) Oklahoma City—MAPS Link.
(59) Orange County—Fullerton—Irvine Corridor.
(60) Orlando—I-4 Central Florida Light Rail System.
(61) Philadelphia—Schuykill Valley Metro.
(62) Phoenix—Fixed Guideway.
(63) Colorado—Roaring Fork Valley Rail.
(64) Pittsburgh Airborne Shuttle System.
(65) Pittsburgh—MLK Busway Extension.
(66) Portland—South-North Corridor.
(67) Portland—Westside-Hillsboro Corridor.
(68) Raleigh-Durham—Regional Transit Plan.
(69) Sacramento—Folsom Extension.
(70) Sacramento—Placer County Corridor.
(71) Sacramento—South Corridor.
(72) Salt Lake City—Light Rail (Airport to University of Utah).
(73) Salt Lake City—Ogden-Provo Commuter Rail.
(74) Salt Lake City—South LRT.
(75) San Diego—Mid-Coast LRT Corridor.
(76) San Diego—Mission Valley East Corridor.
(77) San Diego—Oceanside—Escondido Corridor.
(78) San Francisco—BART to San Francisco International Airport Extension.
(79) San Francisco—Bayshore Corridor.
(80) San Jose—Tasman Corridor Light Rail.
(81) San Juan—Tren Urbano.
(82) San Juan—Tren Urbano Extension to Minellas.
(83) Santa Cruz—Fixed Guideway.
(84) Seattle—Southworth High Speed Ferry.
(85) Seattle—Sound Move Corridor.
(86) South Boston—Piers Transitway.
(87) St. Louis—Cross County Corridor.
(88) Stockton—Altamont Commuter Rail.
(89) Tampa Bay—Regional Rail.
(90) Twin Cities—Northstar Commuter Rail (Northtown Hub, Anoka County—St. Cloud).
(91) Twin Cities—Transitways Corridors.
(92) Washington—Richmond Rail Corridor Improvements.
(93) Washington, D.C.—Dulles Corridor Extension.
(94) Washington, D.C.—Largo Extension.
(95) West Trenton Line (West Trenton-Newark).
(96) Westlake—Commuter Rail Link.

(b) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—The following projects are authorized for alternatives analysis and preliminary engineering for fiscal years 1998 through 2003 under section 5309(m)(1)(B) of title 49, United States Code:

(1) Albuquerque—High Capacity Corridor.
(2) Atlanta—Georgia 400 Multimodal Corridor.
(3) Atlanta—MARTA Extension (S. DeKalb-Lindbergh).
(4) Atlanta—MARTA I-285 Transit Corridor.
(5) Atlanta—MARTA Marietta-Lawrenceville Corridor.
(6) Atlanta—MARTA South DeKalb Comprehensive Transit Program.
(7) Baltimore—Metropolitan Rail Corridor.
(8) Baltimore—People Mover.
(9) Bergen County Cross—County Light Rail.
(10) Birmingham Transit Corridor.
(11) Boston—Urban Ring.
(12) Charleston—Monobeam.
(13) Chicago—Cominsky Park Station.
(14) Chicago—Inner Circumferential Commuter Rail.
(15) Cumberland/Dauphin County Corridor 1 Commuter Rail.
(16) Dallas—DART LRT Extensions.
(17) Dallas—Las Colinas Corridor.
(18) Dayton—Regional Riverfront Corridor.
(19) El Paso—International Fixed Guideway (El Paso-Juarez).
(20) Fremont—South Bay Corridor.
(21) Georgetown Branch (Bethesda-Silver Spring).
(22) Houston—Advanced Transit Program.
(23) Jacksonville—Fixed Guideway Corridor.
(24) Kenosha-Racine—Milwaukee Rail Extension.
(25) Knoxville—Electric Transit.
(26) Lorain—Cleveland Commuter Rail.
(27) Los Angeles—MOS-4 East Side Extension (II).
(28) Los Angeles—MOS-4 San Fernando Valley East-West.
(29) Los Angeles—LOSSAN (Del Mar-San Diego).
(30) Maine High Speed Ferry Service.
(31) Maryland Route 5 Corridor.
(32) Memphis—Regional Rail Plan.
(33) Miami—Kendall Corridor.
(34) Miami—Northeast Corridor.
(35) Miami—Palmetto Metrorail.
(36) New Jersey Trans-Hudson Midtown Corridor.
(37) New Orleans—Airport—CBD Commuter Rail.
(38) New Orleans—Desire Streetcar.
(39) New York—Astoria—East Elmhurst Extension.
(40) New York—Broadway—Lafayette & Bleecker St Transfer.
(41) New York—Brooklyn—Manhattan Access.
(42) New York—Lower Manhattan Access.
(43) New York—Manhattan East Side Link.
(44) New York—Midtown West Intermodal Terminal.
(45) New York—Nassau Hub.
(46) New York—North Shore Railroad.
(47) New York—Queens West Light Rail Link.
(48) New York—St. George's Ferry Intermodal Terminal.
(49) Newburgh—LRT System.
(50) North Front Range Corridor.
(51) Northeast Indianapolis Corridor.
(52) Oakland Airport—BART Connector.
(53) Philadelphia—Broad Street Line Extension.
(54) Philadelphia—Cross County Metro.
(55) Philadelphia—Lower Marion Township.
(56) Pinellas County—Mobility Initiative Project.
(57) Pittsburgh—Stage II Light Rail Reconstruction.
(58) Redlands—San Bernardino Transportation Corridor.
(59) Riverside—Perris rail passenger service.
(60) Salt Lake City—Draper Light Rail Extension.
(61) Salt Lake City—West Jordan Light Rail Extension.
(62) San Francisco—CalTrain Extension to Hollister.
(63) Scranton—Laurel Line Intermodal Corridor.
(64) SEATAC—Personal Rapid Transit.
(65) Toledo—CBD to Zoo.
(66) Union Township Station (Raritan Valley Line).
(67) Washington County Corridor (Hastings-St. Paul).
(68) Washington, D.C.—Georgetown-Ft. Lincoln.
(69) Williamsburg—Newport News-Hampton LRT.
(70) Cincinnati/N. Kentucky—Northeast Corridor.
(71) Northeast Ohio—commuter rail.

(c) EFFECT OF AUTHORIZATION.—

(1) IN GENERAL.—Projects authorized by subsection (a) for final design and construction are also authorized for alternatives analysis and preliminary engineering.

(2) FIXED GUIDEWAY AUTHORIZATION.—The project authorized by subsection (a)(3) includes an additional 28 rapid rail cars and project scope changes from amounts authorized by the Intermodal Surface Transportation Efficiency Act of 1991.

(3) INTERMODAL CENTER AUTHORIZATION.—Notwithstanding any other provision of law, the Huntington, West Virginia Intermodal Facility project is eligible for funding under section 5309(m)(1)(C) of title 49, United States Code.

(d) NEW JERSEY URBAN CORE PROJECT.—

(1) ALLOCATIONS.—Section 3031(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122) is amended by adding at the end the following:

"(3) ALLOCATIONS.—

"(A) RAIL CONNECTION BETWEEN PENN STATION NEWARK AND BROAD STREET STATION, NEWARK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary shall set aside 10 percent, but not more than $5,000,000, per fiscal year for preliminary engineering, design, and construction of the rail connection between Penn Station, Newark and Broad Street Station, Newark.

"(B) NEWARK—NEWARK INTERNATIONAL AIRPORT—ELIZABETH TRANSIT LINK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set aside under subparagraph (A), shall set aside 10 percent, but not more than $5,000,000, per fiscal year for preliminary engineering, design, and construction of the Newark—Newark International Airport—Elizabeth Transit Link, including construction of the auxiliary New Jersey Transit station, described in subsection (d).

"(C) LIGHT RAIL CONNECTION AND ALIGNMENT WITHIN AND SERVING THE CITY OF ELIZABETH.—Of amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set-aside under subparagraphs (A) and (B), shall set aside 10 percent but not more than $5,000,000 per fiscal year for preliminary engineering, design, and construction of the light rail connection and alignment within and serving the city of Elizabeth as described in subsection (d).".

(2) CONFORMING AMENDMENT.—Section 3031(c) of such Act is amended—

(A) by striking "section 3(i) of the Federal Transit Act (relating to criteria for new starts)" and inserting "section 5309(e) of title 49, United States Code,"; and

(B) by striking "; except" and all that follows through "such element".

(3) ELEMENTS OF NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of such Act is amended—

(A) by inserting after "Secaucus Transfer" the following: "(including relocation and construction of the Bergen County and Pascack Valley Rail Lines and the relocation of the Main/Bergen Connection with construction of a rail station and associated components to and at the contiguous New Jersey Meadowlands Sports Complex)";

(B) by striking ", Newark-Newark International Airport-Elizabeth Transit Link" and inserting the following: "(including a connection from the Vince Lombardi Station to Saddlebrook), Newark-Newark International Airport-Elizabeth Transit Link (including construction of an auxiliary New Jersey Light Rail Transit station directly connected to and integrated with the Amtrak Northeast Corridor Station at Newark International Airport, providing access from the Newark-Newark International Airport-Elizabeth Light Rail Transit Link to the Newark International Airport)"; and

(C) by inserting after "New York Penn Station Concourse," the following: "the restoration of commuter rail service in Lakewood to Freehold to Matawan or Jamesburg, New Jersey, as described in section 3035(p) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131), a light rail extension of the Newark-Newark International Airport-Elizabeth Light Rail Transit Link from Elizabeth, New Jersey, to the towns of Cranford, Westfield, Fanwood, and Plainfield in Union County, New Jersey, and any appropriate light rail connections and alignments within the city of Elizabeth to be determined by the city of Elizabeth and the New Jersey Department of Transportation (and which shall include connecting midtown Elizabeth to Route 1 Park and Ride, the Elizabeth Car House Museum, Division Street, Singer Place, Ferry Terminal, Jersey Gardens Mall, Elizabeth Port to Lot D at Newark Airport) and any appropriate fixed guideway system in Passaic County,".

SEC. 333. PROJECTS FOR BUS AND BUS-RELATED FACILITIES.

Of the amounts made available to carry out section 5309(m)(1)(C) for each of fiscal years 1999 and 2000, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

Project	FY 1999 (in millions)	FY 2000 (in millions)
1. Albuquerque, NM buses	1.250	1.250
2. Alexandria, VA bus maintenance facility	1.000	1.000
3. Alexandria, VA King Street Station access	1.100	0.000
4. Altoona, PA Metro Transit Authority buses and transit system improvements	0.842	0.842
5. Altoona, PA Metro Transit Authority Logan Valley Mall Suburban Transfer Center	0.080	0.000
6. Altoona, PA Metro Transit Authority Transit Center improvements	0.424	0.000
7. Arkansas Highway and Transit Department buses	0.200	0.000
8. DArmstrong County-Mid County, PA bus facilities and buses	0.150	0.150
9. DAtlanta, GA MARTA buses	9.000	13.500
10. Austin, TX buses	1.250	1.250
11. Babylon, NY Intermodal Center	1.250	1.250
12. Birmingham-Jefferson County, AL buses	1.250	1.250
13. Boulder/Denver, CO RTD buses	0.625	0.625
14. Bradford County, Endless Mountain Transportation Authority buses	1.000	0.000
15. Brookhaven Town, NY elderly and disabled buses and vans	0.225	0.000
16. Brooklyn-Staten Island, NY Mobility Enhancement buses	0.800	0.000
17. Broward County, FL buses	1.000	0.000
18. Buffalo, NY Auditorium Intermodal Center	2.000	2.000
19. Buffalo, NY Crossroads Intermodal Station	1.000	0.000
20. Cambria County, PA bus facilities and buses	0.575	0.575
21. Centre Area, PA Transportation Authority buses	1.250	1.250
22. Chambersburg, PA Transit Authority buses	0.300	0.000
23. DChambersburg, PA Transit Authority Intermodal Center	1.000	0.000
24. Chatham, GA Downtown Transfer Center, Multimodal Circulator and Southside Transit Center	1.250	1.250
25. Chester County, PA Paoli Transportation Center	1.000	1.000
26. Clark County, NV Regional Transportation Commission buses	1.250	1.250
27. Cleveland, OH Triskett Garage bus maintenance facility	0.625	0.625
28. Crawford Area, PA Transportation buses	0.500	0.000
29. Culver City, CA CityBus buses	1.250	1.250
30. Davis, CA Unitrans transit maintenance facility	0.625	0.625
31. Dayton, OH Multimodal Transportation Center	0.625	0.625
32. Daytona, FL Intermodal Center	2.500	2.500
33. Duluth, MN Transit Authority community circulation vehicles	1.000	1.000
34. Duluth, MN Transit Authority intelligent transportation systems	0.500	0.500
35. Duluth, MN Transit Authority Transit Hub	0.500	0.500
36. Dutchess County, NY Loop System buses	0.521	0.521
37. East Hampton, NY elderly and disabled buses and vans	0.100	0.000
38. Erie, PA Metropolitan Transit Authority buses	1.000	1.000
39. Everett, WA Multimodal Transportation Center	1.950	1.950
40. Fayette County, PA Intermodal Facilities and buses	1.270	1.270
41. Fayetteville, AR University of Arkansas Transit System buses	0.500	0.000
42. Fort Dodge, IA Intermodal Facility (Phase II)	0.885	0.885
43. Gary, IN Transit Consortium buses	1.250	1.250
44. Grant County, WA buses and vans	0.600	0.000
45. Greensboro, NC Multimodal Center	3.340	3.339
46. Greensboro, NC Transit Authority buses	1.500	1.500
47. Greensboro, NC Transit Authority small buses and vans	0.321	0.000
48. Hartford, CT Transportation Access Project	0.800	0.000
49. Healdsburg, CA Intermodal Facility	1.000	1.000
50. Honolulu, HI bus facility and buses	2.250	2.250
51. Hot Springs, AR Transportation Depot and Plaza	0.560	0.560
52. Humboldt, CA Intermodal Facility	1.000	0.000
53. Huntington, WV Intermodal Facility	8.000	12.000
54. Illinois statewide buses and bus-related equipment	6.800	8.200
55. Indianapolis, IN buses	5.000	5.000
56. Iowa/Illinois Transit Consortium bus safety and security	1.000	1.000
57. Ithaca, NY TCAT bus technology improvements	1.250	1.250
58. Lackawanna County, PA Transit System buses	0.600	0.600
59. Lakeland, FL Citrus Connection transit vehicles and related equipment	1.250	1.250
60. Lane County, OR Bus Rapid Transit	4.400	4.400
61. Lansing, MI CATA bus technology improvements	0.600	0.000
62. Little Rock, AR Central Arkansas Transit buses	0.300	0.000
63. Livermore, CA automatic vehicle locator	1.000	1.000
64. Long Island, NY CNG transit vehicles and facilities	1.250	1.250
65. Los Angeles County, CA Foothill Transit buses	1.625	1.625

Project	FY 1999 (in millions)	FY 2000 (in millions)
66. Los Angeles County, CA MTOC buses	1.000	1.000
67. Los Angeles, CA San Fernando Valley smart shuttle buses	0.300	0.000
68. Los Angeles, CA Union Station Gateway Intermodal Transit Center	1.250	1.250
69. Louisiana statewide bus facilities and buses	8.000	12.000
70. Maryland statewide bus facilities and buses	7.000	11.500
71. Mercer County, PA buses	0.750	0.000
72. Miami Beach, FL Electric Shuttle Service	0.750	0.750
73. Miami-Dade, FL buses	1.750	1.750
74. Michigan statewide buses	10.000	13.500
75. Milwaukee County, WI buses	4.000	6.000
76. Mineola/Hicksville, NY LIRR Intermodal Centers	1.250	1.250
77. Mobile, AL GM&O Intermodal Facility	0.750	0.000
78. Modesto, CA bus maintenance facility	0.625	0.625
79. Monroe County, PA Transportation Authority buses	1.000	0.000
80. Monterey, CA Monterey-Salinas buses	0.625	0.625
81. Morango Basin, CA Transit Authority bus facility	0.650	0.000
82. New Haven, CT bus facility	2.250	2.250
83. New Jersey Transit jitney shuttle buses	1.750	1.750
84. Newark, NJ Morris & Essex Station access and buses	1.250	1.250
85. Northstar Corridor, MN Intermodal Facilities and buses	6.000	10.000
86. Norwalk, CA transit facility	0.500	0.500
87. Norwich, CT buses	2.250	2.250
88. Ogden, UT Intermodal Center	0.800	0.800
89. Oklahoma statewide bus facilities and buses	5.000	5.000
90. Orlando, FL Downtown Intermodal Facility	2.500	2.500
91. Palm Springs, CA fuel cell buses	1.000	1.000
92. Perris, CA bus maintenance facility	1.250	1.250
93. Philadelphia, PA Frankford Transportation Center	5.000	5.000
94. Philadelphia, PA Intermodal 30th Street Station	1.250	1.250
95. Portland, OR Tri-Met buses	1.750	1.750
96. Pritchard, AL bus transfer facility	0.500	0.000
97. Reading, PA BARTA Intermodal Transportation Facility	1.750	1.750
98. Red Rose, PA Transit Bus Terminal	1.000	0.000
99. Richmond, VA GRTC bus maintenance facility	1.250	1.250
100. Riverhead, NY elderly and disabled buses and vans	0.125	0.000
101. Robinson, PA Towne Center Intermodal Facility	1.500	1.500
102. Rome, NY Intermodal Center	0.400	0.000
103. Sacramento, CA CNG buses	1.000	0.000
104. San Francisco, CA Islais Creek Maintenance Facility	1.250	1.250
105. San Juan, Puerto Rico Intermodal access	0.600	0.600
106. Santa Clarita, CA facilities and buses	1.250	1.250
107. Santa Cruz, CA bus facility	0.625	0.625
108. Santa Rosa/Cotati, CA Intermodal Transportation Facilities	0.750	0.750
109. Seattle, WA Intermodal Transportation Terminal	1.250	1.250
110. Shelter Island, NY elderly and disabled buses and vans	0.100	0.000
111. Smithtown, NY elderly and disabled buses and vans	0.125	0.000
112. Somerset County, PA bus facilities and buses	0.175	0.175
113. South Amboy, NJ Regional Intermodal Transportation Initiative	1.250	1.250
114. South Bend, IN Urban Intermodal Transportation Facility	1.250	1.250
115. South Carolina statewide Virtual Transit Enterprise	1.220	1.220
116. South Dakota statewide bus facilities and buses	1.500	1.500
117. Southampton, NY elderly and disabled buses and vans	0.125	0.000
118. Southold, NY elderly and disabled buses and vans	0.100	0.000
119. Springfield, MA Union Station	1.250	1.250
120. St. Louis, MO Bistate Intermodal Center	1.250	1.250
121. Stapleton, CO Intermodal Center	1.250	1.250
122. Suffolk County, NY elderly and disabled buses and vans	0.100	0.000
123. Texas statewide small urban and rural buses	4.000	4.500
124. Towamencin Township, PA Intermodal Bus Transportation Center	1.500	1.500
125. Tuscaloosa, AL Intermodal Center	1.000	0.000
126. Tuscon, AZ Intermodal Center	1.250	1.250
127. Ukiah, CA Transportation Center	0.500	0.000
128. Utah Transit Authority, UT Intermodal Facilities	1.500	1.500
129. Utah Transit Authority/Park City Transit, UT buses	6.500	6.500
130. Utica, NY Union Station	2.100	2.100
131. Utica and Rome, NY bus facilities and buses	0.500	0.000
132. Washington County, PA Intermodal Facilities	0.630	0.630
133. Washington, D.C. Intermodal Transportation Center	2.500	2.500
134. Washoe County, NV transit improvements	1.250	1.250
135. Waterbury, CT bus facility	2.250	2.250
136. West Virginia statewide Intermodal Facility and buses	5.000	5.000
137. Westchester County, NY Bee-Line transit system fareboxes	0.979	0.979
138. Westchester County, NY Bee-Line transit system shuttle buses	1.000	1.000
139. Westchester County, NY DOT articulated buses	1.250	1.250
140. Westmoreland County, PA Intermodal Facility	0.200	0.200
141. Wilkes-Barre, PA Intermodal Facility	1.250	1.250
142. Williamsport, PA buses	1.200	1.200
143. Windsor, CA Intermodal Facility	0.750	0.750
144. Wisconsin statewide bus facilities and buses	8.000	12.000
145. Woodland Hills, CA Warner Center Transportation Hub	0.325	0.625
146. Worcester, MA Union Station Intermodal Transportation Center	2.500	2.500
147. Lynchburg, VA buses	0.200	0.000
148. Harrisonburg, VA buses	0.200	0.000
149. Roanoke, VA buses	0.200	0.000

SEC. 334. PROJECT MANAGEMENT OVERSIGHT.

(a) STUDY.—The Comptroller General shall conduct a study of the Secretary of Transportation's implementation of project management oversight under section 5327 of title 49, United States Code.

(b) CONTENTS.—The study shall include the following:

(1) A listing of the amounts made available under section 5327(c)(1) of title 49, United States Code, for project management oversight in each of fiscal years 1992 through 1997 and a description of the activities funded using such amounts.

(2) A description of the major capital projects subject to project management oversight, including the grant amounts for such projects.

(3) A description of the contracts entered into for project management oversight, including the scope of work and dollar amounts of such contracts.

(4) A determination of whether the project management oversight activities conducted by the Secretary are authorized under section 5327.

(5) A description of any cost savings or program improvements resulting from project management oversight.

(6) Recommendations regarding any changes that would improve the project management oversight function.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

SEC. 335. PRIVATIZATION.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the effect of privatization or contracting out mass transportation operation and administrative functions on cost, availability and level of service, efficiency, safety, quality of services provided to transit-dependent populations, and employer-employee relations.

(b) TERMS OF AGREEMENT.—The agreement entered into in subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, consider the number of grant recipients that have privatized or contracted out services, the size of the population served by such grant recipients, the basis for decisions regarding privatization or contracting out, and the extent to which contracting out was affected by the integration and coordination of resources of transit agencies and other Federal agencies and programs; and

(2) the panel conducting the study shall include representatives of transit agencies, employees of transit agencies, private contractors, academic and policy analysts, and other interested persons.

(c) REPORT.—Not later than 24 months after the date of entry into the agreement under subsection (a), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

(d) FUNDING.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section $200,000 for fiscal year 1998, subject to the obligation limitation set forth in section 329(b).

(e) CONTRACTUAL OBLIGATION.—Entry into an agreement to carry out this section that is financed with amounts made available under subsection (c) is a contractual obligation of the United States to pay the Government's share of the cost of the study.

SEC. 336. SCHOOL TRANSPORTATION SAFETY.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the safety issues attendant to transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement entered into in subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data, and if unavailable or insufficient, recommend a new data collection regimen and implementation guidelines; and

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety and other factors that the Secretary considers appropriate; and

(2) the panel conducting the study shall include representatives of highway safety organizations, school transportation, mass transportation operators, employee organizations, bicycling organizations, academic and policy analysts, and other interested parties.

(c) REPORT.—Not later than 12 months after the date of entry into the agreement under subsection (a), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

(d) FUNDING.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section $200,000 for fiscal year 1998, subject to the obligation limitation set forth in section 329(b).

(e) CONTRACTUAL OBLIGATION.—Entry into an agreement to carry out this section that is financed with amounts made available under subsection (c) is a contractual obligation of the United States to pay the Government's share of the cost of the study.

SEC. 337. URBANIZED AREA FORMULA STUDY.

(a) STUDY.—The Secretary shall conduct a study to determine whether the current formula for apportioning funds to urbanized areas accurately reflects the transit needs of the urbanized areas and if not whether any changes should be made either to the formula or through some other mechanism to reflect the fact that some urbanized areas with a population between 50,000 and 200,000 have transit systems that carry more passengers per mile or hour than the average of those transit systems in urbanized areas with a population over 200,000.

(b) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study conducted under this section together with any proposed changes to the method for apportioning funds to urbanized areas with a population over 50,000.

SEC. 338. COORDINATED TRANSPORTATION SERVICES.

(a) STUDY.—The Comptroller General shall conduct a study of Federal departments and agencies (other than the Department of Transportation) that receive Federal financial assistance for non-emergency transportation services.

(b) CONTENTS.—In conducting the study, the Comptroller General shall—

(1) identify each Federal department and agency (other than the Department of Transportation) that has received Federal financial assistance for non-emergency transportation services in any of the 3 fiscal years preceding the date of the enactment of this Act;

(2) identify the amount of such assistance received by each Federal department and agency in such fiscal years; and

(3) identify the projects and activities funded using such financial assistance.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study and any recommendations for enhanced coordination between the Department of Transportation and other Federal departments and agencies that provide funding for non-emergency transportation.

SEC. 339. FINAL ASSEMBLY OF BUSES.

(a) STUDY.—The Comptroller General shall conduct a study to review monitoring by the Federal Transit Administration of preaward and post-delivery audits for compliance with the requirements for final assembly of buses of section 5323(j) of title 49, United States Code.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 401. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

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

SEC. 402. STATE GRANTS.

(a) OBJECTIVE AND DEFINITIONS.—Section 31101 is amended—

(1) by striking

"§31101. Definitions"

and inserting the following:

"§31101. Objective and definitions";

(2) in paragraph (1)(A)—

(A) by inserting "or gross vehicle weight" after "rating"; and

(B) by striking "10,000 pounds" and inserting "10,001 pounds, whichever is greater";

(3) in paragraph (1)(C) by inserting "and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" after "title";

(4) by striking "In this subchapter—" and inserting the following:

"(b) DEFINITIONS.—In this subchapter the following definitions apply:"; and

(5) by inserting after the section heading the following:

"(a) OBJECTIVE.—The objective of this subchapter is to ensure that the Secretary, States, and other political jurisdictions establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by—

"(1) promoting safe for-hire and private transportation, including transportation of passengers and hazardous materials, to reduce the number and severity of commercial motor vehicle crashes;

"(2) developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including enforcement of

State and local traffic safety laws and regulations;

"(3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, designing appropriate performance standards, measures, and benchmarks, improving performance information, and monitoring program effectiveness;

"(4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate training in safe operational practices and regulatory requirements; and

"(5) advancing promising technologies and encouraging adoption of safe operational practices.".

(b) PERFORMANCE-BASED GRANTS AND HAZARDOUS MATERIALS TRANSPORTATION SAFETY.—Section 31102 is amended—

(1) in subsection (a)—

(A) by inserting "improving motor carrier safety and" after "programs for"; and

(B) by inserting ", hazardous material transportation safety," after "commercial motor vehicle safety"; and

(2) in the first sentence of paragraph (b)(1)—

(A) by striking "adopt and assume responsibility for enforcing" and inserting "assume responsibility for improving motor carrier safety and to adopt and enforce"; and

(B) by inserting ", hazardous material transportation safety," after "commercial motor vehicle safety".

(c) CONTENTS OF STATE PLANS.—Section 31102(b)(1) is amended—

(1) in subparagraph (J) by inserting "(1)" after "(c)";

(2) by striking subparagraphs (K), (L), (M), and (N) and inserting the following:

"(K) ensures consistent, effective, and reasonable sanctions;

"(L) ensures that the State agency will coordinate the plan, data collection, and information systems with State highway safety programs under title 23;

"(M) ensures participation in motor carrier, commercial motor vehicle, and driver information systems by all appropriate jurisdictions receiving funding under this section;

"(N) implements performance-based activities by fiscal year 2003;";

(3) in subparagraph (O)—

(A) by inserting after "activities" the following: "in support of national priorities and performance goals, including";

(B) by striking "to remove" in clause (i) and inserting "activities aimed at removing";

(C) by striking "to provide" in clause (ii) and inserting "activities aimed at providing"; and

(D) by inserting "and" after the semicolon at the end of clause (ii); and

(E) by striking clauses (iii) and (iv) and inserting the following:

"(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities;";

(4) by striking subparagraph (P) and inserting the following:

"(P) provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104;";

(5) by striking the period at the end of subparagraph (Q) and inserting "; and"; and

(6) by adding at the end the following:

"(R) ensures that roadside inspections will be conducted only at a distance that is adequate to protect the safety of drivers and enforcement personnel.".

(d) UNITED STATES GOVERNMENT'S SHARE OF COSTS.—The first sentence of section 31103 is amended by inserting "improve commercial motor vehicle safety and" before "enforce".

(e) AVAILABILITY OF AMOUNTS.—Section 31104(a) of such title is amended to read as follows:

"(a) IN GENERAL.—The following amounts are made available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102:

"(1) Not more than $78,000,000 for fiscal year 1998.

"(2) Not more than $110,000,000 for fiscal year 1999.

"(3) Not more than $130,000,000 for each of fiscal years 2000 through 2003."

(f) CONFORMING AMENDMENT.—Section 31104(b) is amended by striking "(1)" and by striking paragraph (2).

(g) ALLOCATION CRITERIA AND ELIGIBILITY.—Section 31104 is further amended—

(1) by striking subsections (f) and (g) and inserting the following:

"(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

"(1) IN GENERAL.—On October 1 of each fiscal year or as soon after that date as practicable and after making the deduction under subsection (e), the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the States with plans approved under section 31102. Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

"(2) HIGH-PRIORITY ACTIVITIES AND PROJECTS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) to reimburse—

"(A) States for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, including activities and projects that are national in scope, increase public awareness and education, or demonstrate new technologies; and

"(B) local governments and other persons that use trained and qualified officers and employees, for carrying out activities and projects described in subparagraph (A) in coordination with State motor vehicle safety agencies.";

(2) by redesignating subsection (h) as subsection (g);

(3) by striking subsection (i);

(4) by redesignating subsection (j) as subsection (h); and

(5) in the first sentence of subsection (h), as so redesignated, by striking "tolerance".

(h) CONFORMING AMENDMENT.—The table of sections for chapter 311 is amended by striking the item relating to section 31101 and inserting the following:

"31101. Objective and definitions.".

SEC. 403. INFORMATION SYSTEMS.

(a) IN GENERAL.—Section 31106 is amended to read as follows:

"§31106. Information systems

"(a) INFORMATION SYSTEMS AND DATA ANALYSIS.—

"(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall establish and operate motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety activities required under this title.

"(2) COORDINATION INTO NETWORK.—In cooperation with the States, the information systems under this section shall be coordinated into a network providing identification of motor carriers and drivers, commercial motor vehicle registration and license tracking, and motor carrier, commercial motor vehicle, and driver safety performance data.

"(3) DATA ANALYSIS CAPACITY AND PROGRAMS.—The Secretary shall develop and maintain under this section data analysis capacity and programs that provide the means to—

"(A) identify and collect necessary motor carrier, commercial motor vehicle, and driver data;

"(B) evaluate the safety fitness of motor carriers, commercial motor vehicles, and drivers;

"(C) develop strategies to mitigate safety problems and to measure the effectiveness of such strategies and related programs;

"(D) determine the cost-effectiveness of Federal and State safety and enforcement programs and other countermeasures; and

"(E) adapt, improve, and incorporate other information and information systems as the Secretary determines appropriate.

"(4) STANDARDS.—To implement this section, the Secretary may prescribe technical and operational standards to ensure—

"(A) uniform, timely, and accurate information collection and reporting by the States and other entities;

"(B) uniform Federal, State, and local policies and procedures; and

"(C) the reliability and availability of the information to the Secretary, States, and others as the Secretary determines appropriate.

"(b) PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—

"(1) INFORMATION CLEARINGHOUSE.—The Secretary shall include, as part of the information systems authorized by this section, a program to establish and maintain a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the motor carriers operating the vehicles. The clearinghouse and repository shall include information on the safety fitness of each motor carrier and registrant and other information the Secretary considers appropriate, including information on motor carrier, commercial motor vehicle, and driver safety performance.

"(2) DESIGN.—The program shall link Federal safety information systems with State registration and licensing systems and shall be designed to enable a State to—

"(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the motor carrier or commercial motor vehicle or while the license or registration is in effect; and

"(B) decide, in cooperation with the Secretary, whether and what types of sanctions or operating limitations to impose on the motor carrier or registrant to ensure safety.

"(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

"(A) comply with the technical and operational standards prescribed by the Secretary under subsection (a)(4); and

"(B) possess or seek authority to impose commercial motor vehicle registration sanctions or operating limitations on the basis of a Federal safety fitness determination.

"(4) FUNDING.—Of the amounts made available under section 31107, not more than $6,000,000 in each of fiscal years 1998 through 2003 may be used to carry out this subsection.

"(c) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—In coordination with the information system under section 31309, the Secretary is authorized to establish a program to improve commercial motor vehicle driver safety. The objectives of the program shall include—

"(1) enhancing the exchange of driver licensing information among the States and among the States, the Federal Government, and foreign countries;

"(2) providing information to the judicial system on commercial motor vehicle drivers;

"(3) evaluating any aspect of driver performance that the Secretary determines appropriate; and

"(4) developing appropriate strategies and countermeasures to improve driver safety.

"(d) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to, and entering into contracts and cooperative agreements with, States, local governments, associations, institutions, corporations, and other persons.

"(e) INFORMATION AVAILABILITY AND PRIVACY PROTECTION.—

"(1) AVAILABILITY OF INFORMATION.—The Secretary shall make data collected in systems and through programs under this section available to the public to the maximum extent permissible under the Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

"(2) REVIEW OF DATA.—The Secretary shall allow individuals and motor carriers to whom the data pertains to review periodically such data and to request corrections or clarifications.

"(3) STATE AND LOCAL OFFICIALS.—State and local safety and enforcement officials shall have access to data made available under this subsection to the same extent as Federal safety and enforcement officials.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31107 is amended to read as follows:

"§31107. Authorization of appropriations for information systems

"(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 31106 and 31309 of this title—

"(1) $7,000,000 for fiscal year 1998;

"(2) $15,000,000 for fiscal year 1999; and

"(3) $20,000,000 for each of fiscal years 2000 through 2003.

The amounts made available under this subsection shall remain available until expended.

"(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States Government a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.".

(c) SUBCHAPTER HEADING.—The heading for subchapter I of chapter 311 is amended by inserting after "GRANTS" the following: "AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS".

(d) CONFORMING AMENDMENTS.—The table of sections for chapter 311 is amended—

(1) by striking

"SUBCHAPTER I—STATE GRANTS"

and inserting

"SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS";

(2) by striking the item relating to section 31106 and inserting the following:

"31106. Information systems."; and

(3) by striking the item relating to section 31107 and inserting the following:

"31107. Authorization of appropriations for information systems.".

SEC. 404. AUTOMOBILE TRANSPORTER DEFINED.

Section 31111(a) is amended—

(1) by striking "section—" and inserting "section, the following definitions apply:";

(2) by inserting after "(1)" the following: "MAXI-CUBE VEHICLE.—The term";

(3) by inserting after "(2)" the following: "TRUCK TRACTOR.—The term";

(4) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(5) by inserting before paragraph (2), as so redesignated, the following:

"(1) AUTOMOBILE TRANSPORTER.—The term 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles.".

SEC. 405. INSPECTIONS AND REPORTS.

(a) GENERAL POWERS OF THE SECRETARY.—Section 31133(a)(1) is amended by inserting "and make contracts for" after "conduct".

(b) REPORTS AND RECORDS.—Section 504(c) is amended by inserting "(and, in the case of a motor carrier, a contractor)" before the second comma.

SEC. 406. EXEMPTIONS AND PILOT PROGRAMS.

(a) IN GENERAL.—Section 31315 is amended to read as follows:

"§31315. Exemptions and pilot programs

"(a) EXEMPTIONS.—

"(1) IN GENERAL.—Upon receipt of a request pursuant to paragraph (3), the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. An exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application to the Secretary.

"(2) AUTHORITY TO REVOKE EXEMPTION.—The Secretary shall immediately revoke an exemption if the person fails to comply with the terms and conditions of such exemption or if continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(3) REQUESTS FOR EXEMPTION.—Not later than 180 days after the date of the enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

"(A) The provisions from which the person requests exemption.

"(B) The time period during which the exemption would apply.

"(C) An analysis of the safety impacts the exemption may cause.

"(D) The specific countermeasures the person would undertake, if the exemption were granted, to ensure an equal or greater level of safety than would be achieved absent the exemption.

"(4) NOTICE AND COMMENT.—

"(A) UPON RECEIPT OF A REQUEST.—Upon receipt of an exemption request, the Secretary shall publish in the Federal Register a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

"(B) UPON GRANTING A REQUEST.—Upon granting a request for exemption, the Secretary shall publish in the Federal Register the name of the person granted the exemption, the provisions from which the person will be exempt, the effective period, and all terms and conditions of the exemption.

"(C) UPON DENYING A REQUEST.—Upon denying a request for exemption, the Secretary shall publish in the Federal Register the name of the person denied the exemption and the reasons for such denial.

"(5) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall grant or deny an exemption request after a thorough review of its safety implications, but in no case later than 180 days after the filing date of such request, or the Secretary shall publish in the Federal Register the reason for the delay in the decision and an estimate of when the decision will be made.

"(6) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

"(7) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before granting a request for exemption, the Secretary shall notify State safety compliance and enforcement personnel, including roadside inspectors, and the public that a person will be operating pursuant to an exemption and any terms and conditions that will apply to the exemption.

"(b) PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate innovative approaches to motor carrier, vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish in the Federal Register a detailed description of the program and the exemptions to be considered and provide notice and an opportunity for public comment before the effective date of any exemptions.

"(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall include, at a minimum, the following elements in each pilot program plan:

"(A) A program scheduled life of not more than 3 years.

"(B) A scientifically valid methodology and study design, including a specific data collection and analysis plan, that identifies appropriate control groups for comparison.

"(C) The fewest participants necessary to yield statistically valid findings.

"(D) Observance of appropriate ethical protocols for the use of human subjects in field experiments.

"(E) An oversight plan to ensure that participants comply with the terms and conditions of participation.

"(F) Adequate countermeasures to protect the health and safety of study participants and the general public.

"(G) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

"(3) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(4) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(5) REPORT TO CONGRESS.—At the conclusion of each pilot program, the Secretary shall promptly report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to law or regulation that would enhance motor carrier, vehicle, and driver safety and improve compliance with national safety standards.

"(c) PREEMPTION OF STATE RULES.—During the time period that an exemption or pilot program is in effect under this section, no State shall enforce any law or regulation that conflicts with or is inconsistent with an exemption or pilot program with respect to a person exercising the exemption or participating in the pilot program.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 313 is amended by striking the item relating to section 31315 and inserting the following:

"31315. Exemptions and pilot programs.".

(c) CONFORMING AMENDMENT.—Section 31136(e) is amended to read as follows:

"(e) EXEMPTIONS.—The Secretary may grant exemptions from any regulation prescribed under this section in accordance with section 31315.".

(d) PROTECTION OF EXISTING EXEMPTIONS.—The amendments made by subsections (a) and (c) of this section shall not apply to or otherwise affect an exemption or waiver in effect on the day before the date of the enactment of this Act under section 31315 or 31136(e) of title 49, United States Code.

SEC. 407. SAFETY REGULATION.

(a) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31132(1) is amended—

(1) in subparagraph (A)—

(A) by inserting "or gross vehicle weight" after "rating"; and

(B) by inserting ", whichever is greater" after "pounds"; and

(2) in subparagraph (B)—

(A) by inserting "or livery" after "taxicab"; and

(B) by striking "6 passengers" and inserting "8 passengers, including the driver,".

(b) REPEAL OF REVIEW PANEL.—Section 31134, and the item relating to such section in the table of sections for chapter 311, are repealed.

(c) REPEAL OF SUBMISSION TO REVIEW PANEL.—Section 31140, and the item relating to such section in the table of sections for chapter 311, are repealed.

(d) REVIEW PROCEDURE.—Section 31141 is amended—

(1) by striking subsections (b) and (c) and inserting the following:

"(b) SUBMISSION OF REGULATION.—A State that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary of Transportation immediately after the enactment or issuance.

"(c) REVIEW AND DECISIONS BY SECRETARY.—

"(1) REVIEW.—The Secretary shall review State laws and regulations on commercial motor vehicle safety. The Secretary shall decide whether the State law or regulation—

"(A) has the same effect as a regulation prescribed by the Secretary under section 31136;

"(B) is less stringent than such regulation; or

"(C) is additional to or more stringent than such regulation.

"(2) REGULATIONS WITH SAME EFFECT.—If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

"(3) LESS STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is less stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

"(4) ADDITIONAL OR MORE STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

"(A) the State law or regulation has no safety benefit;

"(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

"(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

"(5) CONSIDERATION OF EFFECT ON INTERSTATE COMMERCE.—In deciding under paragraph (4) whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation with the implementation of all similar laws and regulations of other States.";

(2) by striking subsection (e); and

(3) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively.

(e) INSPECTION OF SAFETY EQUIPMENT.—Section 31142(a) is amended by striking "part 393 of title 49, Code of Federal Regulations" and inserting "the regulations issued under section 31136".

(f) PROTECTION OF STATES PARTICIPATING IN STATE GROUPS.—Section 31142(c)(1)(C) is amended—

(1) by inserting after "from" the following: "participating in the activities of a voluntary group of States"; and

(2) by striking "that meets" and all that follows through "1984".

(g) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of implementation of the amendments made by subsection (a)(2) of this section.

SEC. 408. IMPROVED INTERSTATE SCHOOL BUS SAFETY.

(a) APPLICABILITY OF FEDERAL MOTOR CARRIER SAFETY REGULATIONS TO INTERSTATE SCHOOL BUS OPERATIONS.—Section 31136 is amended by adding at the end the following:

"(g) APPLICABILITY TO SCHOOL TRANSPORTATION OPERATIONS OF LOCAL EDUCATION AGENCIES.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall issue regulations making the relevant commercial motor carrier safety regulations issued under subsection (a) applicable to all interstate school transportation operations by local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965).".

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the status of compliance by private for-hire motor carriers and local educational agencies in meeting the requirements of section 31136 of title 49, United States Code, and any activities of the Secretary or the States to enforce such requirements.

SEC. 409. REPEAL OF CERTAIN OBSOLETE MISCELLANEOUS AUTHORITIES.

Subchapter IV of chapter 311 (including sections 31161 and 31162), and the items relating to such subchapter and sections in the table of sections for chapter 311, are repealed.

SEC. 410. COMMERCIAL VEHICLE OPERATORS.

(a) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31301(4) is amended—

(1) in subparagraph (A)—

(A) by inserting "or gross vehicle weight" after "rating" the first 2 places it appears; and

(B) by inserting ", whichever is greater," after "pounds" the first place it appears; and

(2) in subparagraph (C)(ii) by inserting "is" before "transporting" each place it appears.

(b) PROHIBITION ON CMV OPERATION WITHOUT CDL.—

(1) IN GENERAL.—Section 31302 is amended to read as follows:

"§31302. Driver's license requirement

"An individual may operate a commercial motor vehicle only if the individual has a valid commercial driver's license. An individual operating a commercial motor vehicle may have only one driver's license at any time.".

(2) CONFORMING AMENDMENT.—The item relating to section 31302 in the table of sections for chapter 313 is amended to read as follows:

"31302. Driver's license requirement.".

(c) UNIQUE IDENTIFIERS IN CDLS.—

(1) IN GENERAL.—Section 31308(2) is amended by inserting before the semicolon "and each license issued after January 1, 2000, include unique identifiers to minimize fraud and duplication".

(2) DEADLINE FOR ISSUANCE OF REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue regulations to carry out the amendment made by paragraph (1).

(d) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309 is amended—

(1) in subsection (a) by striking "make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section," and inserting "maintain";

(2) by inserting after the first sentence of subsection (a) the following: "The system shall be coordinated with activities carried out under section 31106.";

(3) by striking subsections (b) and (c);

(4) in subsection (d)(1)—

(A) by striking "and" at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(C) by adding at the end the following:

"(G) information on all fines, penalties, convictions, and failure to appear for a hearing or trial incurred by the operator with respect to operation of a motor vehicle for a period of not less than 3 years beginning on the date of the imposition of such a fine or penalty or the date of such a conviction or failure to appear.";

(5) by striking subsection (d)(2) and inserting the following:

"(2) The information system under this section must accommodate any unique identifiers required to minimize fraud or duplication of a commercial driver's license under section 31308(2).";

(6) by striking subsection (e) and inserting the following:

"(e) AVAILABILITY OF INFORMATION.—Information in the information system shall be made available and subject to review and correction in accordance with section 31106(e).";

(7) in subsection (f) by striking "If the Secretary establishes an information system under this section, the" and inserting "The";

(8) by striking "shall" in the first sentence of subsection (f) and inserting "may"; and

(9) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(e) REPEAL OF OBSOLETE GRANT PROGRAMS.—Sections 31312 and 31313, and the items relating to such sections in the table of sections for chapter 313, are repealed.

(f) UPDATING AMENDMENTS.—Section 31314 is amended—

(1) by striking "(2), (5), and (6)" each place it appears in subsections (a) and (b) and inserting "(3), and (5)";

(2) in subsection (c) by striking "(1) Amounts" and all that follows through "(2) Amounts" and inserting "Amounts";

(3) by striking subsection (d); and

(4) by redesignating subsection (e) as subsection (d).

SEC. 411. INTERIM BORDER SAFETY IMPROVEMENT PROGRAM.

(a) PROGRAM.—The Secretary shall carry out a program to improve commercial motor vehicle safety in the vicinity of borders between the United States and Canada and the United States and Mexico.

(b) GRANT AND OTHER AUTHORITY.—The Secretary may expend funds made available to carry out this section—

(1) for making grants to border States, local governments, organizations, and other persons to carry out activities described in subsection (c);

(2) for personnel of the Department of Transportation to conduct such activities; and

(3) for entry into contracts for the conduct of such activities.

(c) USE OF FUNDS.—Activities for which funds may be expended under this section include—

(1) employment by the Department of Transportation or a border State of additional personnel to enforce commercial motor vehicle safety regulations described in subsection (a);

(2) training of personnel to enforce such regulations;

(3) development of data bases and communication systems to improve commercial motor vehicle safety; and

(4) education and outreach initiatives.

(d) CRITERIA.—In selecting activities and projects for funding under this section, the Secretary shall consider current levels of enforcement by border States, cross border traffic patterns (including volume of commercial motor vehicle traffic), location of inspection facilities, and such other factors as the Secretary determines will result in the greatest safety improvement and benefit to border States and the Nation.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share payable under a grant made under this section for—

(A) any activity described in paragraph (2), (3), or (4) of subsection (c) shall be 80 percent; and

(B) any activity described in subsection (c)(1) shall be—

(i) 80 percent for the first 2 years that a State receives a grant under this section for such activity;

(ii) 50 percent for the third and fourth years that a State receives a grant under this section for such activity; and

(iii) 25 percent for the fifth and sixth years that a State receives a grant under this section for such activity.

(2) IN-KIND CONTRIBUTIONS.—In determining the non-Federal costs under paragraph (1), the Secretary shall include in-kind contributions by the grant recipient, of which up to $2,500,000 may be used to upgrade earthquake simulation facilities as required to carry out the program.

(f) MAINTENANCE OF EFFORT.—A grant may not be made to a State under this section for an activity described in subsection (c)(1) in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for employment of personnel to enforce commercial motor vehicle safety regulations in the vicinity of the border at or above the average level of such expenditures in the State's 2 fiscal years preceding the date of the enactment of this section.

(g) FUNDING.—Of amounts made available to carry out the coordinated border infrastructure and safety program under section 116 of this Act, $20,000,000 for fiscal year 1998 and $15,000,000 for each of fiscal years 1999 through 2003 shall be available to carry out this section.

(h) BORDER STATE DEFINED.—In this section, the term "border State" means any State that has a boundary in common with Canada or Mexico.

SEC. 412. VEHICLE WEIGHT ENFORCEMENT.

(a) STUDY.—The Secretary shall conduct a study of State laws and regulations pertaining to penalties for violation of State commercial motor vehicle weight laws.

(b) PURPOSE.—The purpose of the study shall be to determine the effectiveness of State penalties as a deterrent to illegally overweight trucking operations. The study shall evaluate fine structures, innovative roadside enforcement techniques, a State's ability to penalize shippers and carriers as well as drivers, and shall examine the effectiveness of administrative and judicial procedures utilized to enforce vehicle weight laws.

(c) 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 section, together with any legislative recommendations of the Secretary.

(d) FUNDING.—From amounts made available under subparagraphs (F) through (I) of section 127(a)(3) of this Act, the Secretary may use not to exceed $300,000 to carry out this section.

SEC. 413. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Sections 31702, 31703, and 31708, and the items relating to such sections in the table of sections for chapter 317, are repealed.

SEC. 414. TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS.

(a) IN GENERAL.—For a period of not less than 2 years beginning on or before the 90th day following the date of the enactment of this Act, the Secretary shall establish, maintain, and promote the use of a nationwide toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations and any laws or regulations relating to the safe operation of commercial motor vehicles and to report potentially improper inspections, audits, and enforcement activities.

(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and shall consider nonfrivolous information provided by such reports in setting priorities for motor carrier safety audits and other enforcement activities.

(c) PROTECTION OF PERSONS REPORTING VIOLATIONS.—

(1) PROHIBITION.—A person reporting a potential violation to the telephone system while acting in good faith may not be discharged, disciplined, or discriminated against regarding pay, terms, or privileges of employment because of the reporting of such violation.

(2) APPLICABILITY OF SECTION 31105 OF TITLE 49.—For purposes of section 31105 of title 49, United States Code, a violation or alleged violation of paragraph (1) shall be treated as a violation of section 31105(a) of such title.

(d) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, the Secretary may use not to exceed $300,000 for each of fiscal years 1998 through 2003 to carry out this section.

SEC. 415. INSULIN TREATED DIABETES MELLITUS.

(a) DETERMINATION.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall determine whether a practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles.

(b) COMPILATION AND EVALUATION.—Prior to making the determination in subsection (a), the Secretary shall compile and evaluate research and other information on the effects of insulin treated diabetes mellitus on driving performance. In preparing the compilation and evaluation, the Secretary shall, at a minimum—

(1) consult with States that have developed and are implementing a screening process to identify individuals with insulin treated diabetes mellitus who may obtain waivers to drive commercial motor vehicles in intrastate commerce;

(2) evaluate the Department's policy and actions to permit certain insulin treated diabetes mellitus individuals who meet selection criteria and who successfully comply with the approved monitoring protocol to operate in other modes of transportation;

(3) analyze available data on the safety performance of diabetic drivers of motor vehicles;

(4) assess the relevance of intrastate driving and experiences of other modes of transportation to interstate commercial motor vehicle operations; and

(5) consult with interested groups knowledgeable about diabetes and related issues.

(c) REPORT TO CONGRESS.—If the Secretary determines that no protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress the basis for such determination.

(d) INITIATION OF RULEMAKING.—If the Secretary determines that a protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress a description of the elements of such protocol and shall promptly initiate a rulemaking proceeding to implement such protocol.

SEC. 416. PERFORMANCE-BASED CDL TESTING.

(a) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete a review of the procedures established and implemented by States under section 31305 of title 49, United States Code, to determine if the current system for testing is an accurate measure and reflection of an individual's knowledge and skills as an operator of a commercial motor vehicle and to identify methods to improve testing and licensing standards, including identifying the benefits and costs of a graduated licensing system.

(b) REGULATIONS.—Not later than 1 year after the date of completion of the review under subsection (a), the Secretary shall issue regulations under section 31305 reflecting the results of the review.

SEC. 417. POSTACCIDENT ALCOHOL TESTING.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of utilizing qualified emergency responders and law enforcement officers for conducting postaccident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code, as a method of obtaining more timely information and reducing the burdens that employers may encounter in meeting the testing requirements of such section.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the study conducted under subsection (a) with recommendations regarding the utilization of emergency responders and law enforcement officers in conducting testing described in subsection (a).

SEC. 418. DRIVER FATIGUE.

(a) TECHNOLOGIES TO REDUCE FATIGUE OF COMMERCIAL MOTOR VEHICLE OPERATORS.—

(1) DEVELOPMENT OF TECHNOLOGIES.—As part of the activities of the Secretary relating to the fatigue of commercial motor vehicle operators, the Secretary shall encourage the research, development, and demonstration of technologies that may aid in reducing such fatigue.

(2) IDENTIFICATION OF TECHNOLOGIES.—In identifying technologies pursuant to paragraph (1), the Secretary shall take into account—

(A) the degree to which the technology will be cost efficient;

(B) the degree to which the technology can be effectively used in diverse climatic regions of the Nation; and

(C) the degree to which the application of the technology will further emissions reductions, energy conservation, and other transportation goals.

(3) FUNDING.—The Secretary may use amounts made available under subparagraphs (F) through (I) of section 127(a)(3) of this Act to carry out this subsection.

(b) NONSEDATING ANTIHISTAMINES.—The Secretary shall review available information on the effects of antihistamines on driver fatigue, awareness, and performance and shall consider encouraging the use of nonsedating antihistamines as a means of reducing the adverse effects of the use of other antihistamines by drivers.

SEC. 419. SAFETY FITNESS.

(a) IN GENERAL.—Section 31144 is amended to read as follows:

"§31144. Safety fitness of owners and operators

"(a) IN GENERAL.—The Secretary shall—

"(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles;

"(2) periodically update such safety fitness determinations;

"(3) make such safety fitness determinations readily available to the public; and

"(4) prescribe by regulation penalties for violations of this section consistent with section 521.

"(b) PROCEDURE.—The Secretary shall maintain by regulation a procedure for determining whether an owner or operator is fit to operate safely commercial motor vehicles. The procedure shall include, at a minimum, the following elements:

"(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

"(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

"(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

"(c) PROHIBITED TRANSPORTATION.—

"(1) IN GENERAL.—Except as provided in sections 521(b)(5)(A) and 5113 and this subsection, an owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(4) SECRETARY'S DISCRETION.—Except for owners or operators described in paragraphs (2) and (3), the Secretary may allow an owner or operator who is not fit to continue operating for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

"(d) REVIEW OF FITNESS DETERMINATIONS.—

"(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(e) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.".

(b) CONFORMING AMENDMENT.—Section 5113 is amended by striking subsections (a), (b), (c), and (d) and inserting the following:

"See section 31144.".

SEC. 420. HAZARDOUS MATERIALS TRANSPORTATION REGULATION AND FARM SERVICE VEHICLES.

(a) EXCEPTIONS.—Section 5117(d)(2) is amended—

(1) by striking "do not prohibit";

(2) in subparagraph (A)—

(A) by inserting "do not prohibit" before "or regulate"; and

(B) by striking "or" the last place it appears;

(3) in subparagraph (B) by inserting "do not prohibit" before "transportation";

(4) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(5) by adding at the end the following:

"(C) do not prohibit a State from providing an exception from requirements relating to placarding, shipping papers, and emergency telephone numbers for the private motor carriage in intrastate transportation of an agricultural production material from a source of supply to a farm, from a farm to another farm, from a field to another field on a farm, or from the farm back to the source of supply.

In granting any exception under subparagraph (C), a State must certify to the Secretary that such exception is in the public interest, the need for such exception, and that the State shall monitor the exception and take such measures necessary to ensure that safety is not compromised.".

(b) AGRICULTURAL PRODUCTION MATERIAL DEFINED.—Section 5117 is amended by adding at the end the following:

"(f) AGRICULTURAL PRODUCTION MATERIAL DEFINED.—In this section, the term 'agricultural production material' means—

"(1) ammonium nitrate fertilizer in a quantity that does not exceed 16,094 pounds;

"(2) a pesticide in a quantity that does not exceed 502 gallons for liquids and 5,070 pounds for solids; and

"(3) a diluted solution of water and pesticides or fertilizer in a quantity that does not exceed 3,500 gallons.".

SEC. 421. TRUCK TRAILER CONSPICUITY.

(a) ISSUANCE OF FINAL RULE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue a final rule regarding the conspicuity of trailers manufactured before December 1, 1993.

(b) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum, the following:

(1) The cost-effectiveness of any requirement to retrofit trailers manufactured before December 1, 1993.

(2) The extent to which motor carriers have voluntarily taken steps to increase equipment visibility.

(3) Regulatory flexibility to accommodate differing trailer designs and configurations, such as tank trucks.

SEC. 422. DOT IMPLEMENTATION PLAN.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this section, the Secretary shall develop and submit to Congress a plan for implementing authority (if subsequently provided by law) to—

(1) investigate and bring civil actions to enforce chapter 5 of title 49, United States Code, or a regulation or order of the Secretary under such chapter, when violated by shippers, freight forwarders, brokers, consignees, or persons (other than rail carriers, motor carriers, motor carriers of migrant workers, or motor private carriers); and

(2) assess civil or criminal penalties against a person who knowingly aids, abets, counsels, commands, induces, or procures a violation of a regulation or an order of the Secretary under chapter 311 or section 31502 of such title to the same extent as a motor carrier or driver who commits such a violation.

(b) CONTENTS OF IMPLEMENTATION PLAN.—In developing the implementation plan, the Secretary, at a minimum, shall consider—

(1) in what circumstances the Secretary would exercise the new authority;

(2) how the Secretary would determine that shippers, freight forwarders, brokers, consignees, or other persons committed violations described in subsection (a), including what types of evidence would be conclusive;

(3) what procedures would be necessary during investigations to ensure the confidentiality of shipper contract terms prior to the Secretary's findings of violations;

(4) what impact the exercise of the new authority would have on the Secretary's resources, including whether additional investigative or legal resources would be necessary and whether the staff would need specialized education or training to exercise properly such authority;

(5) to what extent the Secretary would conduct educational activities for persons who would be subject to the new authority; and

(6) any other information that would assist the Congress in determining whether to provide the Secretary the new authority.

TITLE V—PROGRAMMATIC REFORMS AND STREAMLINING

SEC. 501. PROJECT APPROVAL AND OVERSIGHT.

(a) IN GENERAL.—Section 106 is amended by striking the section heading and all that follows through the period at the end of subsection (d) and inserting the following:

"§106. Project approval and oversight

"(a) IN GENERAL.—

"(1) SUBMISSION OF PLANS, SPECIFICATIONS, AND ESTIMATES.—Except as otherwise provided in this section, each State highway department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require.

"(2) PROJECT AGREEMENT.—The Secretary shall act upon the plans, specifications, and estimates as soon as practicable after the date of

their submission and shall enter into a formal project agreement with the State highway department formalizing the conditions of the project approval.

"(3) CONTRACTUAL OBLIGATION.—The execution of the project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

"(4) GUIDANCE.—In taking action under this subsection, the Secretary shall be guided by the provisions of section 109.

"(b) PROJECT AGREEMENT.—

"(1) PROVISION OF STATE FUNDS.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the maintenance of the project after completion of construction.

"(2) REPRESENTATIONS OF STATE.—The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials if a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

"(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

"(1) NHS PROJECTS.—

"(A) GENERAL AUTHORITY.—Except as otherwise provided in subsection (d), the Secretary may discharge to the State any of the Secretary's responsibilities under this title for design, plans, specifications, estimates, contract awards, and inspection of projects on the National Highway System.

"(B) AGREEMENT.—The Secretary and the State shall reach agreement as to the extent the State may assume the Secretary's responsibilities under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title on September 30, 1997, except upon agreement by the Secretary and the State.

"(2) NON-INTERSTATE SYSTEM PROJECTS.—For all projects under this title that are not on the National Highway System, the State shall assume the Secretary's responsibility under this title for design, plans, specifications, estimates, contract awards, and inspection of projects. For projects that are on the National Highway System but not on the Interstate System, the State shall assume the Secretary's responsibility under this title for design, plans, specifications, estimates, contract awards, and inspections of projects unless the State or the Secretary determines that such assumption is not appropriate.

"(d) SECRETARY'S RESPONSIBILITIES.—Nothing in this section, section 133, and section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, other than this title. Any responsibility or obligation of the Secretary under sections 113 and 114 of this title and section 5333 of title 49, United States Code, shall not be affected and may not be discharged under this section, section 133, or section 149.".

(b) REPEAL OF OBSOLETE PROVISIONS.—Sections 105, 110, and 117, and the items relating to such sections in the table of sections for chapter 1, are repealed.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by striking the item relating to section 106 and inserting:

"106. Project approval and oversight.".

SEC. 502. ENVIRONMENTAL STREAMLINING.

(a) COORDINATED ENVIRONMENTAL REVIEW PROCESS.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary shall develop and implement a coordinated environmental review process for highway construction projects that require—

(A) the preparation of an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969, except that the Secretary may decide not to apply this section to the preparation of an environmental assessment under such Act; or

(B) the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval by operation of Federal law.

(2) MEMORANDUM OF UNDERSTANDING.—The coordinated environmental review process for each project shall ensure that, whenever practicable (as set forth in this section), all environmental reviews, analyses, opinions, and any permits, licenses, or approvals that must be issued or made by any Federal agency for the concerned highway project shall be conducted concurrently and completed within a cooperatively determined time period. Such process for a project or class of projects may be incorporated into a memorandum of understanding between the Department of Transportation and all other Federal agencies (and, where appropriate, State agencies). In establishing such time period and any time periods for review within such period the Department and all such agencies shall take into account their respective resources and statutory commitments.

(b) ELEMENTS OF COORDINATED ENVIRONMENTAL REVIEW PROCESS.—For each highway project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) AGENCY IDENTIFICATION.—The Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

(A) have jurisdiction by law over environmental-related issues that may be affected by the project and the analysis of which would be part of any environmental document required by the National Environmental Policy Act of 1969; or

(B) may be required by Federal law to independently—

(i) conduct an environmental-related review or analysis; or

(ii) determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project.

(2) TIME LIMITATIONS AND CONCURRENT REVIEW.—The Secretary and the head of each Federal agency identified under paragraph (1)—

(A)(i) shall jointly develop and establish time periods for review for—

(I) all Federal agency comments with respect to any environmental review documents required by the National Environmental Policy Act of 1969 for the project; and

(II) all other independent Federal agency environmental analyses, reviews, opinions, and decisions on any permits, licenses, and approvals that must be issued or made for the project; whereby each such Federal agency's review shall be undertaken and completed within such established time periods for review; or

(ii) may enter into an agreement to establish such time periods for review with respect to a class of projects; and

(B) shall ensure, in establishing such time periods for review, that the conduct of any such analysis, review, opinion, and decision is undertaken concurrently with all other environmental reviews for the project, including those required by the National Environmental Policy Act of 1969; except that such review may not be concurrent if the affected Federal agency can demonstrate that such concurrent review would result in a significant adverse impact to the environment or substantively alter the operation of Federal law or would not be possible without information developed as part of the environmental review process.

(3) FACTORS TO BE CONSIDERED.—Time periods for review established under this section shall be consistent with those established by the Council on Environmental Quality under the provisions of sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations.

(4) EXTENSIONS.—The Secretary shall extend any time periods for review under this section if, upon good cause shown, the Secretary and any Federal agency concerned determine that additional time for analysis and review is needed as a result of new information which has been discovered that could not reasonably have been anticipated when such agency's time periods for review were established. Any memorandum of understanding shall be modified to incorporate any mutually agreed upon extensions.

(c) DISPUTE RESOLUTION.—When the Secretary determines that a Federal agency which is subject to a time period for its environmental review or analysis under this section has failed to complete such review, analysis, opinion, or decision on issuing any permit, license, or approval within the established time period or within any agreed upon extension to such time period, then the Secretary may close the record. If the Secretary finds after timely compliance with this section, that an environmental issue related to the highway project that an affected Federal agency has jurisdiction over by operation of Federal law has not been resolved, then the Secretary and the head of such agency shall resolve the matter within 30 days of the finding by the Secretary.

(d) ACCEPTANCE OF PURPOSE AND NEED.—For any environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 or the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval that requires an analysis of purpose and need, the agency conducting such review with respect to the highway project shall give due consideration to the project purpose and need as defined by the Secretary and the project applicant.

(e) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under chapter 1 of title 23, United States Code, a State, by operation of State law, may require that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project or must issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project be subject to the coordinated environmental review process provided for in this section unless the Secretary determines that a State's participation would not be in the public interest. For a State to require State agencies to participate in the review process, all affected agencies of such State shall be subject to the review process.

(f) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—The Secretary may approve a request by a State to provide funds made available under chapter 1 of title 23, United States Code, to the State for the project subject to the review process established by this section to affected Federal agencies to provide the resources necessary to meet any time limits established by this section. Such requests shall only be approved for the additional amounts that the Secretary determines are necessary for such affected Federal agencies to meet the time limits for environmental review where such time limits are less than the customary time necessary for such review.

(g) FEDERAL AGENCY DEFINED.—For the purposes of this section, the term "Federal agency" means any Federal agency or any State agency carrying out affected responsibilities required by operation of Federal law.

(h) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

(1) JUDICIAL REVIEW.—Nothing in this section shall affect the reviewability of any final Federal agency action in a district court of the United States or in the court of any State.

(2) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect the applicability of the National Environmental Policy Act of 1969 or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(i) STATE ENVIRONMENTAL REVIEW DELEGATION PILOT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Council on Environmental Quality, shall establish and implement a State environmental review pilot demonstration program. Such program shall permit the Secretary, in cooperation with the Council on Environmental Quality, to develop criteria for States to select up to 8 States for participation in the program. A State interested in participation in the program shall submit to the Secretary an application for participation.

(2) DELEGATION OF AUTHORITY.—For each State selected to participate in the pilot program, the Secretary shall delegate and the State shall accept all of the responsibilities for conducting the Federal environmental review process required by the National Environmental Policy Act of 1969 in the manner required if the projects were undertaken by the Secretary.

(3) CERTIFICATION.—A State that is selected to participate in the pilot program shall, prior to assuming any responsibilities for the Secretary under this subsection, submit to the Secretary and the Secretary, in cooperation with the Council on Environmental Quality, shall approve a certification that shall, at a minimum—

(A) be in a form acceptable to the Secretary;

(B) be executed by the Chief Executive Officer of the recipient of assistance under this section (hereinafter in this section referred to as the "certifying officer");

(C) specify that the certifying officer consents to assume the status of a responsible Federal officer under the National Environmental Policy Act of 1969 (and any applicable regulations issued by the Secretary or the Council on Environmental Quality implementing such Act) for the affected project;

(D) accept jurisdiction of the Federal courts for the purpose of enforcement of the State's responsibilities for the project; and

(E) agree that the Secretary's approval of such certification shall constitute the Secretary's responsibilities under the National Environmental Policy Act of 1969 and any other related provisions of law that the Secretary may specify for the affected project.

(4) OVERSIGHT.—For each State selected to participate in the pilot program, the Secretary shall, in cooperation with the Council on Environmental Quality, conduct quarterly audits in the first year of such participation, and annual audits every year thereafter, to ensure that each selected State is complying with all elements of the certification provided for in this subsection and all requirements delegated pursuant to this subsection.

(5) TERMINATION.—The Secretary, in cooperation with the Council on Environmental Quality, may immediately terminate the participation of any State if the Secretary, in cooperation with the Council on Environmental Quality, finds that such State is not complying with any responsibility or duty set forth in this subsection or that the State's continued participation in the program would result in any adverse impact on the environment.

(6) PERIOD OF APPLICABILITY.—The pilot program shall remain in effect for 3 years. The pilot program shall apply to all projects initiated within such 3-year period, and any such project shall be subject to the provisions of this subsection until the review of the project is completed under this subsection.

(7) REPORT TO CONGRESS.—The Secretary and Council on Environmental Quality shall transmit to Congress annual reports on the pilot program.

SEC. 503. MAJOR INVESTMENT STUDY INTEGRATION.

The Secretary shall eliminate the major investment study set forth in section 450.318 of title 23, Code of Federal Regulations, as a separate requirement and promulgate regulations to integrate such requirement, as appropriate, as part of each analysis undertaken pursuant to the National Environmental Policy Act of 1969 for a project receiving assistance with funds made available under this Act (including any amendments made by this Act).

SEC. 504. FINANCIAL PLAN.

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.

SEC. 505. UNIFORM TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

(a) IN GENERAL.—Chapter 1 is amended by inserting after section 109 the following:

"§ 110. Uniform transferability of Federal-aid highway funds

"(a) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections (b) and (c), if at least 50 percent of a State's apportionment under section 104 or 144 for a fiscal year or at least 50 percent of the funds set-aside under section 133(d) from the State's apportionment section 104(b)(3) may not be transferred to any other apportionment of the State under section 104 or 144 for such fiscal year, then the State may transfer not to exceed 50 percent of such apportionment or set aside to any other apportionment of such State under section 104 or 144 for such fiscal year.

"(b) APPLICATION TO CERTAIN SET-ASIDES.—This section shall not apply to funds subject to the last sentence of section 133(d)(1) and funds subject to sections 104(f) and 133(d)(3). The maximum amount that a State may transfer under this section of the State's set-aside under section 133(d)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such set-aside, less (2) the amount of the State's set-aside under section 133(d)(3) for fiscal year 1996.

"(c) APPLICATION TO CERTAIN CMAQ FUNDS.—The maximum amount that a State may transfer under this section of the State's apportionment under section 104(b)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such apportionment, less (2) the amount of the State's apportionment under section 104(b)(2) for fiscal year 1997. Any such funds apportioned under section 104(b)(2) and transferred under this section may only be obligated in geographic areas eligible for the obligation of funds apportioned under section 104(b)(2).".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by inserting after the item relating to section 109 the following:

"110. Uniform transferability of Federal-aid highway funds.".

SEC. 506. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS.

(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for all discretionary programs funded from the Highway Trust Fund (including the Mass Transit Account). To the extent practicable, such criteria shall conform to the Executive Order No. 12893 (relating to infrastructure investment). In formulating such criteria, the Secretary shall provide that, if 2 or more applications for a discretionary grant are otherwise equal, then the grant shall be awarded to the application from a State that has a Highway Trust Fund (other than the Mass Transit Account) return of less than 90 percent.

(b) SELECTION PROCESS.—

(1) LIMITATION ON ACCEPTANCE OF APPLICATION.—Before accepting application for grants under any discretionary program for which funds are authorized to be appropriated from the Highway Trust Fund (including the Mass Transit Account) by this Act (including the amendments made by this Act), the Secretary shall publish the criteria established under subsection (a). Such publication shall identify all statutory criteria and any criteria established by regulation that will apply to such program.

(2) EXPLANATION.—At least 14 days before making a grant under a discretionary program described in paragraph (1), the Secretary shall transmit to the respective committees of the House of Representatives and the Senate having jurisdiction over such program, and shall publish, an explanation of how projects will be selected based on the criteria established for such program under subsection (a).

(c) MINIMUM PROGRAMS.—At a minimum the criteria established under subsection (a) and the process established by subsection (b) shall apply to the following programs:

(1) The high cost Interstate System reconstruction and improvement program.

(2) The research program under title VI of this Act.

(3) The national corridor planning and development program.

(4) The coordinated border infrastructure and safety program.

(5) The construction of ferry boats and ferry terminal facilities.

(6) The scenic byway program.

(7) The discretionary bridge program.

(8) New fixed guideway systems and extensions to existing fixed guideway systems under section 5309 of title 49, United States Code.

(9) Transit research and planning.

SEC. 507. ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES.

(a) IN GENERAL.—The Secretary shall eliminate any programmatic responsibility of the regional offices of the Federal Highway Administration as part of the Administration's efforts to restructure its field organization, including elimination of regional offices, creation of technical resource centers, and maximum delegation of authority to its State offices.

(b) REPORT TO CONGRESS.—The Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed implementation plan not later than September 30, 1998, and thereafter provide periodic progress reports to such Committees.

(c) IMPLEMENTATION.—The Secretary shall begin implementation of the plan transmitted under subsection (b) not later than December 31, 1998.

SEC. 508. AUTHORITY FOR CONGRESS TO MAKE MIDCOURSE CORRECTIONS TO THE HIGHWAY AND TRANSIT PROGRAMS.

The Secretary shall not apportion or allocate, prior to August 1, 2001, any funds authorized to be appropriated or made available for fiscal year 2001 under title 23, United States Code (other than sections 125 and 157 and amounts necessary for the administration of the Federal Highway Administration under section 104(a)), title I and VI of this Act (other than section 127(b)), section 31104(a) of title 49, United States Code, section 5338 of title 49, United States Code (other than amounts necessary for the administration of the Federal Transit Administration),

and title III of this Act, unless a law has been enacted making midcourse corrections to the Federal-aid highway and transit programs authorized by this Act (including amendments made by this Act) which would, at a minimum—

(1) approve a funding distribution for and any modifications to the high-cost interstate reconstruction and improvement program;

(2) approve a proposed system of performance bonuses to States pursuant to the bonus program established under section 123 of this Act;

(3) approve a cost estimate for States as part of the Appalachian development highway system program;

(4) make any other appropriate programmatic changes and recommendations made to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Environment and Public Works and Banking, Housing, and Urban Affairs of the Senate;

(5) approve projects under the capital program for final design and construction of a new fixed guideway system or extension of an existing fixed guideway system; and

(6) include a certification that such law meets the requirements of this section.

TITLE VI—TRANSPORTATION RESEARCH

SEC. 601. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 602. APPLICABILITY OF TITLE 23.

Funds made available by subparagraphs (F) through (I) of section 127(a)(3) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share payable for a project or activity carried out using such funds shall be determined by the Secretary (unless otherwise expressly provided by this Act) and such funds shall remain available until expended.

SEC. 603. TRANSFERS OF FUNDS.

The Secretary may transfer not to exceed 10 percent of the amounts made available by each of subparagraphs (F) through (I) of section 127(a)(3) of this Act to the amounts made available by any other of such subparagraphs.

Subtitle A—Surface Transportation Research, Technology, and Education

PART I—HIGHWAY RESEARCH

SEC. 611. RESEARCH.

(a) RESEARCH.—Section 307(a) is amended—

(1) in paragraph (1) by striking subparagraph (C); and

(2) by striking paragraph (3) and inserting the following:

"(3) AMOUNTS DEPOSITED BY COOPERATING ORGANIZATIONS AND PERSONS.—There shall be available to the Secretary for carrying out this subsection such funds as may be deposited by any cooperating organization or person in a special account of the Treasury of the United States established for such purpose.".

(b) LONG-TERM PAVEMENT PERFORMANCE.—Section 307(b)(2) is amended to read as follows:

"(2) LONG-TERM PAVEMENT PERFORMANCE.—

"(A) IN GENERAL.—As part of the highway research program under subsection (a), the Secretary shall carry out a long-term pavement performance program to continue to completion the long-term pavement performance tests initiated under the strategic highway research program.

"(B) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—In carrying out subparagraph (A), the Secretary shall make grants and enter into cooperative agreements and contracts for the following purposes:

"(i) To continue the monitoring, material-testing, and evaluation of the highway test sections established under the long-term pavement performance program.

"(ii) To carry out analyses of the data collected under the program.

"(iii) To prepare the products required to fulfill the original objectives of the program and to meet future pavement technology needs.".

(c) ADVANCED RESEARCH.—Section 307(b)(4) is amended to read as follows:

"(4) ADVANCED RESEARCH.—

"(A) IN GENERAL.—The highway research program under subsection (a) shall include an advanced research program that addresses longer-term, higher-risk research that shows potential benefits for improving the durability, efficiency, environmental impact, productivity, and safety (including bicycle and pedestrian safety) of highway and intermodal transportation systems. In carrying out this program, the Secretary shall strive to develop partnerships with the public and private sectors.

"(B) RESEARCH AREAS.—In carrying out the advanced research program under subparagraph (A), the Secretary may make grants and enter into cooperative agreements and contracts in such areas as the Secretary determines appropriate, including the following:

"(i) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

"(ii) Diagnostics for evaluation of the condition of bridge and pavement structures to enable assessment of failure risks.

"(iii) Design and construction details for composite structures.

"(iv) Safety technology based problems in the areas of pedestrian and bicycle safety, roadside hazards, and composite materials for roadside safety hardware.

"(v) Particulate matter source apportionment, control strategy synthesis evaluation, and model development.

"(vi) Data acquisition techniques for system condition and performance monitoring.

"(vii) Prediction of the response of current and future travelers to new technologies.".

(d) SUPPORTING INFRASTRUCTURE.—Section 307(b)(5) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(e) REPEALS.—Section 307 is amended—

(1) by striking subsections (c), (d), and (e); and

(2) by redesignating subsections (f), (g), and (h) as subsections (c), (d), and (e), respectively.

(f) SEISMIC RESEARCH PROGRAM.—Section 307(c), as so redesignated, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) ESTABLISHMENT.—The Secretary shall establish a program to study the vulnerability of the Federal-aid highway system and other surface transportation systems to seismic activity and to develop and implement cost-effective methods to reduce such vulnerability.";

(2) by striking paragraph (4) and inserting the following:

"(4) FUNDING.—Of the amounts made available to carry out this section, the Secretary shall expend not more than $2,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection, of which up to $2,500,000 may be used to upgrade earthquake simulation facilities as required to carry out the program."; and

(3) by striking paragraph (5).

(g) BIENNIAL REPORT.—Section 307(e), as so redesignated, is amended—

(1) by striking "The Secretary" and inserting "BIENNIAL REPORT.—The Secretary"; and

(2) by inserting after "highway needs" the following: ", as well as the backlog of current highway needs,".

(h) RECYCLED MATERIALS RESEARCH PROGRAM.—Section 307 is further amended by adding at the end the following:

"(f) RECYCLED MATERIALS RESEARCH PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a program of research to determine—

"(A) the performance of asphalt pavement containing tire-derived carbonous asphalt modifiers under various climate and use conditions; and

"(B) the degree to which asphalt pavement containing tire-derived carbonous asphalt modifiers can be recycled.

"(2) DATE OF COMPLETION.—The Secretary shall complete the research program under this subsection not later than 3 years after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.".

(i) CONFORMING AMENDMENTS.—Chapter 3 is amended—

*(1) in the heading to section 307 by striking "**and planning**"; and*

(2) in the table of sections for such chapter by striking the item relating to section 307 and inserting the following:

"307. Research.".

SEC. 612. STATE PLANNING AND RESEARCH.

(a) IN GENERAL.—Chapter 3 is amended by inserting after section 312 the following:

"§313. State planning and research

"(a) GENERAL RULE.—Two percent of the sums apportioned for each fiscal year beginning after September 30, 1997, under section 104 (other than sections 104(f) and 104(h)) and under section 144 shall be available for expenditure by the State, in consultation with the Secretary, only for the following purposes:

"(1) Engineering and economic surveys and investigations.

"(2) The planning of future highway programs and local public transportation systems and the planning of the financing of such programs and systems, including statewide planning under section 135.

"(3) Development and implementation of management systems under section 303.

"(4) Studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof.

"(5) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems and study, research, and training on the engineering standards and construction materials for such systems, including the evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

"(b) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 25 percent of the funds which are apportioned to a State for a fiscal year and are subject to subsection (a) shall be expended by the State for research, development, and technology transfer activities described in subsection (a) relating to highway, public transportation, and intermodal transportation systems unless the State certifies to the Secretary for such fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the amount of such funds and the Secretary accepts such certification. Funds used for research provided under this subsection are not subject to an assessment under the Small Business Research and Development Enhancement Act of 1992 (Public Law 102–564).

"(c) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds which are subject to subsection (a) shall be 80 percent unless the Secretary determines

that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

"(d) ADMINISTRATION OF SUMS.—Funds which are subject to subsection (a) shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1).".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 3 is amended by inserting after the item relating to section 312 the following:

"313. State planning and research.".

(c) HIGHWAY NOISE RESEARCH CENTER.—

(1) IN GENERAL.—The Secretary, in cooperation with a university with an ongoing program relating to noise control and acoustics research, shall carry out research on methods to reduce highway noise.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(H) of this Act, $1,000,000 per fiscal year shall be available to carry out this subsection.

SEC. 613. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

(a) ACTIVITIES.—Section 325(a) is amended—

(1) by inserting after "expertise" the following: ", goods, and services";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting "; and"; and

(4) by adding at the end the following:

"(6) gathering and disseminating information on foreign transportation markets and industries.".

(b) FUNDS.—Section 325(c) is amended to read as follows:

"(c) FUNDS.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person in a special account for such purpose with the Secretary of the Treasury. The funds deposited in the special account and other funds available to carry out this section shall be available to cover the cost of any activity eligible under this section, including the cost of promotional materials, travel, reception and representation expenses, and salaries and benefits. Reimbursements for salaries and benefits of Department of Transportation employees providing services under this section shall be credited to the special account.".

(c) ELIGIBILITY.—Section 325 is amended by adding at the end the following:

"(d) ELIGIBLE USE OF STATE PLANNING AND RESEARCH FUNDS.—A State, in coordination with the Secretary, may obligate funds made available to carry out section 313 for any activity authorized under subsection (a).".

PART II—TRANSPORTATION EDUCATION, PROFESSIONAL TRAINING, AND TECHNOLOGY DEPLOYMENT

SEC. 621. NATIONAL HIGHWAY INSTITUTE.

Section 321 is amended by striking subsection (f) and redesignating subsection (g) as subsection (f).

SEC. 622. NATIONAL TECHNOLOGY DEPLOYMENT INITIATIVE.

(a) IN GENERAL.—Chapter 3 is further amended by inserting after section 321 the following:

"§322. National technology deployment initiative

"(a) IN GENERAL.—The Secretary shall develop and implement a national technology deployment initiative to expand adoption by the surface transportation community of innovative technologies to improve the safety, efficiency, reliability, service life, and sustainability of transportation systems and to reduce environmental impact.

"(b) INTEGRATION WITH OTHER PROGRAMS.—The Secretary shall integrate activities undertaken pursuant to this section with the efforts of the Department to disseminate the results of research sponsored by the Department and to facilitate technology transfer.

"(c) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this section, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.

"(d) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities or by making grants to, or entering into contracts, cooperative agreements, or other transactions with any State or local agency, authority, association, institution, corporation (for-profit or nonprofit), organization, or person.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 3 is amended by inserting after the item relating to section 321 the following:

"322. National technology deployment initiative.".

SEC. 623. EDUCATION AND TRAINING PROGRAMS.

(a) LOCAL TECHNICAL ASSISTANCE PROGRAM.—Section 326(a) is amended—

(1) by striking "AUTHORITY" and inserting "LOCAL TECHNICAL ASSISTANCE PROGRAM"; and

(2) by striking "transportation assistance program" and inserting "local technical assistance program".

(b) RESEARCH FELLOWSHIPS.—Section 326 is further amended—

(1) by striking subsection (c);

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) RESEARCH FELLOWSHIPS.—

"(1) GENERAL AUTHORITY.—The Secretary may, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, make grants for research fellowships for any purpose for which research is authorized by this section.

"(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation. Such program shall be known as the 'Dwight David Eisenhower Transportation Fellowship Program'.".

(c) CONFORMING AMENDMENTS.—Chapter 3 is amended—

*(1) in the heading to section 326 by striking "**program**" and inserting "**programs**"; and*

(2) in the table of sections for such chapter by striking the item relating to section 326 and inserting the following:

"326. Education and training programs.".

SEC. 624. UNIVERSITY TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"§5505. University transportation research

"(a) REGIONAL CENTERS.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate 1 university transportation center in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

"(b) OTHER CENTERS.—The Secretary shall make grants to nonprofit institutions of higher learning to establish and operate 10 university transportation centers, in addition to the centers receiving grants under subsection (a), to address transportation management and research and development, with special attention to increasing the number of highly skilled individuals entering the field of transportation.

"(c) SELECTION OF GRANT RECIPIENTS.—

"(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

"(2) SELECTION CRITERIA.—The Secretary shall select each recipient of a grant under this section through a competitive process on the basis of the following:

"(A) For regional centers, the location of the center within the Federal region to be served.

"(B) The demonstrated research and extension resources available to the recipient to carry out this section.

"(C) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

"(D) The recipient's establishment of a surface transportation program encompassing several modes of transportation.

"(E) The recipient's demonstrated commitment of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research and education programs.

"(F) The recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

"(G) The strategic plan the recipient proposes to carry out under the grant.

"(d) OBJECTIVES.—Each university transportation center receiving a grant under this section shall conduct the following programs and activities:

"(1) Basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation.

"(2) An education program that includes multidisciplinary course work and participation in research.

"(3) An ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

"(e) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a recipient shall enter into an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

"(f) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section is 50 percent of costs. The non-Federal share may include funds provided to a recipient under section 5307 or 5311 of this title or section 313, 322, or 326(a) of title 23, United States Code.

"(g) PROGRAM COORDINATION.—

"(1) COORDINATION.—The Secretary shall coordinate the research, education, training, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse.

"(2) ANNUAL REVIEW AND EVALUATION.—At least annually, the Secretary shall review and evaluate programs the grant recipients carry out.

"(3) FUNDING LIMITATION.—The Secretary may use not more than 1 percent of amounts made available from Government sources to carry out this subsection.

"(h) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this program shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

"(i) SPECIAL RULE FOR FISCAL YEARS 1998 and 1999.—

"(1) IN GENERAL.—In carrying out subsections (a) and (b) in fiscal years 1998 and 1999, the Secretary shall make grants to each university transportation center and university research institute that received a grant in fiscal year 1997 under section 5316 or 5317 of this title, as in effect on the day before the date of the enactment of this section.

"(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of this section, grants made pursuant to paragraph (1) in fiscal years 1998 and 1999 shall be subject to the same terms and conditions as the fiscal year 1997 grants referred to in paragraph (1); except that the university research institutes at San Jose State University, North Carolina A&T State University, and the University of South Florida shall each receive $1,000,000 in grants under paragraph (1) in each of fiscal years 1998 and 1999.

"(j) UNIVERSITY RESEARCH INSTITUTES.—Any university research institute that received a grant under section 5316 of this title, as in effect on the day before the date of the enactment of this section, shall be eligible to receive grants made available to university transportation centers under this section.

"(k) APPLICATIONS THAT MAY BE CONSIDERED.—In selecting grant recipients under subsection (b), the Secretary shall consider at a minimum applications submitted by the following:

"(1) Any university transportation center or university research institute described in subsection (i)(1).

"(2) The University of Denver and Mississippi State University.

"(3) The University of Arizona.

"(4) The University of Central Florida.

"(5) Carnegie Mellon and Lehigh Universities.

"(6) University of Southern California and California State University at Long Beach.

"(7) Pace University.

"(8) A consortium of historically black colleges in Alabama.

"(9) Lawson State Community College.

"(10) A consortium consisting of the University of Wisconsin, the University of Illinois, and Purdue University.

"(11) The University of New Hampshire.

"(12) A consortium consisting of George Mason University, along with the University of Virginia and Virginia Tech University.

"(13) The University of Tennessee.

"(14) The Alabama Transportation Institute.

"(15) A consortium consisting of Columbia University, City University of New York, Manhattan College, and New Jersey Institute of Technology.

"(16) Maritime College of the State University of New York.

"(17) University of New Orleans.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5504 the following:

"5505. University transportation research.".

(c) APPALACHIAN TRANSPORTATION INSTITUTE.—

(1) GRANTS.—The Secretary shall make grants under section 5505 of title 49, United States Code, to Marshall University, West Virginia, on behalf of a consortium which also may include West Virginia University Institute of Technology, the College of West Virginia, and Bluefield State College to establish and operate an Appalachian Transportation Institute. Such institute shall conduct research, training, technology transfer, and other transportation related activities in the development and enhancement of transportation systems in the Appalachian region, including the Appalachian Development Highway System.

(2) FUNDING.—Of amounts made available to carry out such section 5505, $2,000,000 shall be available for each of fiscal years 1998 through 2003 to carry out paragraph (1).

(3) FEDERAL SHARE.—The Federal share payable for the costs of the institute referred to in paragraph (1) shall be 80 percent; except that the non-Federal interest shall receive credit for the reasonable cost associated with the establishment and administration of the institute referred to in paragraph (1).

(d) ITS INSTITUTE.—

(1) GRANTS.—The Secretary shall make grants under section 5505 of title 49, United States Code, to the University of Minnesota to continue to operate and expand the ITS Institute. The ITS Institute shall continue to conduct research, education, and development activities that focus on transportation management, enhanced safety, human factors, and reduced environmental effects. The ITS Institute shall develop new or expanded programs to address emerging issues of ITS related to transportation policy, intermodalism, sustainable community development, and transportation telematics.

(2) FUNDING.—Of amounts made available to carry out such section 5505, $2,000,000 shall be available for each of fiscal years 1998 through 2003 to carry out paragraph (1).

(3) FEDERAL SHARE.—The Federal share payable for the costs of the institute referred to in paragraph (1) shall be 80 percent; except that the non-Federal interest shall receive credit for the reasonable cost associated with the establishment and administration of the institute referred to in paragraph (1).

SEC. 625. FUNDING ALLOCATIONS.

Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(G) of this Act—

(1) not to exceed $8,000,000 per fiscal year shall be available for the National Highway Institute under section 321 of title 23, United States Code;

(2) not to exceed $10,000,000 per fiscal year shall be available for the local technical assistance program under section 326(a) of such title;

(3) not to exceed $2,000,000 per fiscal year shall be available for the Dwight D. Eisenhower Transportation Fellowship Program under section 326(b) of such title;

(4) not to exceed $14,000,000 for each of fiscal years 1998 and 1999 and $19,000,000 for each of fiscal years 2000 through 2003 shall be available for the national technology deployment initiative program under section 322 of such title; and

(5) not to exceed $17,750,000 per fiscal year shall be available for university transportation centers under section 5505 of title 49, United States Code.

PART III—BUREAU OF TRANSPORTATION STATISTICS AND MISCELLANEOUS PROGRAMS

SEC. 631. BUREAU OF TRANSPORTATION STATISTICS.

(a) IN GENERAL.—Section 111 of title 49, United States Code, is amended—

(1) by striking the second sentence of subsection (b)(4);

(2) in subsection (c)(1)—

(A) in subparagraph (J) by striking "and" at the end;

(B) in subparagraph (K) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(L) transportation-related variables influencing global competitiveness.";

(3) in subsection (c)(2)—

(A) by striking "national transportation system" in the first sentence and inserting "Nation's transportation systems";

(B) by striking subparagraph (A) and inserting the following:

"(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the Nation's transportation systems under the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.);"; and

(C) in subparagraph (C) by inserting ", made relevant to the States and metropolitan planning organizations," after "accuracy";

(4) in subsection (c)(3) by adding at the end the following: "The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.), and shall undertake such other reviews as may be requested by the Secretary.";

(5) in subsection (c) by adding at the end the following:

"(7) SUPPORTING TRANSPORTATION DECISIONMAKING.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisions by Federal, State, and local governments, transportation-related associations, private businesses, and consumers.";

(6) by redesignating subsections (d), (e), and (f) as subsections (h), (i) and (j), respectively;

(7) by striking subsection (g); and

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

"(d) INTERMODAL TRANSPORTATION DATA BASE.—The Director shall establish and maintain an intermodal transportation data base. The data base shall be suitable for analyses conducted by the Federal Government, the States, and metropolitan planning organizations. The data base shall include, at a minimum—

"(1) information on the volumes and patterns of movement of goods, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification;

"(2) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification; and

"(3) information on the location and connectivity of transportation facilities and services and a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combinations.

"(e) NATIONAL TRANSPORTATION LIBRARY.—The Director shall establish and maintain a national transportation library containing a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

"(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—The Director shall develop and maintain geographic data bases depicting transportation networks; flows of people, goods, vehicles, and craft over those networks; and social, economic, and environmental conditions affecting or affected by those networks. These data bases shall be able to support intermodal network analysis.

"(g) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities to support the programs and activities of the Bureau.";

(9) by striking subsection (i), as so redesignated, and inserting the following:

"(i) PROHIBITION ON CERTAIN DISCLOSURES.—

"(1) INFORMATION OBTAINED UNDER LONG-TERM DATA COLLECTION PROGRAM.—An officer or employee of the Bureau may not—

"(A) make any publication in which the data furnished by an individual or organization under paragraph (c)(2) can be identified;

"(B) use the information furnished under the provisions of subsection (c)(2) for a nonstatistical purpose; or

"(C) permit anyone other than the individuals authorized by the Director to examine individual reports furnished under subsection (c)(2).

"(2) COPIES OF REPORTS.—No department, bureau, agency, officer, or employee of the United States, except the Director in carrying out the purpose of this section, shall require, for any reason, copies of reports which have been filed under subsection (c)(2) with the Bureau or retained by any individual respondent. Copies of such reports which have been so retained or filed with the Bureau or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall only apply to information that permits information concerning an individual or organization to be reasonable inferred by direct or indirect means.

"(3) COLLECTION OF DATA FOR NONSTATISTICAL PURPOSES.—In a case in which the Bureau is authorized by statute to collect data or information for nonstatistical purposes, the Director shall clearly distinguish the collection of such data or information by rule, and on the collection instrument, to inform a respondent requested or required to supply the data or information of the nonstatistical purposes."; and

(10) by adding at the end the following:

"(k) DATA PRODUCT SALES PROCEEDS.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products may be credited to the Highway Trust Fund (other than the Mass Transit Account) and shall be available for the purpose of reimbursing the Bureau for such expenses.

"(l) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $31,000,000 for each of fiscal years 1998 through 2003 to carry out this section, except that amounts for activities under subsection (g) may not exceed $500,000 in any fiscal year. Amounts made available under this subsection shall remain available for a period of 3 fiscal years.

"(2) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.".

(b) CONFORMING AMENDMENT.—Section 5503 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 632. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a transportation technology innovation and demonstration program in accordance with the requirements of this section.

(b) CONTENTS OF PROGRAM.—

(1) USE OF CONCRETE PAVEMENT.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of using concrete pavement in the construction, reconstruction, and repair of Federal-aid highways.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(2) MOTOR VEHICLE SAFETY WARNING SYSTEM.—

(A) IN GENERAL.—The Secretary shall expand and continue the study authorized by section 358(c) of the National Highway System Designation Act of 1995 (23 U.S.C. 401 note; 109 Stat. 625) relating to the development of a motor vehicle safety warning system and shall conduct tests of such system.

(B) GRANTS.—In carrying out this paragraph, the Secretary may make grants to State and local governments.

(C) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(H) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(3) STEEL BRIDGE CONSTRUCTION.—

(A) IN GENERAL.—The Secretary shall make grants for research and construction to improve and demonstrate the use of steel bridge construction.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(C) FEDERAL SHARE.—The Federal share payable on account of construction activities carried out using a grant made under this paragraph shall be 80 percent of the cost of such activities.

(4) USE OF ASPHALT PAVEMENT.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of using asphalt pavement in the construction, reconstruction, and repair of Federal-aid highways.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(5) USE OF HAZARDOUS MATERIALS MONITORING SYSTEMS.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of deploying and integrating existing ITS projects to include hazardous materials monitoring systems across various modes of transportation.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $1,500,000 per fiscal year shall be available to carry out this paragraph.

(6) MOTOR CARRIER ADVANCED SENSOR CONTROL SYSTEM.—

(A) IN GENERAL.—The Secretary shall conduct research on the deployment of a system of advanced sensors and signal processors in trucks and tractor trailers to determine axle and wheel alignment, monitor collision alarm, check tire pressure and tire balance conditions, measure and detect load distribution in the vehicle, and monitor and adjust automatic braking systems.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(7) OUTREACH AND TECHNOLOGY TRANSFER ACTIVITIES.—

(A) IN GENERAL.—The Secretary shall continue to support the Urban Consortium's ITS outreach and technology transfer activities.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(8) TRANSPORTATION ECONOMIC AND LAND USE SYSTEM.—

(A) IN GENERAL.—The Secretary shall continue development and deployment through the New Jersey Institute of Technology to metropolitan planning organizations of the Transportation Economic and Land Use System.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $1,000,000 per fiscal year shall be available to carry out this paragraph.

(9) GREAT LAKES ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants to the State of Wisconsin to continue ITS activities in the corridor serving the Greater Milwaukee, Wisconsin, Chicago, Illinois, and Gary, Indiana, areas initiated under the Intermodal Surface Transportation Efficiency Act of 1991.

(B) FUNDING.—Of the amounts allocated for each of fiscal years 1998 through 2003 under section 657(a) of this Act, $2,000,000 per fiscal year shall be available to carry out this paragraph.

(10) NORTHEAST ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants to the States to continue ITS activities in the Interstate Route I-95 corridor in the northeastern United States initiated under the Intermodal Surface Transportation Efficiency Act of 1991.

(B) FUNDING.—Of the amounts allocated for each of fiscal years 1998 through 2003 under section 657(a) of this Act, $5,000,000 per fiscal year shall be available to carry out this paragraph.

(11) COMPOSITE MATERIALS.—

(A) IN GENERAL.—The Secretary shall conduct research in the use of composite materials for guardrails and bridge decking.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(F) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(12) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—

(A) IN GENERAL.—The Secretary shall carry out a program to advance the deployment of an operational intelligent transportation infrastructure system for the measurement of various transportation system activities to aid in the transportation planning and analysis while making a significant contribution to the ITS program under this title. This program shall be located in the 2 largest metropolitan areas in the State of Pennsylvania.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $1,700,000 per fiscal year shall be available to carry out this paragraph.

(C) FEDERAL SHARE.—The Federal share payable on account of the program carried out under this paragraph shall be 80 percent of the cost of such program.

(13) CORROSION CONTROL AND PREVENTION.—

(A) IN GENERAL.—The Secretary shall make a grant to conduct a study on the costs and benefits of corrosion control and prevention. The study shall be conducted in conjunction with an interdisciplinary team of experts from the fields of metallurgy, chemistry, economics, and others, as appropriate. Not later than September 30, 2001, the Secretary shall submit to Congress a report on the study results, together with any recommendations.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 and 2000 by section 127(a)(3)(H) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(14) RECYCLED MATERIALS.—

(A) IN GENERAL.—The Secretary shall make grants to the University of New Hampshire to continue research on the use of recycled materials in the construction of transportation projects.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(F) of this Act, $1,000,000 per fiscal year shall be available to carry out this paragraph.

(15) TRANSLINK.—

(A) IN GENERAL.—The Secretary shall make grants to the Texas Transportation Institute to continue the Translink Research program.

(B) FUNDING.—Of the amounts allocated for each of fiscal years 1999 through 2001 under section 657(a) of this Act, $1,300,000 per fiscal year shall be available to carry out this paragraph.

(16) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—

(A) IN GENERAL.—The Secretary shall continue to carry out section 6016 of the Intermodal Surface Transportation Efficiency Act of 1991. Additional areas of the program under such section shall be asphalt-water interaction studies and asphalt-aggregate thin film behavior studies.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(F) of this Act, $3,000,000 per fiscal year shall be available to carry out this paragraph.

(17) NATIONAL CENTER FOR TRANSPORTATION MANAGEMENT, RESEARCH, AND DEVELOPMENT.—

(A) IN GENERAL.—The Secretary shall make grants to design, develop, and implement research, training, and technology transfer activities to increase the number of highly skilled minority individuals and women entering the transportation workforce. The grant recipient shall be an institution with a predominantly minority student population, a dedicated graduate degree program in transportation studies, and a demonstrated record for at least 5 years in pursuing the objectives for which grants are authorized by this subparagraph.

(B) FUNDING.—Of the amounts made available by section 127(a)(3)(H) of this Act, $1,000,000 shall be available to carry out this paragraph for fiscal year 2000, $1,250,000 for fiscal year 2001, $1,500,000 for fiscal year 2002, and $1,750,000 for fiscal year 2003.

(18) INFRASTRUCTURE TECHNOLOGY INSTITUTE.—

(A) IN GENERAL.—The Secretary shall make grants to study techniques to evaluate and monitor infrastructure conditions, to improve information systems for infrastructure construction and management, and to study advanced materials and automated processes for constructing and rehabilitating public works facilities. The recipient shall be an institution with a demonstrated record for at least 5 years in pursuing the objectives for which grants are authorized by this subparagraph.

(B) FUNDING.—Of the amounts made available for each of fiscal years 2000 through 2003 by section 127(a)(3)(H) of this Act, $3,000,000 per fiscal year shall be available to carry out this paragraph.

Subtitle B—Intelligent Transportation Systems

SEC. 651. DEFINITIONS.

As used in this subtitle, the following definitions apply:

(1) INTELLIGENT TRANSPORTATION SYSTEMS; ITS.—The terms "intelligent transportation systems" and "ITS" mean electronics, communications, or information processing used singly or in combination to improve the efficiency and safety of surface transportation systems.

(2) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term "intelligent transportation infrastructure" means fully integrated public sector ITS components, as defined by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(4) STATE.—The term "State" has the meaning given such term under section 101 of title 23, United States Code.

SEC. 652. SCOPE OF PROGRAM.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing ITS program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of such systems as a component of the Nation's surface transportation systems.

(b) GOALS.—The goals of the ITS program include—

(1) enhancement of surface transportation efficiency to enable existing facilities to meet a significant portion of future transportation needs and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(2) enhancement of safe operation of motor vehicles, including motorcycles, and nonmotorized vehicles on the Nation's surface transportation systems, with a particular emphasis on decreasing the number and severity of collisions;

(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting States to attain air quality goals established pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.);

(4) accommodation of the needs of all users of the Nation's surface transportation systems, including the operators of commercial vehicles, passenger vehicles, and motorcycles;

(5) improvement of public access to employment, goods, and services;

(6) development of a technology base and necessary standards and protocols for intelligent transportation systems;

(7) improvement of the Nation's ability to respond to emergencies and natural disasters and enhancement of national defense mobility; and

(8) promotion of the access and use of data collected from projects conducted under the program by public and private organizations.

SEC. 653. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) COOPERATION AND CONSULTATION REQUIREMENTS.—

(1) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the ITS program in cooperation with State and local governments and other public entities, the United States private sector, and colleges and universities, including historically black colleges and universities and other minority institutions of higher education.

(2) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the ITS program, the Secretary, as appropriate, shall consult with the Secretary of Commerce, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other Federal departments and agencies.

(b) STANDARDS.—

(1) DEVELOPMENT OF NATIONAL ITS ARCHITECTURE.—The Secretary shall develop, implement, and maintain a national ITS architecture and standards and protocols to promote the widespread use and evaluation of ITS technology as a component of the Nation's surface transportation systems.

(2) INTEROPERABILITY AMONG ITS TECHNOLOGIES.—The national ITS architecture shall promote interoperability among ITS technologies implemented throughout the States.

(3) USE OF SERVICES OF STANDARDS-SETTING ORGANIZATIONS.—In carrying out this subsection, the Secretary may use the services of standards-setting organizations.

(4) ESTABLISHMENT OF DEDICATED SHORT-RANGE VEHICLE TO WAYSIDE WIRELESS STANDARD.—In carrying out this subsection, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, and the Federal Communications Commission, shall take such actions as may be necessary to secure the necessary spectrum for the near-term establishment of a dedicated short-range vehicle to wayside wireless standard.

(c) EVALUATIONS.—

(1) GUIDELINES AND REQUIREMENTS.—The Secretary shall issue guidelines and requirements for the evaluation of field and related operational tests carried out under section 655 of this Act.

(2) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under paragraph (1) shall include provisions to ensure the objectivity and independence of the evaluator and to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to the tests or any other formal evaluation conducted under this subtitle.

(d) INFORMATION CLEARINGHOUSE.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain a repository for technical and safety data collected as a result of federally-sponsored projects under this subtitle and shall make, upon request, such information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) DELEGATION OF AUTHORITY.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity that is not within the Department of Transportation. Any entity to which such responsibility is delegated shall be eligible for Federal assistance under this subtitle.

(e) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Secretary may utilize 1 or more advisory committees in carrying out this subtitle.

(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee utilized under this subsection shall be subject to the Federal Advisory Committee Act (5 U.S.C. App., 86 Stat. 770).

(3) FUNDING.—Funding provided for an advisory committee utilized under this subsection shall be available from moneys appropriated for advisory committees as specified in relevant appropriations Acts and from funds allocated for research, development, and implementation activities in connection with the ITS program.

(f) CONFORMITY WITH STANDARDS.—

(1) IN GENERAL.—The Secretary shall ensure that ITS projects carried out using funds made available out of the Highway Trust Fund conform to the national ITS architecture and standards and protocols developed under subsection (b).

(2) EXCEPTION.—Paragraph (1) shall not apply to projects carried out using funds authorized for specific research objectives in the National ITS Program Plan under section 654 of this Act.

(g) LIFE-CYCLE COST ANALYSIS.—The Secretary shall require an analysis of the life-cycle costs of each project carried out using funds made available under this subtitle, and each project authorized in section 656 of this Act, for operations and maintenance of ITS elements, where the total initial capital costs of the such elements exceed $3,000,000.

(h) PROCUREMENT METHODS.—

(1) TECHNICAL ASSISTANCE.—The Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for its projects carried out using funds made available from the Highway Trust Fund, including innovative and nontraditional methods of procurement.

(2) ITS SOFTWARE.—To the maximum extent practicable, contracting officials shall use as a critical evaluation criterion the Software Engineering Institute's Capability Maturity Model, or another similar recognized standard risk assessment methodology, to reduce the cost, schedule, and performance risks associated with the development, management, and integration of ITS software.

SEC. 654. NATIONAL ITS PROGRAM PLAN.

(a) NATIONAL ITS PROGRAM PLAN.—

(1) UPDATES.—The Secretary shall maintain and update, as necessary, the National ITS Program Plan developed by the Department of

Transportation and the Intelligent Transportation Society of America.

(2) SCOPE.—The National ITS Program Plan shall—

(A) specify the goals, objectives, and milestones for the deployment of intelligent transportation infrastructure in the context of major metropolitan areas, smaller metropolitan and rural areas, and commercial vehicle information systems and networks;

(B) specify how specific programs and projects relate to the goals, objectives, and milestones referred to in subparagraph (A), including consideration of the 5-, 10-, and 20-year timeframes for the goals and objectives;

(C) establish a course of action necessary to achieve the program's goals and objectives;

(D) provide for the evolutionary development of standards and protocols to promote and ensure interoperability in the implementation of ITS technologies; and

(E) establish a cooperative process with State and local governments for determining desired surface transportation system performance levels and developing plans for national incorporation of specific ITS capabilities into surface transportation systems.

(b) IMPLEMENTATION REPORTS.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on implementation of the National ITS Program Plan.

SEC. 655. TECHNICAL ASSISTANCE, PLANNING, RESEARCH, AND OPERATIONAL TESTS.

(a) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, and evaluate ITS technologies and services.

(b) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation system management and operations, including ITS, within metropolitan and statewide transportation planning processes.

(c) RESEARCH AND OPERATIONAL TESTS.—The Secretary may provide funding for research and operational tests relating to ITS.

(d) DEMONSTRATION AND EVALUATION OF INTELLIGENT VEHICLE HIGHWAY SYSTEMS.—The Secretary may conduct research and development activities for the purpose of demonstrating integrated intelligent vehicle highway systems and roadway safety systems. Such research shall include state-of-the-art systems and shall integrate collision avoidance, in-vehicle information, and other safety related systems (including infrastructure-based systems). Development work shall incorporate human factors research findings.

SEC. 656. ITS DEPLOYMENT.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—The Secretary shall conduct a program to promote the deployment of regionally integrated, intermodal intelligent transportation systems and, through financial and technical assistance under this subtitle, shall assist in the development and implementation of such systems.

(b) GOALS.—In accordance with the National ITS Program Plan under section 654 of this Act, the Secretary shall provide incentives for the deployment of integrated applications of intermodal, intelligent transportation infrastructure and system technologies to—

(1) stimulate sufficient deployment to validate and accelerate the establishment of national ITS standards and protocols;

(2) realize the benefits of regionally integrated, intermodal deployment of intelligent transportation infrastructure and commercial vehicle operations, including electronic border crossing applications; and

(3) motivate innovative approaches to overcoming non-technical constraints or impediments to deployment.

(c) PROJECT SELECTION.—In order to be eligible for funding under this section, a project shall—

(1) contribute to national deployment goals and objectives outlined in the National ITS Program Plan under section 654 of this Act;

(2) demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memorandums of understanding that clearly define the responsibilities and relation of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support deployment, and commitment to the criteria provided in paragraphs (3) through (7);

(3) demonstrate commitment to a comprehensive plan of fully integrated ITS deployment in accordance with the national ITS architecture and standards and protocols established under section 653(b) of this Act;

(4) be part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans, as appropriate, at the time Federal funds are sought;

(5) minimize the relative percentage and amount of Federal contributions under this section to total project costs;

(6) ensure continued, long-term operations and maintenance without continued reliance on Federal funding under this subtitle, along with documented evidence of fiscal capacity and commitment from anticipated public and private sources;

(7) demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills; and

(8) identify the impacts on bicycle and pedestrian transportation and safety and evaluate options to mitigate any adverse impacts on bicycle and pedestrian transportation and safety.

(d) FUNDING LIMITATIONS.—

(1) PROJECTS IN METROPOLITAN AREAS.—Funding under this section for intelligent transportation infrastructure projects in metropolitan areas shall be limited to activities primarily necessary to integrate intelligent transportation infrastructure elements either deployed or to be deployed with other sources of funds.

(2) OTHER PROJECTS.—For commercial vehicle projects and projects outside metropolitan areas, funding provided under this subtitle may also be used for installation of intelligent transportation infrastructure elements.

(3) FISCAL YEAR LIMITATIONS.—Of the amounts made available to carry out this section in a fiscal year—

(A) not more than $15,000,000 may be used for projects in a metropolitan area;

(B) not more than $2,000,000 may be used for a project in a rural area;

(C) not more than $5,000,000 may be used for a commercial vehicle information system and network project; and

(D) not more than $35,000,000 may be used for projects in a State.

(4) PRIORITIES.—In providing funding for projects under this section, the Secretary shall allocate—

(A) not less than 25 percent of the funds made available to carry out this section to eligible State and local entities for the implementation of commercial vehicle information systems and networks, and international border crossing improvements, in support of public sector commercial vehicle operations nationwide; and

(B) not less than 10 percent of such funds for other intelligent transportation infrastructure deployment activities outside of metropolitan areas.

SEC. 657. FUNDING ALLOCATIONS.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—

(1) ALLOCATION.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $75,000,000 per fiscal year shall be available to carry out section 656 of this Act.

(2) USE OF UNALLOCATED AMOUNTS.—In addition to amounts made available by subsection (b), any amounts made available under paragraph (1) and not allocated by the Secretary for carrying out section 656 of this Act may be used by the Secretary for carrying out other activities authorized under this subtitle.

(b) ITS RESEARCH AND PROGRAM SUPPORT ACTIVITIES.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $100,000,000 per fiscal year shall be available to carry out multi-year research and technology development initiatives under this subtitle (other than projects under section 656 of this Act).

(c) FEDERAL SHARE PAYABLE.—

(1) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—For activities funded with amounts allocated under subsection (a), the Federal share payable from such amounts shall not exceed 50 percent of the costs of the activities, and the total Federal share payable from all eligible sources (including subsection (a)) shall not exceed 80 percent of the costs of the activities.

(2) OTHER PROGRAMS.—For activities funded with amounts allocated under subsection (b), unless the Secretary determines otherwise, the Federal share payable on account of such activities shall not exceed 80 percent of the costs of the activities.

(3) LONG-RANGE ACTIVITIES.—For long-range activities undertaken in partnership with private entities for the purposes of section 655(d) of this Act, the Federal share payable from funds allocated under this subtitle on account of such activities shall not exceed 50 percent of the costs of the activities, and the total Federal share payable from all eligible sources (including subsection (a)) shall not exceed 80 percent of the costs of the activities.

(4) PARTICIPATION OF OTHER PUBLIC AND PRIVATE SOURCES.—The Secretary shall seek maximum participation in the funding of activities under this subtitle from other public and private sources, and shall minimize the use of funds provided under this subtitle for the construction or long-term acquisition of buildings and grounds.

(d) ADVANCED TRAFFIC MONITORING AND RESPONSE CENTER.—

(1) IN GENERAL.—The Secretary shall make grants to the Pennsylvania Transportation Institute, in conjunction with the Pennsylvania Turnpike Commission, to establish an advanced traffic monitoring and emergency response center at Letterkenny Army Depot in Chambersburg, Pennsylvania. The center shall help develop and coordinate traffic monitoring and ITS systems on the entire Pennsylvania Turnpike system and I-81, coordinate emergency response with State and local governments in the Central Pennsylvania Region, and conduct research.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $1,667,000 per fiscal year shall be available to carry out this subsection.

SEC. 658. GLOBAL POSITIONING SATELLITE DATA.

(a) MORATORIUM.—Before the last day of the 2-year period beginning on the date of enactment of this Act or the 90th day after a study has been submitted under subsection (c), whichever is later, records produced by global positioning satellite systems shall not be subpoenaed or otherwise used by the Secretary in enforcement cases to verify compliance with hours-of-service requirements for employees of motor carriers.

(b) EXCEPTIONS TO MORATORIUM.—Notwithstanding subsection (a), the Secretary may use such records in a case in which any of the following conditions exist:

(1) Global positioning satellite systems are a motor carrier's primary method of maintaining or verifying records of duty status.

(2) State or Federal safety officials are investigating the cause of a fatal crash involving a motor carrier.

(3) A motor carrier has an unacceptable safety profile as determined by the Secretary and the Secretary gives approval for an examination of the global positioning satellite records.

In carrying out this subsection, the Secretary may seek access to data from an information technology provider only if access to such data cannot be obtained from the motor carrier.

(c) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall contract with an entity that is independent of the Department of Transportation to conduct a study to identify, examine, and evaluate current and future issues and policies related to government access to data produced by electronic systems for motor carriers. The entity shall have demonstrated knowledge about the motor carrier industry, motor carrier safety regulations, and the electronic information industry.

(2) INSPECTOR GENERAL.—The Office of the Inspector General of the Department of Transportation shall approve the statement of work of the entity referred to in paragraph (1) and approve the contract award under paragraph (1). In carrying out its responsibilities under this paragraph, the Office of the Inspector General shall perform such overview and validation or verification of data as may be necessary to ensure that the study to be conducted under paragraph (1) meets the requirements of paragraph (1).

(3) DEADLINE.—The study to be conducted under paragraph (1) shall be completed not later than 2 years after the date of the enactment of this Act. A report containing the results of the study shall be submitted to the Secretary and Congress.

(4) FUNDING.—Of amounts made available under section 127(a)(3)(H), $100,000 for fiscal year 1998, $200,000 for fiscal year 1999, and $200,000 for fiscal year 2000 shall be available to carry out this subsection.

SEC. 659. REPEAL.

Part B of title VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2189–2195) is repealed.

TITLE VII—TRUTH IN BUDGETING

SEC. 701. BUDGETARY TREATMENT OF HIGHWAY TRUST FUND.

Notwithstanding any other provision of law (except the Line Item Veto Act of 1996), the receipts and disbursements of the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President,

(B) the congressional budget (including allocations of budget authority and outlays provided therein), or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 702. APPLICABILITY.

This title shall apply to fiscal years beginning after September 30, 1997.

TITLE VIII—RECREATIONAL BOATING SAFETY PROGRAM

SEC. 801. SHORT TITLE.

This title may be cited as the "Recreational Boating Safety Improvement Act of 1998".

SEC. 802. AMENDMENTS RELATING TO RECREATIONAL BOATING SAFETY PROGRAM.

(a) IN GENERAL.—Section 13106 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(1)" and all that follows through the first sentence and inserting the following: "Except as provided in subsection (c) and subject to such amounts as are provided in appropriations laws, the Secretary may expend for each fiscal year the amount transferred for such fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)).''; and

(B) by striking paragraph (2); and

(2) by striking subsection (c) and inserting the following:

"(c)(1) Of the amount transferred for each fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4))—

"(A) up to two percent is available to the Secretary to pay the costs of investigations, personnel, and activities related to administering State recreational boating safety programs;

"(B) up to two percent is available to the Secretary to ensure compliance with chapter 43 of this title; and

"(C) up to three percent is available to the Secretary to establish, operate, and maintain aids to navigation that promote primarily recreational boating safety.

"(2) Amounts made available by this subsection shall remain available until expended.".

(b) COMPREHENSIVE SURVEYS.—Section 13103(c) of title 46, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) The Secretary shall use amounts allocated under this subsection to conduct and report to the Congress the findings of a comprehensive survey of recreational boating in the United States, by not later than December 1 of 1999 and of every fifth year thereafter. The amount expended for each survey may not exceed 50 percent of the amounts allocated under this subsection for the fiscal year in which the survey is conducted.".

(c) REQUIREMENT TO USE STATE PROGRAM ASSISTANCE FOR CERTAIN PUBLIC ACCESS FACILITIES.—Section 13106 of title 46, United States Code, is amended by adding at the end the following:

"(d)(1) The Secretary shall require that of the amount appropriated for a fiscal year to which this subsection applies that is allocated and distributed under this chapter for State recreational boating safety programs, the amount described in paragraph (2) shall be available only for use pursuant to subsection (b)(4) for public access facilities for transient nontrailerable recreational vessels.

"(2) The amount referred to in paragraph (1) is equal to five percent of the portion of sums appropriated for the fiscal year to carry out this chapter that is in excess of $35,000,000.

"(3) This subsection applies to any fiscal year for which the total amount appropriated to carry out this chapter exceeds $35,000,000.".

(d) EFFECTIVE DATE.—This section shall take effect October 1, 1998.

TITLE IX—RAILROADS

SEC. 901. HIGH-SPEED RAIL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

"(d) FISCAL YEAR 1998.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1998, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1998, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(e) FISCAL YEAR 1999.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1999, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1999, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(f) FISCAL YEAR 2000.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2000, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2000, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(g) FISCAL YEAR 2001.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2001, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2001, for carrying out section 26102 (including payment of administrative expenses related thereto).".

(b) DEFINITION.—Section 26105(2) of title 49, United States Code, is amended to read as follows:

"(2) the term 'high-speed rail' means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

"(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

"(B) made available to members of the general public as passengers,

but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;".

SEC. 902. LIGHT DENSITY RAIL LINE PILOT PROJECTS.

(a) AMENDMENT.—Part B of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 223—LIGHT DENSITY RAIL LINE PILOT PROJECTS

"Sec.

"22301. Light density rail line pilot projects.

"§22301. Light density rail line pilot projects

"(a) GRANTS.—The Secretary of Transportation may make grants to States that have

State rail plans described in section 22102 (1) and (2), to fund pilot projects that demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under title 23.

"(b) LIMITATIONS.—Grants under this section may be made only for pilot projects for making capital improvements to, and rehabilitating, publicly and privately owned rail line structures, and may not be used for providing operating assistance.

"(c) PRIVATE OWNER CONTRIBUTIONS.—Grants made under this section for projects on privately owned rail line structures shall include contributions by the owner of the rail line structures, based on the benefit to those structures, as determined by the Secretary.

"(d) STUDY.—The Secretary shall conduct a study of the pilot projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Such funds shall remain available until expended.".

(b) TABLE OF CHAPTERS.—The table of chapters of subtitle V of title 49, United States Code, is amended by inserting after the item relating to chapter 221 the following new item:

"223. LIGHT DENSITY RAIL LINE PILOT PROJECTS ..... 22301".

SEC. 903. MIAMI-ORLANDO-TAMPA CORRIDOR PROJECT.

There are authorized to be appropriated to the Secretary of Transportation $200,000,000, to be made available to the Florida Department of Transportation to reimburse the Florida Overland Express project in the Miami-Orlando-Tampa corridor for capital costs of that project. The Florida Department of Transportation shall deposit funds received under this section into a separate account which shall, to the extent not yet required for the purposes of this section, be invested in United States Treasury securities. Funds authorized under this section shall not be counted in calculating the allocation to the State of Florida under section 111.

SEC. 904. ALASKA RAILROAD.

(a) GRANTS.—The Secretary may make grants to the Alaska Railroad for capital rehabilitation of and improvements to its passenger services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,250,000 for each of fiscal years 1998 through 2003.

SEC. 905. RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.

There is authorized to be appropriated to carry out section 104(d)(2) of title 23, United States Code, $5,250,000 for each of fiscal years 1998 through 2003.

SEC. 906. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

(a) AMENDMENTS.—Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended—

(1) by striking sections 501 through 504 and inserting the following new sections:

"SEC. 501. DEFINITIONS.

"For purposes of this title:

"(1)(A) The term 'cost' means the estimated long-term cost to the Government of a direct loan or loan guarantee, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

"(B) The cost of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following cash flows:

"(i) Loan disbursements.

"(ii) Repayments of principal.

"(iii) Payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties, and other recoveries.

"(C) The cost of a loan guarantee shall be the net present value when a guaranteed loan is disbursed, of the following cash flows:

"(i) Estimated payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments.

"(ii) Estimated payments to the Government, including origination and other fees, penalties, and recoveries.

"(D) Any Government action that alters the estimated net present value of an outstanding direct loan or loan guarantee (except modifications within the terms of existing contracts or through other existing authorities) shall be counted as a change in the cost of that direct loan or loan guarantee. The calculation of such changes shall be based on the estimated present value of the direct loan or loan guarantee at the time of modification.

"(E) In estimating net present values, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the direct loan or loan guarantee for which the estimate is being made.

"(2) The term 'direct loan' means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds. The term includes the purchase of, or participation in, a loan made by another lender. The term does not include the acquisition of a federally guaranteed loan in satisfaction of default claims.

"(3) The term 'direct loan obligation' means a binding agreement by the Secretary to make a direct loan when specified conditions are fulfilled by the borrower.

"(4) The term 'intermodal' means of or relating to the connection between rail service and other modes of transportation, including all parts of facilities at which such connection is made.

"(5) The term 'loan guarantee' means any guarantee, insurance, or other pledge with respect to the payment of all or a part of the principal or interest on any debt obligation of a non-Federal borrower to a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

"(6) The term 'loan guarantee commitment' means a binding agreement by the Secretary to make a loan guarantee when specified conditions are fulfilled by the borrower, the lender, or any other party to the guarantee agreement.

"SEC. 502. DIRECT LOANS AND LOAN GUARANTEES.

"(a) GENERAL AUTHORITY.—The Secretary may provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least 1 railroad.

"(b) ELIGIBLE PURPOSES.—

"(1) IN GENERAL.—Direct loans and loan guarantees under this section shall be used to—

"(A) acquire, improve, or rehabilitate intermodal or rail equipment or facilities, including track, components of track, bridges, yards, buildings, and shops;

"(B) refinance outstanding debt incurred for the purposes described in subparagraph (A); or

"(C) develop or establish new intermodal or railroad facilities.

"(2) OPERATING EXPENSES NOT ELIGIBLE.—Direct loans and loan guarantees under this section shall not be used for railroad operating expenses.

"(c) PRIORITY PROJECTS.—In granting applications for direct loans or guaranteed loans under this section, the Secretary shall give priority to projects that—

"(1) enhance public safety;

"(2) enhance the environment;

"(3) promote economic development;

"(4) enable United States companies to be more competitive in international markets;

"(5) are endorsed by the plans prepared under section 135 of title 23, United States Code, by the State or States in which they are located; or

"(6) preserve rail or intermodal service to small communities or rural areas.

"(d) EXTENT OF AUTHORITY.—The aggregate unpaid principal amounts of obligations under direct loans and loan guarantees made under this section shall not exceed $5,000,000,000 at any one time. Of this amount, not less than $1,000,000,000 shall be available solely for projects primarily benefiting freight railroads other than Class I carriers.

"(e) RATES OF INTEREST.—

"(1) DIRECT LOANS.—The Secretary shall require interest to be paid on a direct loan made under this section at a rate not less than that necessary to recover the cost of making the loan.

"(2) LOAN GUARANTEES.—The Secretary shall not make a loan guarantee under this section if the interest rate for the loan exceeds that which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates and customary fees incurred under similar obligations in the private capital market.

"(f) INFRASTRUCTURE PARTNERS.—

"(1) AUTHORITY OF SECRETARY.—In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source to fund in whole or in part credit risk premiums with respect to the loan that is the subject of the application. In no event shall the aggregate of appropriations of budget authority and credit risk premiums described in this paragraph with respect to a direct loan or loan guarantee be less than the cost of that direct loan or loan guarantee.

"(2) CREDIT RISK PREMIUM AMOUNT.—The Secretary shall determine the amount required for credit risk premiums under this subsection on the basis of—

"(A) the circumstances of the applicant, including the amount of collateral offered;

"(B) the proposed schedule of loan disbursements;

"(C) historical data on the repayment history of similar borrowers;

"(D) consultation with the Congressional Budget Office; and

"(E) any other factors the Secretary considers relevant.

"(3) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to the Secretary before the disbursement of loan amounts.

"(4) COHORTS OF LOANS.—In order to maintain sufficient balances of credit risk premiums to adequately protect the Federal Government from risk of default, while minimizing the length of time the Government retains possession of those balances, the Secretary shall establish cohorts of loans. When all obligations attached to a cohort of loans have been satisfied, credit risk premiums paid for the cohort, and interest accrued thereon, which were not used to mitigate

losses shall be returned to the original source on a pro rata basis.

"(g) PREREQUISITES FOR ASSISTANCE.—The Secretary shall not make a direct loan or loan guarantee under this section unless the Secretary has made a finding in writing that—

"(1) repayment of the obligation is required to be made within a term of not more than 25 years from the date of its execution;

"(2) the direct loan or loan guarantee is justified by the present and probable future demand for rail services or intermodal facilities;

"(3) the applicant has given reasonable assurances that the facilities or equipment to be acquired, rehabilitated, improved, developed, or established with the proceeds of the obligation will be economically and efficiently utilized;

"(4) the obligation can reasonably be repaid, using an appropriate combination of credit risk premiums and collateral offered by the applicant to protect the Federal Government; and

"(5) the purposes of the direct loan or loan guarantee are consistent with subsection (b).

"(h) CONDITIONS OF ASSISTANCE.—The Secretary shall, before granting assistance under this section, require the applicant to agree to such terms and conditions as are sufficient, in the judgment of the Secretary, to ensure that, as long as any principal or interest is due and payable on such obligation, the applicant, and any railroad or railroad partner for whose benefit the assistance is intended—

"(1) will not use any funds or assets from railroad or intermodal operations for purposes not related to such operations, if such use would impair the ability of the applicant, railroad, or railroad partner to provide rail or intermodal services in an efficient and economic manner, or would adversely affect the ability of the applicant, railroad, or railroad partner to perform any obligation entered into by the applicant under this section;

"(2) will, consistent with its capital resources, maintain its capital program, equipment, facilities, and operations on a continuing basis; and

"(3) will not make any discretionary dividend payments that unreasonably conflict with the purposes stated in subsection (b).

"SEC. 503. ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.

"(a) APPLICATIONS.—The Secretary shall prescribe the form and contents required of applications for assistance under section 502, to enable the Secretary to determine the eligibility of the applicant's proposal, and shall establish terms and conditions for direct loans and loan guarantees made under that section.

"(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee made under section 502 may assign the loan guarantee in whole or in part, subject to such requirements as the Secretary may prescribe.

"(d) MODIFICATIONS.—The Secretary may approve the modification of any term or condition of a direct loan, loan guarantee, direct loan obligation, or loan guarantee commitment, including the rate of interest, time of payment of interest or principal, or security requirements, if the Secretary finds in writing that—

"(1) the modification is equitable and is in the overall best interests of the United States; and

"(2) consent has been obtained from the applicant and, in the case of a loan guarantee or loan guarantee commitment, the holder of the obligation.

"(e) COMPLIANCE.—The Secretary shall assure compliance, by an applicant, any other party to the loan, and any railroad or railroad partner for whose benefit assistance is intended, with the provisions of this title, regulations issued hereunder, and the terms and conditions of the direct loan or loan guarantee, including through regular periodic inspections.

"(f) COMMERCIAL VALIDITY.—For purposes of claims by any party other than the Secretary, a loan guarantee or loan guarantee commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this title, and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder thereof, including the original lender or any other holder, as of the date when the Secretary granted the application therefor, except as to fraud or material misrepresentation by such holder.

"(g) DEFAULT.—The Secretary shall prescribe regulations setting forth procedures in the event of default on a loan made or guaranteed under section 502. The Secretary shall ensure that each loan guarantee made under that section contains terms and conditions that provide that—

"(1) if a payment of principal or interest under the loan is in default for more than 30 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, the amount of unpaid guaranteed interest;

"(2) if the default has continued for more than 90 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, 90 percent of the unpaid guaranteed principal;

"(3) after final resolution of the default, through liquidation or otherwise, the Secretary shall pay to the holder of the obligation, or the holder's agent, any remaining amounts guaranteed but which were not recovered through the default's resolution;

"(4) the Secretary shall not be required to make any payment under paragraphs (1) through (3) if the Secretary finds, before the expiration of the periods described in such paragraphs, that the default has been remedied; and

"(5) the holder of the obligation shall not receive payment or be entitled to retain payment in a total amount which, together with all other recoveries (including any recovery based upon a security interest in equipment or facilities) exceeds the actual loss of such holder.

"(h) RIGHTS OF THE SECRETARY.—

"(1) SUBROGATION.—If the Secretary makes payment to a holder, or a holder's agent, under subsection (g) in connection with a loan guarantee made under section 502, the Secretary shall be subrogated to all of the rights of the holder with respect to the obligor under the loan.

"(2) DISPOSITION OF PROPERTY.—The Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, rent, sell, or otherwise dispose of any property or other interests obtained pursuant to this section. The Secretary shall not be subject to any Federal or State regulatory requirements when carrying out this paragraph.

"(i) ACTION AGAINST OBLIGOR.—The Secretary may bring a civil action in an appropriate Federal court in the name of the United States in the event of a default on a direct loan made under section 502, or in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under section 502. The holder of a guarantee shall make available to the Secretary all records and evidence necessary to prosecute the civil action. The Secretary may accept property in full or partial satisfaction of any sums owed as a result of a default. If the Secretary receives, through the sale or other disposition of such property, an amount greater than the aggregate of—

"(1) the amount paid to the holder of a guarantee under subsection (g) of this section; and

"(2) any other cost to the United States of remedying the default,

the Secretary shall pay such excess to the obligor.

"(j) BREACH OF CONDITIONS.—The Attorney General shall commence a civil action in an appropriate Federal court to enjoin any activity which the Secretary finds is in violation of this title, regulations issued hereunder, or any conditions which were duly agreed to, and to secure any other appropriate relief.

"(k) ATTACHMENT.—No attachment or execution may be issued against the Secretary, or any property in the control of the Secretary, prior to the entry of final judgment to such effect in any State, Federal, or other court.

"(l) INVESTIGATION CHARGE.—The Secretary may charge and collect from each applicant a reasonable charge for appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings. Such charge shall not aggregate more than one-half of 1 percent of the principal amount of the obligation.";

(2) by striking sections 505 through 515 (other than 511(c)), 517, and 518;

(3) in section 511(c) by striking "this section" and inserting "section 502";

(4) by moving subsection (c) of section 511 (as amended by paragraph (3) of this section) from section 511 to section 503 (as inserted by paragraph (1) of this section), inserting it after subsection (a), and redesignating it as subsection (b); and

(5) by redesignating section 516 as section 504.

(b) TECHNICAL AND CONFORMING PROVISIONS.—

(1) TABLE OF CONTENTS.—The table of contents of title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by striking the items relating to sections 502 through 518 and inserting the following:

"Sec. 502. Direct loans and loan guarantees.
"Sec. 503. Administration of direct loans and loan guarantees.
"Sec. 504. Employee protection.".

(2) SAVINGS PROVISION.—A transaction entered into under the authority of title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) before the date of the enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(3) REPEAL.—Section 211(i) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(i)) is repealed.

TITLE X—CONDITIONS FOR IMPLEMENTATION OF FUNDING

SEC. 1001. CONDITIONS FOR IMPLEMENTATION OF FUNDING.

(a) PURPOSE.—The purpose of this section is to ensure that all additional spending provided by this Act above the levels assumed for those programs under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 in the baseline projections contained in the Congressional Budget Office document entitled "Revised Baseline Budget Projections for Fiscal Years 1999–2008," dated March 3, 1998, except that for programs with discretionary outlays the projections shall assume obligation authority at the 1998 enacted level and that the programs shall be adjusted for the transfer of general fund programs to the trust fund, is fully offset through mandatory and discretionary offsets set forth in this Act.

(b) DUTY IMPOSED ON SECRETARY.—The Secretary of Transportation shall not apportion, allocate, or obligate any funds authorized or provided by this Act unless it contains a section stating that the conditions set forth in subsection (c) have been met.

(c) ENUMERATION OF SPECIFIC CONDITIONS.—The conditions referred to in subsection (b) are that this Act shall contain provisions that offset any increase in outlays from the Highway Trust Fund caused by this Act above the levels assumed for those programs under section 257 of

the Balanced Budget and Emergency Deficit Control Act of 1985 in the baseline projections contained in the Congressional Budget Office document entitled "Revised Baseline Budget Projections for Fiscal Years 1999–2008," dated March 3, 1998, except that for programs with discretionary outlays the projections shall assume obligation authority at the 1998 enacted level and that the programs shall be adjusted for the transfer of general fund programs to the trust fund, by reducing mandatory and discretionary spending.

SEC. 1002. SENSE OF CONGRESS WITH RESPECT TO VETERANS PROGRAMS.

It is the sense of the Congress that provisions referred to in section 1001(c) that are to be contained in this Act to offset increases described in that section in outlays from the Highway Trust Fund should not include any provision making a change in programs or benefits administered by the Secretary of Veterans Affairs.

TITLE XI—EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES AND TRUST FUND

Sec. 1101. Short title; amendment of 1986 Code.
Sec. 1102. Extension of highway-related taxes and trust fund.
Sec. 1103. Modifications to Highway Trust Fund.
Sec. 1104. Provisions relating to Aquatic Resources Trust Fund.
Sec. 1105. Repeal of excise tax on tires.
Sec. 1106. Repeal of 4.3 cent excise tax on diesel fuel and gasoline used in trains.
Sec. 1107. Delay in effective date of new requirement for approved diesel or kerosene terminals.
Sec. 1108. Simplified fuel tax refund procedures.
Sec. 1109. Repeal of National Recreational Trails Trust Fund.

SEC. 1101. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Surface Transportation Revenue Act of 1998".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1102. EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES.—

(1) IN GENERAL.—The following provisions are each amended by striking "1999" each place it appears and inserting "2005":

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination).

(E) Section 4081(d)(1) (relating to termination).

(F) Section 4481(e) (relating to period tax in effect).

(G) Section 4482(c)(4) (relating to taxable period).

(H) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(2) TAX ON TIRES EXTENDED ONLY THROUGH SEPTEMBER 30, 2000.—Section 4071(d) (relating to termination) is amended by striking "1999" and inserting "2000".

(3) OTHER PROVISIONS.—

(A) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) (relating to floor stocks refunds) is amended—

(i) by striking "1999" each place it appears and inserting "2005", and

(ii) by striking "2000" each place it appears and inserting "2006".

(B) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Section 6156(e)(2) (relating to installment payments of highway use tax on use of highway motor vehicles) is amended by striking "1999" and inserting "2005".

(b) EXTENSION OF CERTAIN EXEMPTIONS.—The following provisions are each amended by striking "1999" and inserting "2005":

(1) Section 4221(a) (relating to certain tax-free sales).

(2) Section 4483(g) (relating to termination of exemptions for highway use tax).

(c) EXTENSION OF DEPOSITS INTO, AND CERTAIN TRANSFERS FROM, TRUST FUND.—

(1) IN GENERAL.—Subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 (relating to the Highway Trust Fund) are each amended—

(A) by striking "1999" each place it appears (other than in subsection (b)(4)) and inserting "2005", and

(B) by striking "2000" each place it appears and inserting "2006".

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (4)(A)(i) and (5)(A) of section 9503(c) are each amended by striking "1998" and inserting "2003".

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–11(b)) is amended—

(i) by striking "1997" and inserting "2003", and

(ii) by striking "1998" each place it appears and inserting "2004".

(3) CONFORMING AMENDMENT.—The heading for paragraph (3) of section 9503(c) is amended to read as follows:

"(3) FLOOR STOCKS REFUNDS.—".

(d) EXTENSION AND EXPANSION OF EXPENDITURES FROM TRUST FUND.—

(1) HIGHWAY ACCOUNT.—

(A) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (1) of section 9503(c) is amended by striking "1998" and inserting "2003".

(B) EXPANSION OF PURPOSES.—Paragraph (1) of section 9503(c) is amended—

(i) by striking "or" at the end of subparagraph (C), and

(ii) by striking "1991." in subparagraph (D) and all that follows through the end of paragraph (1) and inserting "1991, or

"(E) authorized to be paid out of the Highway Trust Fund under the Building Efficient Surface Transportation and Equity Act of 1998.

In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.".

(2) MASS TRANSIT ACCOUNT.—

(A) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (3) of section 9503(e) is amended by striking "1998" and inserting "2003".

(B) EXPANSION OF PURPOSES.—Paragraph (3) of section 9503(e) is amended—

(i) by striking "or" at the end of subparagraph (A),

(ii) by adding "or" at the end of subparagraph (B), and

(iii) by striking all that follows subparagraph (B) and inserting:

"(C) the Building Efficient Surface Transportation and Equity Act of 1998,as such sections and Acts are in effect on the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.".

(e) TECHNICAL CORRECTION RELATING TO TRANSFERS TO MASS TRANSIT ACCOUNT.—

(1) IN GENERAL.—Section 9503(e)(2) is amended by striking the last sentence and inserting the following: "For purposes of the preceding sentence, the term 'mass transit portion' means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

"(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

"(B) 1.43 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

"(C) 1.86 cents per gallon in the case of liquefied natural gas,

"(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

"(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendment made by section 901(b) of the Taxpayer Relief Act of 1997.

SEC. 1103. MODIFICATIONS TO HIGHWAY TRUST FUND.

(a) DETERMINATION OF TRUST FUND BALANCES AFTER SEPTEMBER 30, 1998.—

(1) IN GENERAL.—Section 9503 (relating to Highway Trust Fund) is amended by adding at the end the following new subsection:

"(f) DETERMINATION OF TRUST FUND BALANCES AFTER SEPTEMBER 30, 1998.—For purposes of determining the balances of the Highway Trust Fund and the Mass Transit Account after September 30, 1998—

"(1) the opening balance of the Highway Trust Fund (other than the Mass Transit Account) on October 1, 1998, shall be $8,000,000,000,

"(2) the opening balance of the Mass Transit Account on such date shall be $5,500,000,000, and

"(3) no interest on any obligation held by such Fund shall be credited to such Fund if such interest accrues after September 30, 1998.

The Secretary shall cancel obligations held by the Highway Trust Fund to reflect the reduction in the balances under this subsection.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1998.

(b) REPEAL OF LIMITATION ON EXPENDITURES ADDED BY TAXPAYER RELIEF ACT OF 1997.—

(1) IN GENERAL.—Subsection (c) of section 9503 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 901 of the Taxpayer Relief Act of 1997.

(c) LIMITATION ON EXPENDITURE AUTHORITY.—Subsection (b) of section 9503 (relating to transfers to Highway Trust Fund) is amended by adding at the end the following new paragraph:

"(6) LIMITATION ON TRANSFERS TO HIGHWAY TRUST FUND.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no amount may be appropriated to the Highway Trust Fund on and

after the date of any expenditure from the Highway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(i) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(ii) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

"(B) EXCEPTION FOR PRIOR OBLIGATIONS.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.".

(d) MODIFICATION OF MASS TRANSIT ACCOUNT RULES ON ADJUSTMENTS OF APPORTIONMENTS.—Paragraph (4) of section 9503(e) is amended to read as follows:

"(4) LIMITATION.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account.".

SEC. 1104. PROVISIONS RELATING TO AQUATIC RESOURCES TRUST FUND.

(a) INCREASED TRANSFERS.—

(1)(A) Effective with respect to taxes imposed after September 30, 1999, and before October 1, 2000, subparagraph (D) of section 9503(b)(4) is amended by striking "11.5 cents" and inserting "14.9 cents".

(B) Effective with respect to taxes imposed after September 30, 2000, paragraph (4) of section 9503(b) is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(2) Subparagraph (A) of section 9503(c)(4), as amended by section 1102(c)(2)(A), is amended to read as follows:

"(A) TRANSFERS TO BOAT SAFETY ACCOUNT.—

"(i) IN GENERAL.—The Secretary shall pay from time to time from the Highway Trust Fund into the Boat Safety Account in the Aquatic Resources Trust Fund amounts (as determined by the Secretary) equivalent to one-half of the motorboat fuel taxes received after September 30, 1998, and before October 1, 2003.

"(ii) LIMIT ON AMOUNT IN FUND.—No amount shall be transferred under this subparagraph during any fiscal year if the Secretary determines that such transfer would result in increasing the unobligated balance in the Boat Safety Account to a sum in excess of one-half of the total amount received as motorboat fuel taxes during the preceding fiscal year.".

(b) EXTENSION AND EXPANSION OF EXPENDITURE AUTHORITY FROM BOAT SAFETY ACCOUNT.—Section 9504(c) (relating to expenditures from Boat Safety Account) is amended—

(1) by striking "1998" and inserting "2003", and

(2) by striking "October 1, 1988" and inserting "the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998".

(c) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9504 (relating to Aquatic Resources Trust Fund) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) LIMITATION ON TRANSFERS TO AQUATIC RESOURCES TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or paid to any Account in the Aquatic Resources Trust Fund on and after the date of any expenditure from any such Account which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INCREASED TRANSFERS.—The amendment made by subsection (a)(2) shall take effect on October 1, 1998.

SEC. 1105. REPEAL OF EXCISE TAX ON TIRES.

(a) IN GENERAL.—Subchapter A of chapter 32 (relating to automotive and related items) is amended by striking part II.

(b) CONFORMING AMENDMENTS.—

(1) Section 4051 is amended by striking subsection (d).

(2) Section 4218 is amended—

(A) by striking "(other than a tire taxable under section 4071)" in subsection (a),

(B) by striking subsection (b), and

(C) by redesignating subsection (c) as subsection (b).

(3)(A) The third sentence of section 4221(a) is amended to read as follows: "Paragraphs (4) and (5) shall not apply to the tax imposed by section 4051 on and after October 1, 2005."

(B) Subsection (e) of section 4221 is amended—

(i) by striking paragraphs (2) and (3),

(ii) by striking so much of such subsection as precedes the text of paragraph (1) and inserting:

"(e) RECIPROCITY REQUIRED IN CASE OF CIVIL AIRCRAFT.—", and

(iii) by moving such text 2 ems to the left.

(4) Paragraph (1) of section 4223(b) is amended by striking "section 4218(c)" and inserting "section 4218(b)".

(5)(A) Paragraph (1) of section 6412(a) is amended—

(i) by striking "TIRES AND TAXABLE" in the heading and inserting "TAXABLE", and

(ii) by striking "4071 or".

(B) Subsection (c) of section 6412 is amended by striking "sections 4071 and" and inserting "section".

(6)(A) Paragraph (1) of section 6416(b) is amended—

(i) by striking "or (C)" in subparagraph (A), and

(ii) by striking subparagraph (C).

(B) Paragraph (2) of section 6416(b) is amended by adding "or" at the end of subparagraph (D), by striking subparagraph (E), and by redesignating subparagraph (F) as subparagraph (E).

(C) Subsection (b) of section 6416 is amended by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(D) Subsection (d) of section 4216 is amended by striking "section 6416(b)(5)" and inserting "section 6416(b)(4)".

(7) Paragraph (1) of section 9503(b) is amended by striking subparagraphs (C) and (D) and by redesignating subparagraphs (E) and (F) as subparagraphs (C) and (D), respectively.

(8) Paragraph (5) of section 9503(b) is amended by striking "and (E)" and inserting "and (C)".

(9) The table of parts for subchapter A of chapter 32 is amended by striking the item relating to part II.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000; except that the amendment made by subsection (b)(6) shall not apply to amounts received in the Treasury with respect to taxes imposed before such date.

SEC. 1106. REPEAL OF 4.3 CENT EXCISE TAX ON DIESEL FUEL AND GASOLINE USED IN TRAINS.

(a) DIESEL FUEL.—

(1) IN GENERAL.—Clause (ii) of section 4041(a)(1)(C) (relating to rate of tax) is amended to read as follows:

"(ii) RATE OF TAX ON TRAINS.—In the case of any sale for use, or use, of diesel fuel in a train, the rate of tax imposed by this paragraph shall be—

"(I) 5.55 cents per gallon after September 30, 1995, and before October 1, 1999,

"(II) 4.3 cents per gallon after September 30, 1999, and before October 1, 2000, and

"(III) zero after September 30, 2000.".

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 6427(l)(3) is amended to read as follows:

"(B) so much of the rate specified in section 4081(a)(2)(A) as does not exceed—

"(i) 5.55 cents per gallon after September 30, 1995, and before October 1, 1999,

"(ii) 4.3 cents per gallon after September 30, 1999, and before October 1, 2000, and

"(iii) zero after September 30, 2000.".

(b) GASOLINE.—Subparagraph (B) of section 6421(f)(3) is amended to read as follows:

"(B) so much of the rate specified in section 4081(a)(2)(A) as does not exceed—

"(i) 5.55 cents per gallon after September 30, 1995, and before October 1, 1999,

"(ii) 4.3 cents per gallon after September 30, 1999, and before October 1, 2000, and

"(iii) zero after September 30, 2000.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1107. DELAY IN EFFECTIVE DATE OF NEW REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Subsection (f) of section 1032 of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(f) EFFECTIVE DATES.—

"(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 1998.

"(2) The amendment made by subsection (d) shall take effect on July 1, 2000.".

SEC. 1108. SIMPLIFIED FUEL TAX REFUND PROCEDURES.

(a) IN GENERAL.—Subparagraph (A) of section 6427(i)(2) is amended to read as follows:

"(A) IN GENERAL.—If, at the close of any quarter of the taxable year of any person, at least $750 is payable in the aggregate under subsections (a), (b), (d), (h), (l), and (q) of this section and section 6421 to such person with respect to fuel used—

"(i) during such quarter, or

"(ii) any prior quarter during such taxable year for which no other claim has been filed,

a claim may be filed under this section with respect to such fuel.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (i) of section 6427 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(2) Paragraph (2) of section 6427(k) is amended to read as follows:

"(2) EXCEPTION.—Paragraph (1) shall not apply to a payment of a claim filed under paragraph (2), (3), or (4) of subsection (i).".

(3) Paragraph (2) of section 6421(d) is amended to read as follows:

"(2) EXCEPTION.—

"For payments per quarter based on aggregate amounts payable under this section and section 6427, see section 6427(i)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998.

SEC. 1109. REPEAL OF NATIONAL RECREATIONAL TRAILS TRUST FUND.

(a) IN GENERAL.—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 9503(c) is amended by striking paragraph (6).

(2) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except those printed in Part II of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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

It is now in order to consider amendment number 1 printed in Part II of the House report 105-476.

AMENDMENT NO. 1 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:

Part II, amendment numbered 1 offered by Mr. SHUSTER:

In section 109(b)—

(1) redesignate paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(2) insert before paragraph (2) (as so redesignated) the following:

(1) by striking "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 inserting the following: "that is or was designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and classified pursuant to section 181(a), 186(a), 188(a), or 188(b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), 7513(a), or 7513(b)) or is or was designated as a nonattainment area under such section 107(d) after December 31, 1997,";

In section 109 of the bill—

(1) redesignate subsection (c) as subsection (d); and

(2) insert after subsection (b) the following:

(c) PUBLIC-PRIVATE PARTNERSHIPS.—Section 149 is amended by adding at the end the following:

"(e) PARTNERSHIPS WITH NONGOVERNMENTAL ENTITIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title and in accordance with this subsection, a metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project carried out under this section.

"(2) FORMS OF PARTICIPATION BY ENTITIES.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, vehicle, or other physical asset associated with the project;

"(B) cost sharing of any eligible project expense; and

"(C) any other form of participation approved by the Secretary.

"(3) ALLOCATION OF ENTITIES.—A State may allocate funds apportioned under section 104(b)(2) to an entity described in paragraph (1).

"(4) ALTERNATIVE FUEL PROJECTS.—In the case of a project that will provide for the use of alternative fuels by privately owned vehicles or vehicle fleets, activities eligible for funding under this subsection—

"(A) may include the costs of vehicle refueling infrastructure, including infrastructure that would support the development, production, and use of innovative water-phased hydrocarbon fuel emulsion technologies, and other capital investments associated with the project;

"(B) shall include only the incremental cost of an alternative fueled vehicle compared to a conventionally fueled vehicle that would otherwise be borne by a private party; and

"(C) shall apply other governmental financial purchase contributions in the calculation of net incremental cost.

"(5) PROHIBITION ON FEDERAL PARTICIPATION WITH RESPECT TO REQUIRED ACTIVITIES.—A Federal participation payment under this subsection may not be made to an entity to fund an obligation imposed under the Clean Air Act (42 U.S.C. 7401 et seq.) or any other Federal law.

"(6) WATER-PHASED HYDROCARBON FUEL EMULSION.—In this subsection, the term 'water-phased hydrocarbon fuel emulsion' consists of a hydrocarbon base and water in an amount not less than 20 percent by volume of the total water-phased fuel emulsion.".

In the matter proposed to be inserted as section 206(e)(1)(K) of title 23, United States Code, by section 114(a) of the bill, insert "of 1969" after "National Environmental Policy Act".

In the last sentence of section 111(d) of the bill, strike "fiscal year 1998, 1999, 2000, 2001, 2002, or 2003, as the case may be" and insert "the fiscal year beginning after September 30, 1997".

In section 117(b) of the bill—

(1) strike "and" at the end of paragraph (1);

(2) redesignate paragraph (2) as paragraph (3); and

(3) insert after paragraph (1) the following:

(2) in subsection (d)—

(A) by inserting "INDIAN RESERVATION ROADS.—" after "(d)";

(B) by inserting "(1) FOR FISCAL YEARS ENDING BEFORE OCTOBER 1, 1999.—" before "On October";

(C) by inserting after "each fiscal year" the following: "ending before October 1, 1999";

(D) by adding at the end the following:

"(2) FISCAL YEAR 2000 AND THEREAFTER.—

"(A) IN GENERAL.—All funds authorized to be appropriated for Indian reservation roads shall be allocated among Indian tribes for fiscal year 2000 and each subsequent fiscal year in accordance with a formula established by the Secretary of the Interior under a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5.

"(B) REGULATIONS.—Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary of the Interior shall issue regulations governing the Indian reservation roads program, and establishing the funding formula for fiscal year 2000 and each subsequent fiscal year under this paragraph, in accordance with a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5. The regulations shall be issued in final form not later than April 1, 1999, and shall take effect not later than October 1, 1999.

"(C) NEGOTIATED RULEMAKING COMMITTEE.—In establishing a negotiated rulemaking committee to carry out subparagraph (B), the Secretary of the Interior shall—

"(i) apply the procedures under subchapter III of chapter 5 of title 5 in a manner that reflects the unique government-to-government relationship between the Indian tribes and the United States; and

"(ii) ensure that the membership of the committee includes only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes.

"(D) BASIS FOR FUNDING FORMULA.—The funding formula established for fiscal year 2000 and each subsequent fiscal year under this paragraph shall be based on factors that reflect—

"(i) the relative needs of the Indian tribes, and reservation or tribal communities, for transportation assistance; and

"(ii) the relative administrative capacities of, and challenges faced by, various Indian tribes, including the cost of road construction in each Bureau of Indian Affairs area, geographic isolation and difficulty in maintaining all-weather access to employment, commerce, health, safety, and educational resources."; and

(E) by indenting paragraph (1), as designated by subparagraph (B) of this paragraph, and aligning paragraph (1) with paragraph (2), as added by subparagraph (D) of this paragraph; and

In section 117(d) of the bill—

(1) strike "and" at the end of paragraph (3);

(2) strike the period at the end of paragraph (4) and insert "; and"; and

(3) add at the end the following:

(5) by adding at the end the following:

"(k) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF INDIAN TRIBES.—

"(1) IN GENERAL.—Up to 1 percent of the funds made available for Indian reservation roads for each fiscal year shall be set aside by the Secretary of the Interior for transportation-related administrative expenses of Indian tribal governments.

"(2) DISTRIBUTION.—The Secretary of the Interior shall make available to each Indian tribal government with an approved application under paragraph (3) an equal percentage of any sum set aside pursuant to paragraph (1).

"(3) APPLICATIONS.—To receive funds under this paragraph, an Indian tribal government must submit to the Secretary of the Interior

for approval an application in accordance with the requirements of the Indian Self-Determination and Education Assistance Act. The Secretary of the Interior shall approve any such application that demonstrates that the applicant has the capability to carry out transportation planning activities or is in the process of establishing such a capability.

"(1) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS BY THE SECRETARY.—

"(1) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall establish a pilot program (hereinafter in this subsection referred to as the 'program') for the purposes described in paragraph (2) and shall carry out such program in each of fiscal years 1999 through 2003.

"(2) PURPOSE.—The purpose of the program shall be to permit an Indian tribal government to apply directly to the Secretary for authorization to conduct projects on Indian reservation roads using amounts allocated to the Indian tribal government under the Indian reservation roads program.

"(3) TREATMENT AS STATES.—Except as otherwise provided by the Secretary, an Indian tribal government submitting an application to the Secretary under the program shall be subject to the same requirements as a State applying for approval of a Federal-aid highway project.

"(4) SELECTION OF PARTICIPANTS.—

"(A) APPLICATIONS.—An Indian tribal government seeking to participate in the program shall submit to the Secretary an application which is in such form and contains such information as the Secretary may require.

"(B) MAXIMUM NUMBER OF PARTICIPANTS.—The Secretary shall select not more than 10 Indian tribal governments to participate in the program.

"(5) TECHNICAL ASSISTANCE.—The Secretary, in cooperation with the Secretary of the Interior, shall provide technical assistance to Indian tribal governments participating in the program.

"(6) TRANSITIONAL ASSISTANCE.—Upon request of the Secretary, the Secretary of the Interior shall provide to the Secretary such assistance as may be necessary for implementation of the program.

"(7) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the program. In developing such report, the Secretary shall solicit the comments of Indian tribal governments participating in the program.".

In section 120 of the bill—

(1) redesignate subsections (a), (b), and (c), as subsections (b), (c), and (d), respectively; and

(2) insert before subsection (b) (as so redesignated) the following:

(a) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The first sentence of section 120(c) is amended by inserting "and transit vehicles" after "emergency vehicles".

In the matter proposed to be inserted after the second sentence of paragraph (1) of section 135(f) of title 23, United States Code, by section 125(d)(1) of the bill, strike "elected" each place it appears.

In section 127(b) of the bill, strike "Section 104" and all that follows through the first colon and insert the following:

(1) IN GENERAL.—Section 104 is amended by redesignating subsection (j) as subsection (k), and by inserting after subsection (i) the following:

At the end of section 127(b) of the bill, insert the following:

(2) DIVISION OR SEGMENTATION OF PROJECTS.—Section 145 is amended—

(A) by inserting "(a) PROTECTION OF STATE SOVEREIGNTY.—" before "The authorization"; and

(B) by adding at the end the following:

"(b) DIVISION OR SEGMENTATION OF PROJECTS.—

"(1) IN GENERAL.—A State carrying out a project with funds made available by section 104(j) of this title or section 1103, 1104, 1105, 1106, 1107, or 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 or section 149(b) or 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 may divide or segment the project if such division or segmentation meets the standards established by the Secretary for division or segmentation (as the case may be) of projects under the National Environmental Policy Act of 1969.

"(2) AUTHORITY OF STATES TO CONSTRUCT WITHOUT FEDERAL ASSISTANCE.—Any portion of any project divided or segmented under this section may be constructed without Federal assistance.".

In the table contained in section 127(c) of the bill—

(1) in item 3 strike "0.750" and insert "1.000";

(2) in item 5 strike "2 miles south of Biwabik" and insert "CR-535";

(3) in item 6 strike "7.000" and insert "6.000";

(4) in item 8 after "$2,000,000" insert the following: "for the S. 277th St./UP project in Auburn/Kent, $2,000,000 for the S. 180th St. project in Tukwila, $1,000,000 for the 8th St. E/B SNF project in Pierce Co., and $1,500,000 for the Shaw Rd. extension and Puyallup";

(5) in item 11 strike "Construct" and all that follows through "Los"and insert "Upgrade access to Sylmar/San Fernando Metrolink Station and Westfield Village, Los Angeles";

(6) in item 19 strike "15.000" and insert "8.150";

(7) in item 32—

(A) strike "to establish" and insert a comma;

(B) strike "and center"; and

(C) insert "Bayonne," before "Elizabeth";

(8) in item 43—

(A) strike "Missouri" and insert "West Virginia";

(B) strike "Construct" and all that follows through "St. Louis" and insert "Construct I-73/74 Corridor, including an interchange with US-460, Mercer County"; and

(C) strike "1.200" and insert "15.000";

(9) in item 74 strike "1.520" and insert "1.920";

(10) in item 80 strike "Bibb" and insert "Perry";

(11) in item 90 strike "5.290" and insert "3.385";

(12) in item 95—

(A) strike "work" and insert "construction"; and

(B) strike "I-65" and insert "city of Huntsville";

(13) in item 104 strike "5.000" and insert "19.200";

(14) in item 108 strike "Design" and all that follows through "bypass," and insert "Preliminary engineering and right-of-way acquisition for 'Intertown South' route of US 31 bypass, Emmet County;

(15) in item 129—

(A) strike "209" and insert "290"; and

(B) strike "16.000" and insert "18.000;

(16) in item 133 strike "Kaumualili" and insert "Kaumualii";

(17) in item 135—

(A) strike "Illinois" and insert "West Virginia";

(B) strike "Construct" and all that follows through "Chicago" and insert "Construct Shawnee Parkway between junction with I-73/74 corridor and I-77"; and

(C) strike "1.000" and insert "5.000";

(18) in item 142 strike "to Bowstring River" and insert "and Highway 1";

(19) in item 143 strike "0.500" and insert "4.500";

(20) in item 148 strike "I-69" and insert "I-96";

(21) in item 162 strike "Bro" and insert "Brownsville";

(22) in item 194 strike "Construct" and all that follows through "replacement)" and insert "Replacement and renovation of Carlton Bridge, Bath/Woolwich";

(23) in item 196 strike "Tutilla Island" and insert "Tutuila/Manua Islands";

(24) in item 208—

(A) strike "on" and insert "an"; and

(B) strike "1.600" and insert "1.200";

(25) in item 216 strike "8.000" and insert "14.000";

(26) in item 227 strike "14.000" and insert "19.000";

(27) in item 237 insert "on Telegraph Road" after "boulevard";

(28) strike item 244 and insert the following:

244.	Indiana	Upgrade 93rd Avenue in Merrillville	5.900

(29) in item 248 strike "3.000" and insert "4.000";

(30) in item 254 strike "Angelese" and insert "Angeles";

(31) in item 258 strike "0.170" and insert "0.400";

(32) in item 262 insert ", San Ysidro" after "Yard";

(33) strike item 286 and insert the following:

286.	Indiana	Construct Marina Access Road in East Chicago	1.000

(34) in item 300 strike "7.000" and insert "8.000";

(35) in item 303 strike "13.000" and insert "12.000";

(36) in item 342—

(A) strike "Construct" and insert "Reconstruct";

(B) strike "to" and insert "at"; and

(C) strike "8.000" and insert "15.000";

(37) in item 381 strike "Construct" and all that follows through "Westfield" and insert "Design, engineer, and right-of-way acquisition of the Great River Bridge, Westfield";

(38) in item 391 strike "Kapkowsk" and insert "Kapowski";

(39) in item 394 strike "10.310" and insert "2.000";

(40) in item 415 after "College" insert ", including a new interchange on S.R. 0029";

(41) in item 444—

(A) after "Project" insert "in Passaic County"; and

(B) after "for the Route" the last place it appears insert "46/Union Blvd. Interchange reconstruction project";

(42) in item 447 strike "Destrehan Ave. and Lapalco Blvd." and insert "Barataria Blvd. and US Hwy. 90";

(43) in item 474 strike "9.500" and insert "7.500";

(44) in item 478 insert "in Murfreesboro" after "River";

(45) in item 482 strike "Kawahihee" and insert "Kawaihae";

(46) in item 484 strike "Upgrade" and insert "Operational improvements on";

(47) in item 497 strike "40" and insert "45";

(48) in item 535 strike "2.000" and insert "4.500";

(49) in item 544 strike "3.500" and insert "1.900";

(50) in item 558 strike "4.000" and insert "5.000";

(51) in item 564 strike "0.250" and insert "0.500";

(52) in item 596 strike "1.000" and insert "0.500";

(53) in item 610 strike "Upgrade" and all that follows through "Hill" and insert "Alternative transportation systems";

(54) in item 613 strike "Upgrade" and insert "Operational improvements on";

(55) in item 615 strike "Construct" and all that follows through "Los Angeles" and insert "Upgrade CA Rt. 2 Southern Freeway terminus and transportation efficiency improvements to Glendale Blvd. in Los Angeles";

(56) in item 619—

(A) strike "George" and insert "Georgia"; and

(B) strike "4.000" and insert "5.000";

(57) in item 625—

(A) strike "Ohio" and insert "West Virginia";

(B) "Construct" and all that follows through "Lorain" and insert "Construct I-73/74 Corridor including connectors with WV Rt. 44 and Co. Rt. 13 (Gilbert Creek), Mingo County"; and

(C) strike "2.400" and insert "10.000";

(58) in item 636 strike "2.000" and insert "2.197";

(59) strike item 662 and insert the following:

662. Louisiana Construct the Zachary Taylor Parkway project 1.000

(60) in item 717 strike "0.750" and insert "1.000";

(61) in item 735 strike "the airport" and insert "Commerce Blvd.";

(62) strike item 738 and insert the following:

738. North Carolina. Upgrade US-158 in Warren and Halifax Counties 3.000

(63) in item 759 strike "Williamsport" and insert "Lycoming County";

(64) in item 831 strike "23.500" and insert "1.500";

(65) in item 846 strike "14.750" and insert "12.000";

(66) in item 847 insert "Construct" before "Ontario";

(67) in item 857 strike "10.000" and insert "15.000";

(68) in item 884 strike "I-15" and insert "I-10";

(69) in item 859 strike "4.300" and insert "2.000";

(70) in item 872 strike "5.000" and insert "5.250";

(71) in item 887 strike "Hourma" and insert "Houma";

(72) in item 913 strike "Engineering" and all that follows through "construction of" and insert "Engineer, acquire right-of-way, and construct";

(73) in item 926 strike "Construct" and insert "Acquire right-of-way and construct";

(74) in item 939 insert after "FM521" insert "and dedicate $630,000 to the acquisition of right-of-way in Brazoria County";

(75) in item 961 strike "County";

(76) in item 971 strike "12.000" and insert "7.000".

(77) in item 993 strike "1.500" and insert "23.500";

(78) in item 1033 strike "12.000" and insert "11.000";

(79) in item 1044 after "Kentucky" the first place it appears, insert "and Indiana";

(80) strike item 1049 and insert the following:

1049. New York Construct CR-3 at Southern State Parkway overpass between Long Island Expressway and Colonial Springs 1.400

(81) in item 1079 strike "10.200" and insert "12.500";

(82) in item 1103 strike "Evergreen County" and insert "the city of Evergreen in Jefferson County";

(83) in item 1125 strike "I-80" and insert "I-180";

(84) in item 1150—

(A) strike "to Adirondack"; and

(B) strike "14.000" and insert "14.200";

(85) in item 1197 strike "Conduct" and all that follows through "of" and insert "Construct";

(86) in item 1206 insert after "Michigan" the second place it appears the following: "by extending 36th Street, improving 48th Street, and constructing the I-96/Whitneyville Interchange";

(87) in item 1213 strike "4.800" and insert "5.410";

(88) strike item 1238 and insert the following:

1238. Alabama ... Construct Eastern Black Warrior River Bridge and acquire right-of-way and construct an extension of the Black Warrior Parkway from US-82 to US-43 in Tuscaloosa County 23.000

(89) in item 1291 strike "15.000" and insert "16.000";

(90) in item 1353 strike "in Hancock" and insert "from SR-235 in Hancock County to the Ontario Bypass in Richland County";

(91) strike item 1362 and insert the following:

1362. Pennsylvania. Conduct preliminary engineering on the relocation of exits 4 and 5 on I-83 in York County 2.000

(92) in item 1368 strike "6.000" and insert "5.000";

(93) in item 1373 strike "Reconstruct" and all that follows through "Yakima" and insert the following: "Reconstruct I-82/SR-24

intersection and add lanes on SR–24 to Keys Road";

(94) in item 1379 strike "US–127" and insert "US–231";

(95) in item 1387 strike "San Bernardino" and insert "Victorville/Apple Valley";

(96) in item 1412 insert a slash after "Office";

(97) in item 1423 strike "4.825" and insert "4.740";

(98) in item 1443 strike "Construct" and all that follows through "Road" and insert the following: "Conduct preliminary engineering, acquire right-of-way, and construct I–75/North Down River Road interchange";

(99) in item 1444 strike "CR–96" and insert "CR–82"; and

(100) after item 1467 insert the following:

1468.	Kansas	Construct Phase II improvements to US–59 from US–56 to Ottawa	10.000
1469.	Pennsylvania.	Rehabilitate Kenmawr Bridge, Swissvale	0.450
1470.	Pennsylvania.	Construct Steel Heritage Trail between Glenwood Bridge to Clairton via McKeesport	0.482
1471.	Illinois	Construct Technology Ave. between US Rt. 45 East to Willenborg St., Effingham	2.735
1472.	Pennsylvania.	Conduct preliminary engineering and design for US–219 bypass of Bradford	1.000
1473.	Texas	Construct relief route around Alice	0.250
1474.	Ohio	Upgrade State Rt. 18 between I–71 and I–77	2.400
1475.	Illinois	Upgrade St. Marie Township Rd., Jasper County	0.036
1476.	Illinois	Upgrade US 40 in Martinsville	0.094
1477.	Michigan	Repair 48th Ave., Menominee	0.270
1478.	Illinois	Undertake improvements to Campus Transportation System, Chicago	2.000
1479.	Maine	Construct I–95/Stillwater Avenue interchange	2.000
1480.	Maine	Improve Route 26	1.500
1481.	Maine	Improve Route 23	0.500
1482.	Massachusetts.	Construct Minuteman Commuter Bikeway—Charles River Bikeway connector, Cambridge and Watertown	0.750
1483.	Massachusetts.	Construct Cambridge Roadways Improvement project, Cambridge	3.000
1484.	Massachusetts.	Upgrade Sacramento Street underpass, Somerville	0.250
1485.	Massachusetts.	Reconstruct roadways, Somerville	3.000
1486.	Michigan	Construct improvements to 23 Mile Rd. between Mound Rd. and M–53, Macomb	3.000
1487.	Minnesota	Conduct study of potential for diversion of traffic from the I–35 corridor to commuter rail, Chisago County north of Forest Lake along I–35 corridor to Rush City	0.500
1488.	Minnesota	Construct Elk River bypass from 171st Ave. at Highway 10 to intersection of County Roads 12 and 13 at Highway 169	3.200
1489.	Minnesota	Construct grade separated interchange at south junction of TH 371/Brainerd bypass	1.000
1490.	New York	Construct Fordham University regional transportation facility	3.000
1491.	New York	Construct bike paths in the Riverdale section of the Bronx	0.500
1492.	New York	Construct Phase II of the City of Mount Vernon's New Haven Railroad Redevelopment	2.000
1493.	New York	Construct Bike Paths along the Bronx River in Bronx Park	0.500
1494.	New York	Rehabilitate transportation facilities in CO–OP City	1.000
1495.	New York	Construct sound barriers on both sides of Grand Central Parkway between 172nd St. to Chevy Chase Rd	1.940
1496.	New York	Construct sound barriers on east side of Clearview Expressway between 15th Rd. and Willets Point Blvd.	0.400
1497.	New York	Construct sound barriers on Grand Central Parkway between 244th St. and Douglaston Parkway	0.500
1498.	New York	Rehabilitate roads, Village of Great Neck	0.160
1499.	Tennessee	Construct pedestrian and bicycle pathway to connect with the Mississippi River Trail, and restore adjacent historic cobblestones on riverfront, Memphis	3.000

1500.	Texas	Expand Winters Freeway (US83/84) in Abilene between Southwest Drive and US 277	11.200
1501.	New York	Reconstruct Springfield Blvd. between the Long Island Rail main line south to Rockaway Blvd., Queens County	4.000
1502.	Pennsylvania.	Construct Frazier Township interchange on SR–28 in Allegheny	3.000
1503.	Minnesota	Reconstruct St. Louis CSAH 9 (Wallace Avenue) in Duluth	0.600
1504.	California	Reimburse costs associated with the relocation and protection work performed relating to pipelines, cables, and other facilities impacted by the construction of the Mid-Trench section of the Alameda Corrido project	5.350
1505.	Ohio	Construct grade separation at Dille Road in Euclid	5.000
1506.	Nevada	Widen I–15 from the California State line to Las Vegas	2.500
1507.	Nevada	Improve at-grade railroad crossings in Reno	2.500

At the end of section 133 of the bill, add the following:

(h) SURVEY OF STATE PRACTICES ON SPECIFIC SERVICE SIGNING.—

(1) STUDY.—The Secretary shall conduct a study to determine the practices in the States for specific service food signs described in sections 2G–5.7 and 2G–5.8 of the Manual on Uniform Traffic Control Devices for Streets and Highways. The study shall, at a minimum, examine—

(A) the practices of States for determining businesses eligible for inclusion on such signs;

(B) whether States allow businesses to be removed from such signs and the circumstances for such removal;

(C) the practices of States for erecting and maintaining such signs, including the time required for erecting such signs;

(D) whether States contract out the erection and maintenance of such signs; and

(E) a survey of States' practices on the issues identified in subparagraphs (A) through (D).

(2) REPORT.—Before the last day of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including such recommendations and modifications to the Manual as the Secretary determines appropriate as a result of the study. Such modifications may be made as part of any revision to the Manual.

In section 136(a)(1) of the bill, redesignate subparagraphs (B), (C), (D), (E), and (F) as subparagraphs (C), (D), (E), (F), and (G), respectively, and strike subparagraph (A) and insert the following:

(A) by striking paragraph (5)(B)(iii)(I)(ff) and inserting the following:

"(ff) South Carolina State line to the Myrtle Beach Conway region to Georgetown, South Carolina, including a connection to Andrews following the route 41 corridor and to Manning following the U.S. Route 521 corridor; and";

(B) by striking paragraph (5)(B)(iii)(II)(hh) and inserting the following:

"(hh) South Carolina State line to the Myrtle Beach Conway region to Georgetown, South Carolina.".

In the matter proposed to be inserted as paragraph (34) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 by section 136(a)(1)(F) of the bill—

(1) insert after "Alameda Corridor East" the following: "and Southwest Passage, California. The Alameda Corridor East is"; and

(2) insert after "Bernardino." the following: "The Southwest Passage shall follow I–10 from San Bernardino to the Arizona State line and I–8 from San Diego to the Arizona State line.".

Strike the closing quotation marks and the final period at the end of the matter proposed to be inserted as paragraph (39) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 by section 136(a)(1)(F) of the bill and insert the following:

"(40) United States Route 277/United States Route 83 Corridor between I–44 in Wichita Falls, Texas, and I–20 in Abilene, Texas.".

In section 140 of the bill—

(1) insert "(a) CONTRACTING PROCEDURES.—" before "Section 112(b)(2)"; and

(2) insert at the end the following:

(b) SELECTION PROCESS.—Section 112 is further amended by adding at the end the following:

"(g) SELECTION PROCESS.—A State may procure, under a single contract, the services of a consultant to prepare any environmental impact assessments or analyses required, including environmental impact statements, as well as subsequent engineering and design work on the same project if the State has conducted a review that assesses the objectivity of any analysis, environmental assessment, or environmental impact statement prior to its submission to the Secretary.".

After section 143 of the bill, insert the following:

SEC. 144. SUBSTITUTE PROJECT.

(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia, the Secretary may approve substitute highway and transit projects under section 103(e)(4) of title 23, United States Code, as in effect on the day before the date of the enactment of this Act, in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the 1991 Interstate Cost Estimate.

(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute project or projects under subsection (a)—

(1) the cost of construction of the Barney Circle Freeway Modification project shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

(2) substitute projects approved pursuant to this section shall be funded from interstate construction funds apportioned or allocated to the District of Columbia that are not expended and not subject to lapse on the date of the enactment of this Act.

(c) FEDERAL SHARE.—The Federal share payable on account of a project or activity approved under this section shall be 85 percent of the cost thereof; except that the exception set forth in section 120(b)(2) of title 23, United States Code, shall apply.

(d) LIMITATION ON ELIGIBILITY.—Any substitute project approved pursuant to subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction, or construction must have commenced, before the last day of the 4-year period beginning on the date of the enactment of this section. If the substitute project is not under contract for construction, or construction has not commenced, by such last day, the Secretary shall withdraw approval of the substitute project.

SEC. 145. USE OF HOV LANES BY ELECTRIC VEHICLES.

Section 102(a) is amended by adding at the end the following: "Notwithstanding the preceding sentence, before September 30, 2003, a State may permit an electric vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicle is certified and labeled as an Inherently Low Emission Vehicle pursuant to section 88.313–93 of title 40, Code of Federal Regulations, provided that such permission may be revoked by the State should the State determine it necessary.".

Conform the table of contents of the bill accordingly.

At the end of section 202 of the bill, add the following:

(f) HIGHWAY SAFETY EDUCATION AND INFORMATION.—

(1) IN GENERAL.—For fiscal years 1999 and 2000, the Secretary shall allow any State to use funds apportioned to it under section 402 of title 23, United States Code to purchase television and radio time for the placement of highway safety public service messages.

(2) STUDY.—The Secretary shall conduct a study of the effectiveness of the public service messages and transmit a report on the results of the study together with the transmittal under section 508 of this Act.

At the end of section 207, add the following:

(c) EVALUATION AND ASSESSMENT OF ALTERNATIVES.—

(1) EVALUATION.—The Secretary shall evaluate the implementation of chapter 303 of title 49, United States Code, and the programs under sections 31106 and 31309 of such title and identify alternatives to improve the ability of the States to exchange information about unsafe drivers and to identify drivers with multiple licenses.

(2) TECHNOLOGY ASSESSMENT.—The Secretary, in conjunction with the American

Association of Motor Vehicle Administrators, shall conduct an assessment of available electronic technologies to improve access to and exchange of motor vehicle driving records. The assessment may consider alternative unique motor vehicle driver identifiers that would facilitate accurate matching of drivers and their records.

(3) REPORT TO CONGRESS.—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 evaluation and technology assessment, together with any recommendations for appropriate administrative and legislative actions.

In section 306(g) of the bill, strike "amended—" and all that follows through "(2) by" and insert "amended by".

In section 332(a) of the bill—

(1) in paragraph (43) after "East-West" insert "Intermodal";

(2) strike paragraph (58), relating to Oklahoma City—MAPS Link;

(3) in paragraph (90)—

(A) strike "Commuter Rail";

(B) after "Northstar" insert "Corridor"; and

(C) strike the parenthetical phrase and insert the following: "(Downtown, Minneapolis-Anoka County-St. Cloud)";

(4) redesignate succeeding paragraphs accordingly; and

(5) add at the end the following:

(96) Pittsburgh North Shore-Central Business District Corridor.

(97) Pittsburgh—Stage II Light Rail.

(98) Boston—North-South Rail Link.

(99) Spokane—South Valley Corridor Light Rail.

(100) Miami—Palmetto Metrorail.

In section 332(b) of the bill—

(1) strike paragraph (35), relating to Miami—Palmetto Metrorail, and paragraph (57), relating to Pittsburgh—Stage II Light Rail Reconstruction;

(2) redesignate succeeding paragraphs accordingly; and

(3) add at the end the following:

(70) California—North Bay Commuter Rail.

In the table contained in section 333 of the bill—

(1) in item 7 strike "0.000" and insert "0.200";

(2) in item 41 strike "0.000" and insert "0.500";

(3) in item 62 strike "0.000" and insert "0.300";

(4) in item 65 strike "1.625" each place it appears and insert "1.250";

(5) strike item 66 and insert the following:

66. New York, NY West 72nd St. Intermodal Station	1.750	

(6) in item 73—

(A) strike "1.750" the first place it appears and insert "2.250"; and

(B) strike "1.750" the second place it appears and insert "2.750";

(7) strike the line relating to item 77 (Mobile);

(8) strike the line relating to item 86 (Norwalk);

(9) in item 103—

(A) strike "1.000" and insert "1.250"; and

(B) strike "0.000" and insert "1.250";

(10) in item 121 strike "Stapleton, CO" and insert "Denver, CO Stapleton";

(11) strike the line relating to item 126 (Tucson);

(12) in item 142 strike "buses" and insert "Bus Facility";

(13) after item 149 insert the following:

150. Allegheny County, PA buses	0.000	1.500

Redesignate the items in the table contained in section 333 of the bill accordingly.

In title III of the bill, insert after section 339 the following:

SEC. 340. CLEAN FUEL VEHICLES.

(a) STUDY.—The Comptroller General shall conduct a study of the various low and zero emission fuel technologies for transit vehicles, including compressed natural gas, liquified natural gas, biodiesel fuel, battery, alcohol based fuel, hybrid electric, fuel cell, and clean diesel to determine the status of the development and use of such technologies, the environmental benefits of such technologies under the Clean Air Act, and the cost of such technologies and any associated equipment.

(b) REPORT.—Not later than January 1, 2000, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate a report on the results of the study, together with recommendations for incentives to encourage the use of low and zero emission fuel technology for transit vehicles.

Conform the table of contents of the bill accordingly.

In title IV of the bill, insert after section 422 the following:

SEC. 423. ELECTRONIC DATA STUDY.

(a) IN GENERAL.—The Secretary shall contract with an entity that is independent of the Department of Transportation to conduct a study to identify, examine, and evaluate current and future issues and policies related to government access to data produced by electronic systems for motor carrier regulatory enforcement. The entity shall have demonstrated knowledge about the motor carrier industry, motor carrier safety regulations, and the electronic information industry.

(b) INSPECTOR GENERAL.—The Office of the Inspector General of the Department of Transportation shall approve the statement of work of the entity referred to in subsection (a) and approve the contract award under subsection (a). In carrying out its responsibilities under this subsection, the Office of the Inspector General shall perform such overview and validation or verification of data as may be necessary to ensure that the study to be conducted under subsection (a) meets the requirements of subsection (a).

(c) DEADLINE.—The study to be conducted under subsection (a) shall be completed not later than 2 years after the date of the enactment of this Act. A report containing the results of the study shall be submitted to the Secretary and Congress.

(d) FUNDING.—Of amounts made available under section 127(a)(3)(H), $100,000 for fiscal year 1998, $200,000 for fiscal year 1999, and $200,000 for fiscal year 2000 shall be available to carry out this subsection.

Conform the table of contents of the bill accordingly.

In section 508 of the bill—

(1) redesignate paragraphs (4), (5), and (6) as paragraphs (6), (7), and (8), respectively; and

(2) insert after paragraph (3) the following:

(4) determine whether to approve a revised formula for the distribution of funds under section 104(b)(2) of title 23, United States Code, for the congestion mitigation and air quality improvement program due to the designation of new nonattainment areas by the Environmental Protection Agency;

After section 603 of the bill, insert the following:

SEC. 604. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this title or the amendments made by this title are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Secretary of Transportation shall provide notice to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Department of Transportation for which funds are authorized by this title or the amendments made by this title.

SEC. 605. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Department of Transportation should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Department of Transportation posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Department of Transportation is unable to correct in time.

In section 611(c) of the bill, in the matter proposed to be inserted as section 307(b)(4)(A) of title 23, United States Code, insert ", consistent with the plan developed under section 5506 of title 49," after "advanced research program".

In section 611(c) of the bill, in the matter proposed to be inserted as section 307(b)(4)(B)(ii) of title 23, United States Code,

strike "assessment of failure risks" and insert "the assessment of risks of failure, including from seismic activity, vibration, and weather".

In section 611(c) of the bill, in the matter proposed to be inserted as section 307(b)(4)(B)(v) of title 23, United States Code, strike "Particulate" and insert "Environmental research, including particulate".

In section 611(c) of the bill, in the matter proposed to be inserted as section 307(b)(4)(B)(vii) of title 23, United States Code, strike "Prediction" and insert "Human factors, including prediction".

Strike paragraphs (1) and (2) of section 611(d) of the bill and insert the following:

(1) by amending subparagraph (A) to read as follows:

"(A) Methods, materials, and testing to improve the durability of surface transportation infrastructure facilities and extend the life of bridge structures, including new and innovative technologies to reduce corrosion and tests simulating seismic activity, vibration, and weather.";

(2) by striking subparagraph (C);

(3) by redesignating subparagraph (D) as subparagraph (C); and

(4) by adding after subparagraph (C), as so redesignated, the following new subparagraphs:

"(D) Research on the use of recycled materials, such as paper and plastic fiber reinforcement systems.

"(E) New innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of structures.

"(F) Expansion of knowledge of implementing life cycle cost assessment, including establishing the appropriate analysis period and discount rates, learning how to value and properly consider user costs, determining tradeoffs between reconstruction and rehabilitation, and establishing methodologies for balancing higher initial costs of new technologies and improved or advanced materials against lower maintenance costs.

"(G) Standardized estimates of useful life under various conditions for advanced materials of use in surface transportation. Such estimates shall be developed in conjunction with the National Institute of Standards and Technology and other appropriate organizations.".

In section 611(e) of the bill, strike paragraphs (1) and (2) and insert the following:

(1) by striking subsections (c), (d), and (e) and inserting the following:

"(c) STUDY OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—

"(1) STUDY.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Building Efficient Surface Transportation and Equity Act of 1998, the Secretary shall make a grant to, or enter into a cooperative agreement or contract with, the Transportation Research Board of the National Academy of Sciences (referred to in this subsection as the "Board") to conduct a study to determine the goals, purposes, research agenda and projects, administrative structure, and fiscal needs for a new strategic highway research program to replace the program established under section 307(d) (as in effect on the day before the date of enactment of the Building Efficient Surface Transportation and Equity Act of 1998), or a similar effort.

"(B) CONSULTATION.—In conducting the study, the Board shall consult with the American Association of State Highway and Transportation Officials and such other entities as the Board determines to be necessary to the conduct of the study.

"(2) REPORT.—Not later than 2 years after making a grant or entering into a cooperative agreement or contract under subsection (a), the Board shall submit a final report on the results of the study to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives, and the Committee on Environment and Public Works of the Senate."; and

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f).

In section 611(f) of the bill, strike "307(c)" and insert "307(d)".

In section 611(g) of the bill, strike "307(e)" and insert "307(f)".

In section 611(h) of the bill, in the matter proposed to be added at the end of section 307 of title 23, United States Code, redesignate subsection (f) as subsection (g).

At the end of section 611 of the bill, add the following new subsection:

(j) TECHNOLOGICAL INNOVATION.—Section 307 is amended by adding at the end the following new subsection:

"(h) TECHNOLOGICAL INNOVATION.—The programs and activities carried out under this section shall be consistent with the plan developed under section 5506 of title 49.".

In section 612 of the bill, at the end of the matter proposed to be inserted as section 313 of title 23, United States Code, strike the closing quotation marks and the final period and insert the following:

"(e) ANNUAL REPORT.—Each State shall report annually to the Secretary on the level of its funding for research and development activities described in subsection (a)(5). A State may provide such information as part of another report that the State provides to the Secretary.".

In section 623(b) of the bill, redesignate paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively.

In section 623(b) of the bill, insert before paragraph (2), as so redesignated, the following new paragraph:

(1) in subsection (a), by inserting ", including information obtained pursuant to section 307(b)(5)(F) and (G)" after "modern highway technology";

In section 623(b)(3) of the bill, as so redesignated, insert ", and in paragraph (1) of that subsection, by inserting 'concrete,' after 'pavement,'" after "as subsection (c)".

In section 624 of the bill, in the matter proposed to be inserted as section 5505(c)(2) of title 49, United States Code, insert ", except as provided in subsection (i)," after "competitive process".

In section 624 of the bill, in the matter proposed to be inserted as section 5505(g)(2) of title 49, United States Code, insert "and consistent with the plan developed under section 5506" after "least annually".

In section 624 of the bill, at the end of the matter proposed to be inserted as section 5505 of title 49, United States Code, strike the closing quotation marks and the final period and insert the following:

"(18) University of Maine.

"(19) Tennessee Technological University.

"(20) Middle Tennessee State University.

"(21) The University of Maryland.".

After section 632 of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 633. TRANSPORTATION RESEARCH AND TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is further amended by adding at the end the following:

"§ 5506. Surface transportation research planning

"(a) IN GENERAL.—The Secretary of Transportation shall—

"(1) establish a strategic planning process, consistent with section 306 of title 5, United States Code, for the Department of Transportation to determine national transportation research and technology development priorities related to surface transportation;

"(2) coordinate Federal surface transportation research and technology development activities;

"(3) measure the results of those activities and how they impact the performance of the national surface transportation system; and

"(4) ensure that planning and reporting activities carried out under this subchapter are coordinated with all other surface transportation planning and reporting requirements.

"(b) IMPLEMENTATION.—The Secretary shall—

"(1) provide for the integrated planning, coordination, and consultation among the operating administrations, all other Federal agencies with responsibility for surface transportation research and technology development, State and local governments, institutions of higher education, industry, and other private and public sector organizations engaged in surface transportation-related research and development activities;

"(2) ensure that the Department's surface transportation research and technology development programs do not duplicate other Federal, State, or private sector research and development programs; and

"(3) provide for independent validation of the scientific and technical assumptions underlying the Department's surface transportation research and technology development plans.

"(c) SURFACE TRANSPORTATION RESEARCH AND TECHNOLOGY DEVELOPMENT STRATEGIC PLAN.—

"(1) DEVELOPMENT.—The Secretary shall develop an integrated surface transportation research and technology development strategic plan.

"(2) CONTENTS.—The plan shall include—

"(A) an identification of the general goals and objectives of the Department of Transportation for surface transportation research and development;

"(B) a description of the roles of the Department of Transportation and other Federal agencies in achieving the goals identified under subparagraph (A), in order to avoid unnecessary duplication of effort;

"(C) a description of the Department's overall strategy, and the role of each of the operating administrations in carrying out the plan over the next 5 years including a description of procedures for coordination of its efforts with the operating administrations and with other Federal agencies;

"(D) an assessment of how State and local research and technology development activities are contributing to the achievement of the goals identified under subparagraph (A);

"(E) details of the Department's surface transportation research and technology development programs, including performance goals, resources needed to achieve those goals, and performance indicators as described in section 1115(a) of title 31, United States Code, for the next 5 years for each area of research and technology development;

"(F) significant comments on the plan and its contents obtained from outside sources; and

"(G) responses to significant comments obtained from the National Research Council

and other advisory bodies, and a description of any corrective actions taken pursuant thereto.

"(3) NATIONAL RESEARCH COUNCIL REVIEW.—The Secretary shall enter into an agreement for the review by the National Research Council of the details of each—

"(A) strategic plan or revision required under section 306 of title 5, United States Code;

"(B) performance plan required under section 1115 of title 31, United States Code; and

"(C) program performance report required under section 1116 of title 31, United States Code,

with respect to surface transportation research and technology development.

"(4) PERFORMANCE PLANS AND REPORTS.—In complying with sections 1115 and 1116 of title 31, United States Code, the Secretary shall include—

"(A) a summary of the results for the previous fiscal year of surface transportation research and technology development programs to which the Department of Transportation contributes, along with—

"(i) an analysis of the relationship between those results and the goals identified under paragraph (2)(A); and

"(ii) a description of the methodology used for assessing the results; and

"(B) a description of significant surface transportation research and technology development initiatives, if any, undertaken during the previous fiscal year which were not in the plan developed under paragraph (1), and any significant changes in the plan from the previous year's plan.

"(d) MERIT REVIEW AND PERFORMANCE MEASUREMENT.—The Secretary shall, within one year after the date of the enactment of this section, transmit to the Congress a report describing competitive merit review procedures for research and technology development, and performance measurement procedures for surface transportation research and technology development and demonstrations.

"(e) PROCUREMENT PROCEDURES.—The Secretary shall—

"(1) develop model procurement procedures that encourage the use of advanced technologies; and

"(2) develop model transactions for carrying out and coordinating Federal and State surface transportation research and technology development activities.

"(f) CONSISTENCY WITH GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993.—The plans and reports developed under this section shall be consistent with and incorporated as part of the plans developed under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code.

"§ 5507. Surface transportation-environment cooperative research program

"(a) IN GENERAL.—The Secretary of Transportation shall establish and carry out a surface transportation and environment cooperative research program.

"(b) CONTENTS.—The program to be carried out under this section shall include research designed to—

"(1) develop more accurate models for evaluating transportation control measures and transportation system designs that are appropriate for use by State and local governments, including metropolitan planning organizations, in designing implementation plans to meet Federal, State, and local environmental requirements;

"(2) improve understanding of the factors that contribute to the demand for transportation, including transportation system design, demographic change, land use planning, and communications and other information technologies; and

"(3) develop indicators of economic, social, and environmental performance of transportation systems to facilitate analysis of potential alternatives.

"(c) ADVISORY BOARD.—

"(1) ESTABLISHMENT.—In consultation with appropriate Federal agencies, the Secretary shall establish an advisory board to recommend environmental and energy conservation research, technology, and technology transfer activities related to surface transportation.

"(2) MEMBERSHIP.—The advisory board shall include—

"(A) representatives of State transportation and environmental agencies;

"(B) transportation and environmental scientists and engineers; and

"(C) representatives of metropolitan planning organizations, transit operating agencies, and environmental organizations.

"(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary determines to be appropriate.

"(e) FUNDING.—Funding for carrying out this section shall be derived from funds made available under section 127(a)(3)(F) of the Building Efficient Surface Transportation and Equity Act of 1998.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5505 the following:

"5506. Surface transportation research planning.

"5507. Surface transportation-environment cooperative research program.".

In section 652(b)(4) of the bill, insert ", and including the handicapped" after "and motorcycles".

In section 652(b)(7) of the bill, strike "and" at the end.

In section 652(b)(8) of the bill, strike the period and insert "; and".

At the end of section 652 of the bill, add the following new paragraph:

(9) the development of a workforce capable of developing, operating, and maintaining intelligent transportation systems.

In section 654 of the bill, amend subsection (b) to read as follows:

(b) REPORTING.—The plan described in subsection (a) shall be transmitted and updated as part of the plan developed under section 5506 of title 49, United States Code.

At the end of section 655(c) of the bill, add the following:

Such tests shall be designed for the collection of data to permit objective evaluation of the results of the tests and the derivation of cost-benefit information that is useful to others contemplating the deployment of similar systems.

In section 655(d) of the bill, strike "work shall incorporate human factors research findings" and insert "work—

"(1) shall incorporate human factors research, which may include research in the science of the driving process, to improve the operational efficiency and safety of intelligent transportation systems;

"(2) may incorporate research on environmental, weather, and natural conditions that impact intelligent transportation systems, including the effects of cold climates; and

"(3) may incorporate materials or magnetics research".

Strike section 658 of the bill and redesignate section 659 as section 658. Conform the table of contents of the bill accordingly.

After section 802 of the bill, insert the following:

SEC. 803. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively;

(3) by redesignating subparagraphs (C) through (F) of paragraph (7), as so redesignated, as subparagraphs (D) through (G), respectively; and

(4) by inserting after subparagraph (B) of paragraph (7), as so redesignated, the following:

"(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);".

Conform the table of contents of the bill accordingly.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that my amendment be modified with the modification that I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. Shuster to the Shuster amendment number 1, printed in Part II of House Report 105–476:

Modify the manager's amendment to correct the following errors:

(1) on page 15, paragraph (26), strike "227" and insert "277".

(2) on page 25, in item 1504, strike "Corrido" and insert "Corridor".

(3) on page 25, insert the following two new items at the end of the table:

1508. New York.	Reconstruct Flushing Avenue between Humboldt Street and Cypress Avenue, and between Porter Street and Cypress Avenue.	5.000
1509. New York.	Reconstruct Flushing Avenue between Wycoff Avenue and Gates Street.	3.000

(4) on page 25, insert the following paragraph after the table:

(101) In the table contained in section 127(c) of the bill:

(A) in item 241, strike "32.000" and insert "24.000".

(B) in item 248, strike "intermodal center at Stapleton" and insert "Broadway Viaduct".

(C) in item 257, strike "lande" and insert "lanes".

(D) in item 708, strike "3.000" and insert "6.000".

(E) in item 398, strike "Little Blue Expressway" and insert "the Eastern Jackson Co. Expressway".

(F) in item 398, strike "3.000" and insert "6.000".

(G) in item 312, strike "8.000" and insert "4.000".

(H) strike item 205 (relating to the Missouri Connector).

(I) in item 774, strike "2.230" and insert "4.000".

(J) in item 1081, strike "4.000" and insert "2.000".

(K) in item 1221, strike "7.500" and insert "1.770".

(L) in item 1337, strike "1.770" and insert "2.330".

(M) in item 1384, strike "2.000" and insert "7.500".

(5) on page 34, in paragraph (5), insert "1.750" in the third column (relating to fiscal year 2000).

(6) on page 34, insert after paragraph (13) the following:

(14) strike the line relating to item 24 (Chatham, GA).

Mr. SHUSTER (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 405, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Chairman, this is a manager's amendment, technical in nature. It has been cleared both on our side and with the minority.

I rise in support of the committee amendment to H.R. 2400.

The Committee amendment contains issues worked out in cooperation with other committees that had jurisdictional claims over H.R. 2400—the Science Committee, the Resources Committee and the Commerce Committee.

I am pleased that we were able to include several provisions that were worked out on a bipartisan basis with those committees.

I particularly want to thank Chairman YOUNG of the Resources Committee, Chairman BLILEY of the Commerce Committee and Chairman SENSENBRENNER of the Science Committee for their cooperation in expediting the consideration of BESTEA.

The amendment also contains several noncontroversial issues and project description changes.

All provisions in the committee amendment have been worked out in a bipartisan manner and are acceptable to the Democratic Members.

There are several Members who had urged that certain provisions be included that we were unable to work out in the short time available. We will continue to work with those Members to resolve their issues when we go to conference with the other body.

I am including a full summary of the committee amendment for the RECORD.

I urge my colleagues to adopt the amendment.

SUMMARY OF COMMITTEE AMENDMENT TO H.R. 2400

TITLE I—HIGHWAYS

Provides that newly-designated nonattainment areas are eligible for CMAQ funding (but not part of the CMAQ formula).

Provides that the Secretary of the Interior develop a new formula for the distribution of Indian Reservation Road funds by fiscal year 2000.

Establishes a pilot program to allow Indian tribes to directly administer their Indian Reservation Road funds.

Adds transit vehicles signal prioritization projects to Federal share provisions under section 120(c) of title 23.

Makes clarifying amendment to section 125(d)(1) of the bill regarding provisions relating to cooperation of local officials in developing State transportation plan.

Clarifies that States can continue to divide or segment projects, in accordance with current regulations regarding division of segmenting of projects, in carrying out high priority projects designated by Congress.

Makes various corrections and additions to high priority projects as designated in section 127(c) of the bill.

Directs the Secretary to conduct a study on practices of States relating to service food signs.

Amends current, and adds additional, High Priority Corridors.

Clarifies that States can procure under a single contract environmental and engineering and design work if the State reviews the objectivity of the analysis.

Allows the District of Columbia to construct a substitute project in lieu of Barney Circle Freeway project.

Allows States to permit electric vehicles with fewer than two occupants to operate on high occupancy vehicle lanes.

Makes technical and conforming changes.

TITLE II—HIGHWAY SAFETY

Allows States for two years to use section 402 funds to purchase television and radio time for highway safety public services messages and requires a study on the effectiveness of the messages.

TITLE III—TRANSIT

Amends sec. 306 to restore current law with regard to false claims made under the transit title.

Amends sec. 332 to alter project descriptions of new start transit projects.

Amends sec. 333 to alter project descriptions and funding levels of bus and bus facility projects.

Directs the Comptroller General to study the various clean fuel technologies for transit vehicles and make recommendations regarding incentives to encourage the use of such technologies.

TITLE IV—MOTOR CARRIER SAFETY

Adds new section 423 to direct the Secretary to contract with an independent entity to conduct a study on government access to electronic data for motor carrier regulatory enforcement (amended and relocated from Title VI).

TITLE V—PROGRAMMATIC REFORMS AND STREAMLINING

Provides that a revised formula for distribution of CMAQ funds shall be considered for mid-course corrections bill.

TITLE VI—TRANSPORTATION RESEARCH

The Manager's Amendment contains several provisions developed in cooperation with the Committee on Science:

Section 604 requires notice to Congress if the Department of Transportation reprograms research funds or reorganizes programs authorized by Title 6 of BESTEA.

Section 605 contains a sense of Congress regarding the year 2000 computer problem.

Requires a study on future research requirements for highway pavement.

Section 633 establishes a planning process, consistent with the Government Performance and Results Act, at the Department of Transportation to oversee surface transportation research.

Establishes a surface transportation-environment cooperative research program.

Makes some additional minor technical changes to the research title of BESTEA.

TITLE VIII—RECREATIONAL BOATING SAFETY PROGRAM

Amends National Sea Grant College Program Act relating to research funds for Lake Champlain.

Mr. Chairman, I yield to my good friend, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, first, I want to thank Chairmen SHUSTER and PETRI and Ranking Member RAHALL for the cooperative manner in which we developed this amendment. Through their willingness to address Member concerns, we were able to agree on a significant number of Member requests. We have developed a good package that further strengthens BESTEA. I want to highlight a few of the provisions.

First, the manager's amendment includes provisions that will provide CMAQ funding for newly-designated nonattainment communities. Because the EPA is currently reviewing the criteria for nonattainment, it is important that our bill clarify that if the new criteria lead to designation of additional non-attainment areas, those areas would qualify for funding.

Also, the amendment ensures continued CMAQ funding for communities that progress from non-attainment to maintenance status.

At the request of our friends on the Science Committee, this amendment adds several provisions from their surface transportation research bill, H.R. 860. For example, the provisions clarify the Department of Transportation's responsibility to develop a strategic planning process for surface transportation research and technology development activities. I want to note that these provisions are designed to be consistent with the Government Performance and Results Act requirements and not a separate effort.

Also, the Science Committee provisions establish a cooperative research program to develop better tools for State and local governments to use when evaluating the complex economic, social, and environmental impacts various transportation alternatives have on communities.

The amendment includes a number of additional provisions to continue fine tuning BESTEA. These include limited changes to Member highway and transit project requests and we will continue to address their concerns about these very important projects.

I again thank Chairmen SHUSTER and PETRI, Ranking Member RAHALL, and all the Members of the Committee who worked with us to improve BESTEA and I urge adoption of the en bloc amendment.

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

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment number 2 printed in Part II of House Report 105–476.

AMENDMENT NO. 2 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part II, amendment numbered 2 offered by Mr. DAVIS of Illinois:

In section 330(j), strike "$42,000,000" and insert "$150,000,000".

The CHAIRMAN. Pursuant to House Resolution 405, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

□ 1645

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am pleased to offer this amendment which seeks to expand and improve the Access to Jobs Grant program. This amendment would increase funding for this program by $108 million per year. The Access to Jobs legislation assists welfare recipients and low-income individuals to commute from where they live to where jobs are located. This increase in moneys is designated to address the fact that in too many cases, in both urban and rural areas, welfare recipients and low-income individuals are isolated from the jobs they want and need.

Last year Congress enacted legislation to move people from welfare to work. We imposed strict time limits and other restrictions that will result in the termination of benefits for an estimated 2 million people by the year 2002. One of the greatest obstacles many current welfare recipients face in getting work is literally getting to the jobs.

Welfare recipients and low-income individuals often live, almost by definition, in impoverished communities devoid of job opportunities. Ninety-four percent of welfare recipients do not have cars, low wage earners often do not have cars. They are dependent on public transportation to get to areas with jobs. If the public transit is inadequate, the jobs become inaccessible. People cannot move from welfare to work if the people on welfare cannot get to work.

Currently, two-thirds of all new jobs are being created in the suburbs. Many suburban communities report severe labor shortages because they cannot find enough workers looking for entry-level jobs. This amendment helps to ensure that those welfare recipients who want jobs will not be denied because they do not have access to transportation to get to and from work.

Too many welfare recipients and low-income individuals are isolated from potential job opportunities because existing public transportation systems are either inadequate or nonexistent. The Community Transportation Association of America has found that 40 percent of all rural communities have no public transportation whatsoever. When transit is present, it often does not operate at night or on weekends, times when many low-wage or entry-level jobs are performed. By filling the gaps in transit services, we can give people the chance to get to the jobs they seek.

For example, in Chicago an innovative Suburban Jobs Links program is doing just that. Buses carry workers from the cities to their jobs in neighboring suburbs. An increase in funding for this program would allow it to expand and help other communities. If only one out of three welfare families are successful in getting to a job and are able to work, then America wins and this program will have paid big dividends. Therefore, I urge its immediate adoption.

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 rise in opposition to the amendment offered by the gentleman from Illinois (Mr. DAVIS).

Mr. Chairman, it is interesting that in the course of the discussion of the rule of this bill, in the course, a lot of people came to the floor of the House of Representatives in the course of the last few weeks, as well, saying that the scope of this bill is too large, that an increase of over 40 percent in transportation funds over 6 years is a budget buster. And yet the amendment we have before us indicates that the bill is not large enough, and the hope of the gentleman in offering this amendment is that we add some additional hundred plus million dollars to the bill to meet a particular need, that despite the fact that we do include a $42 million Access to Jobs pilot program in the bill, and in addition in this bill there is some $20 billion, $20 billion in formula funds for over 6 years that can be used for the needs of people who want to go from welfare to work and to meet their transportation needs.

Mr. Chairman, it seems to me that we have mass transit and many other transit operations of a particular nature already in existence around the United States, we do not need to pile on a lot of money that will ultimately be used for administration rather than help real people find real jobs. We are willing to experiment in this bill with a pilot program, but I think before we know what we are talking about we should not start throwing additional money at it.

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

Mr. DAVIS of Illinois. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I really want to commend the gentleman from Illinois (Mr. DAVIS) for this amendment because I am from a very rural district that has 26 counties, 3 of which are among the highest welfare counties in the State of Missouri, and after numerous meetings with my welfare recipients the biggest stumbling block they have to getting a job is, like the gentleman says, transportation, and they might have to drive an hour and a half, 2 hours to get to a job and they have no means of transportation because we do not have the funds in Missouri, particularly in my district, to beef up our very minimal transportation systems. And certainly they are not presently in use for this particular purpose.

So I just want to ask my colleagues to really think about this because if we truly want our welfare recipients to lead productive, independent lives, then we really need to also put our money where our mouths are and help make a real job a reality for these folks. So I will happily support the amendment offered by the gentleman from Illinois (Mr. DAVIS).

Mr. PETRI. Mr. Chairman, I yield such time as he might consume to the gentleman from Indiana (Mr. PEASE), a member of the committee.

Mr. PEASE. Mr. Chairman, with the greatest personal respect for my colleagues from Illinois and Missouri, I oppose the gentleman from Illinois' amendment to increase funding for this program from the $42 million included in the bill to approximately $150 million per year.

While I agree that providing transportation for welfare recipients to get to jobs is critical, I question whether increasing the funding for the pilot program contained in this bill is the best approach to achieving this worthy result.

This pilot program promotes new and innovative approaches to providing transportation and makes funding available to nontraditional transit grant recipients in addition to public transit agencies. There is concern among some in the transit community that a new program that is large and proscriptive is not only unnecessary but would take flexibility and control away from transit agencies whose very mission it is to provide access to jobs.

There also are significant transportation resources for access to jobs activities under a number of federally funded social services programs already in place. These include the Department of Health and Human Services Temporary Assistance for Needy Families, the Department of Labor's Welfare to Work program comprising $3 billion over 2 years and the Department of Housing and Urban Development's Bridges to Work program.

Should the pilot program contained in this bill prove to be successful in

conjunction with these many other programs of Federal agencies, we can then reevaluate whether to increase the funding in future transportation legislation. But I believe at the moment it is premature to raise the funding level to the amount proposed in the amendment, and I urge a "no" vote.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise today to strongly support the amendment by my colleague from Illinois. Mr. Chairman, today I had lunch with the CEO of United Airlines, Jerry Greenwald, who sits on the President's Welfare to Work Task Force. I want to commend United for employing 500 former welfare recipients with the goal of 2,000 by the year 2000. This is a success story.

But he told me what many of us already know, that the most serious barriers for former welfare workers entering the work force are, one, child care, and transportation. Through reverse commuter programs, transit vouchers and van pools many of these people can get to work.

Mr. Chairman, let us put our money where our mouth is and get welfare to work going. Increase this budget and support this amendment.

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

Mr. Chairman, I have no further requests for time. I recognize the other side is entitled to close debate on their amendment, so I just would proceed to conclude by saying that while I understand the gentleman's interest in this program, we have included funds in this bill for this program.

A lot of Members have expressed concern in debate, and a lot of others who have looked at this bill, that we are already spending more than we feel is prudent. To increase spending beyond what the committee has asked for is something that I think is highly problematic.

I would think that this would be an interesting test to see whether Congress would like to stay within the parameters of this bill or feels that the committee sort of undershot and we should be spending even more than we have been asked for in this bill. I think it best to plan and see that we walk before we run. We do have $42 million in this bill plus $20 billion that is eligible if State and local transit authorities feel these needs are needs that need to be addressed. We do not need to add another $100 million dollars to a bill that is already quite generous in the transportation area.

Mr. Chairman, I urge a "no" vote.

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

Mr. PETRI. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I just want to specify that the chairman does understand that this is an authorization, these are not contract authority dollars?

Mr. PETRI. Mr. Chairman, I understand it is an authorization, but we had the senior member of the committee from my State and others in the authorization committee, appropriation committee, which would have to actually appropriate money, saying that this was taking away from priorities that they felt were important. Now we are adding to their burden, I think.

But I would be interested to see how they vote on this amendment because if they really are concerned and consistent, this would receive a "no" vote, not a "yes" vote from those gentlemen.

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

Mr. RAHALL. Mr. Chairman, I rise in support of the excellent amendment of the gentleman from Illinois (Mr. DAVIS).

The simple fact of the matter is that lack of transportation is frequently a barrier to employment whether one resides in an urban or rural environment. This amendment would raise the general fund authorization contained in the bill for the welfare to work program.

I know that from a rural perspective these programs hold great promise. In my home State of West Virginia we have undertaken four welfare to work pilot programs already, including in Greenbrier and Wayne Counties which I have the honor of representing. This amendment is about access to jobs, about access to training, about access to a better life for many Americans, and I urge my colleagues to accept it.

Mr. PETRI. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Chairman, I rise today in support of the Davis amendment to BESTEA. This would further build upon the committee's commitment to encouraging access to jobs and moving people from welfare to work.

I commend the gentleman for offering this amendment which enhances an already strong portion of the underlying bill. I was pleased to see the Senate also acted, through the efforts of the Senators from Pennsylvania, Illinois and New York, to include a strong commitment to moving people from welfare to work.

The gentleman from Illinois shows a great commitment and vision in offering his amendment as he recognizes the need for a national approach to this problem. Few people on welfare own cars and few can afford other transportation means to get to jobs and job training. BESTEA and the gentleman's perfecting amendment further our belief in empowering people with the jobs and training they need to achieve self-sufficiency. I strongly urge support for the Davis amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

□ 1700

Mr. PASCRELL. Mr. Chairman, I rise in strong support of the Davis amendment. First of all, we must go to the appropriations. There are checks and balances. That is something we have to do. This is a general fund authorization.

Second of all, we have spoken in the last 4 years about welfare reform. It is time for us to put our money where our mouth is. The argument that this bill is a pilot program and cannot increase too quickly, forget about it. We have told people in 5 years they have to be off welfare, by the year 2002. We do not have that much time.

Let us have bipartisan agreement that we are going to get people to jobs that exist. There are 2 million people out there that are going to be removed from welfare to work over the next 5 years, and only 6 percent of them have cars.

Now, what are you going to do about that? This amendment goes right to the heart of that situation. This is getting people to work. This is what we want, work, not welfare.

Mr. DAVIS of Illinois. Mr. Chairman, I yield one minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I would like to thank the distinguished gentleman from Illinois for offering this amendment and for yielding me time.

Mr. Chairman, last year we passed a welfare-to-work bill, knowing that that bill was not the sound bill it should be for those who are moving from welfare to work. This amendment that my friend has put on the floor is one that will help us to move this generation of welfare recipients to work.

One in 20 welfare recipients in this country own a car. That is a frightening statistic. When one considers that when we passed welfare reform we placed strict time limits on the welfare recipients, we can ill-afford to not pass this amendment. I urge all Members to pass the Davis amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I would ask the gentleman from Wisconsin (Mr. PETRI) if he would yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. PETRI. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, I think it comes down to this: Do we really want people to go off of welfare and on to workfare? As probably some Members know, some of us in the States got into that a little bit ahead of even the national level.

I am like the gentlewoman from Missouri (Mrs. EMERSON). I have 27 counties, and we have no mass transportation. One thing we discovered is if we

are serious about getting people from welfare to work, they have got to have child care and they have got to have transportation, or it is not going to work. It simply is not going to work.

So I encourage support of the amendment of the gentleman from Illinois, Mr. Davis. It is something we have to do if we are going to get this job done. I think we all want very much to get this job done, to get people to work.

Mr. DAVIS of Illinois. Mr. Chairman, I would ask the gentleman from Wisconsin (Mr. PETRI) if he would yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. PETRI. Mr. Chairman, I am delighted to yield 1 minute to my esteemed colleague, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Wisconsin, who contributes so much to the educational issues, and I thank the author of this amendment.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Illinois (Mr. DAVIS). I introduced legislation earlier this year which incorporates this same concept, and I frankly would have put more money into this if we had been able to. But I commend the gentleman from Illinois (Mr. DAVIS) and the leadership of the minority side for supporting this.

Here is why this is such a good idea. If one out of every 300 families on welfare in America, one out of every 300, gets a job as a result of this program, as a result of being moved from where they live to where the jobs are, this pays for itself as a result of people leaving the welfare rolls and paying taxes.

In other words, the success level for this to be budget-neutral is very, very low. It is a great idea.

In my area, United Parcel Company is helping to do a similar thing, where they are moving welfare recipients from Camden, New Jersey, to a UPS terminal at the Philadelphia airport. It works, the Davis amendment works, and I urge my colleagues to support it.

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

Mr. DAVIS of Illinois. Mr. Chairman, I yield 2 minutes, the balance of my time, to the distinguished ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, this is a reality check amendment. If you voted for welfare reform, then look in the mirror and say, did I really mean it? Was I serious about that? If you were, then you really ought to be serious about providing the means for people to get from where they are to where the jobs are.

We made a start on it in this legislation with a pilot program of $42 million. I think it is well-crafted, I think it is a good initiative, but it is woefully inadequate in dollars to do the job that needs to be done.

A study of 43 large metropolitan areas found that communities with the longest job commute times had the highest rates of unemployment. In Cleveland, inner-city residents can reach only about 8 to 15 percent of entry level jobs in a reasonable time with current public transportation. There are many other similar examples.

Mr. Chairman, I want to emphasize, this is a general fund authorization. It does not require offsets. It is under the caps for the budget hawks.

The Committee on Appropriations will decide among the many priorities that they have to contend with which of the funds will go to this program and which to other programs. It will not come out of contract authority dollars. It is reasonable and fair. It is far less than the Senate is providing in their version of this legislation.

Mr. Chairman, finally, I want to say in Chicago, and the gentleman from Pennsylvania (Chairman SHUSTER) and I were there a year ago to look at their transportation, we saw their effective welfare-to-work program. It was a pilot, if you will. It was the spark of imagination for the program we have in this basic legislation.

But, fundamentally, I drew this idea from my daughter and I who works for Jubilee Jobs in Northeast-Northwest Washington, in the Adams Morgan area. Trying to place people in work who are coming out of the welfare shelters, who are coming out, dropouts from the welfare system, she cannot get them to their jobs because they cannot afford transportation. If you cannot match the person with the job through a means of transport, then you have failed.

Let us not fail. Let us pass this amendment.

Mr. GUTIERREZ. Mr. Chairman, I rise today in support of this vital amendment that will enable thousands of people in my community to obtain access to employment opportunities they may otherwise be denied.

The additional $108 million that this amendment will provide for welfare-to-work programs is crucial if our nation is to ensure that our current prosperity benefits all people in America.

Back in my hometown of Chicago, less than 10 percent of welfare recipients own or have access to an automobile.

That's right less than 10 percent.

At the same time, job growth in the Chicago metropolitan area is greatest in areas that are accessible only by car.

Obviously, this poses a significant obstacle to the people who need employment most.

A serious mismatch exists in Chicago and countless other urban areas in our nation between job growth and the location of low-income communities.

The lack of affordable housing in many growing suburbs ensures that low-income people, the people who would fill the myriad service jobs that are being created in new suburban strip malls and office parks, can't live where job creation is most dynamic.

So we must address this problem.

We must take action to get people to where the jobs are.

Failure to do so means we are cutting off from jobs and financial security the very people who we have mandated to work under new welfare reform regulations.

So we cannot fail in this task and we cannot fail to pass this important amendment that is fundamental to building a fairer economy that includes all Americans.

I urge my colleagues to support this amendment. America can only work if we enable all our people access to jobs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

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

Mr. PETRI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 405, further proceedings on the amendment will be postponed.

It is now in order to consider Amendment No. 3 printed in part II of House Report 105–476.

AMENDMENT NO. 3 OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. ROUKEMA:

Strike subsection (b) of section 102 and insert the following:

(b) AFFIRMATIVE ACTION ENCOURAGED; DISCRIMINATION OR PREFERENTIAL TREATMENT PROHIBITED.—

(1) AFFIRMATIVE ACTION ENCOURAGED.—It is the policy of the United States—

(A) to expand the applicant pool for transportation contracts in order to increase competition;

(B) to encourage participation by businesses owned by women and minorities in bidding for transportation contracts;

(C) to recruit qualified women and minorities into the applicant pool for transportation contracts; and

(D) to encourage transportation contractors—

(i) to request businesses owned by women and minorities to bid for transportation contracts; and

(ii) to include qualified women and minorities into an applicant pool for transportation contracts;

so long as such expansion, encouragement, recruitment, request, or inclusion does not involve granting a preference, based in whole or in part on race, color, national origin, or sex, in selecting any person for the relevant contract.

(2) PROHIBITION AGAINST DISCRIMINATION OR PREFERENTIAL TREATMENT.—Notwithstanding any other provision of law, no governmental entity shall, in connection with a transportation contract—

(A) intentionally discriminate against, or grant a preference to, any person or group based in whole or in part on race, color, national origin, or sex; or

(B) require or encourage a contractor or subcontractor to discriminate intentionally against, or grant a preference to, any person

or group based in whole or in part on race, color, national origin, or sex.

(3) DEFINITIONS.—As used in this subsection—

(A) the term "transportation contract" means any contract or subcontract in connection with any project paid for in whole or in part with funds derived from amounts authorized to be appropriated by this Act; and

(B) the term "preference" means an advantage of any kind, and includes a quota, set-aside, numerical goal, timetable, or other numerical objective.

The CHAIRMAN. Pursuant to House Resolution 405, the gentlewoman from New Jersey (Mrs. ROUKEMA) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from New Jersey (Mrs. ROUKEMA).

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

Mr. Chairman, my amendment, as has been submitted and printed, would end the Disadvantaged Business Enterprise Program under BESTEA.

The amendment reaffirms, and I want to be very clear about this, reaffirms our encouragement of affirmative action through expansion of the applicant pool and active recruitment, and I stress active recruitment, of qualified women and minorities.

At the same time, this amendment makes it clear that such encouragement and recruitment does not involve granting a preference or fulfilling a quota or a set-aside.

In other words, and I want my colleagues to understand this, in other words, we are reforming affirmative action as we know it today. That is, it should go back to its initial roots of nondiscrimination.

We are not suggesting that there is no discrimination. In other words, we are reforming affirmative action as we know it while protecting the civil rights of all people.

Now, the preference program, DBE as it is known, the preference program at the heart of this issue is a provision of BESTEA, and it states that, and we should be clear about this, because there is misinformation being spread around. It states that not less than 10 percent shall be expended with small businesses owned and controlled by "socially and economically disadvantaged individuals."

This is a floor set by the Department of Transportation that must be met. If it is not met, then the administration can and does sanction.

The bill itself says, "Not less than 10 percent of the amounts authorized shall be expended" to small businesses controlled by socially and economically disadvantaged. It is a clear quota.

At a hearing held recently this past year in the Committee on the Judiciary, Mr. Chairman, we heard that this preference resulted in many subcontractors being denied a transportation contract, despite having by far the lowest bid. To represent only one subcontractor, Malcolm Drilling, Inc., he testified that they were discriminated against merely because the general contractor did not use enough minority or women-owned subcontractors.

As a result, the contract was awarded to the next lowest bidder at a bid of $3 million more. This was just one relatively small contract. So the Federal dollars at work cost the taxpayers $3 million more in this specific case.

There are many other instances. I will not go into them now, but I do want them to be included in the RECORD, a company in Wyoming to the tune of $345,000, and another one in Iowa and so on. These qualified under the 10-percent set-aside for disadvantaged business enterprises.

This is a waste, a clear waste, of taxpayer dollars. Competitive bidding is intended to save money. Not requiring at least a 10-percent set-aside has made the point of competitive bidding moot, if not, some would say, a joke.

Governments have been imposing quotas, preferences and set-asides in the goal of eliminating discrimination, but instead the actual real world has resulted in reverse discrimination.

Now, my amendment explicitly reaffirms the original concept of our Affirmative Action Program that through vigorous and systematic outreach, recruitment and marketing efforts among qualified women and minorities, we would be reaching those who are out of the loop, so-to-speak. The amendment explicitly reaffirms and requires outreach programs.

The amendment also seeks to restore the color-blind principle to Federal law by prohibiting the Federal Government from granting any preference to any person based on whose qualifications were either race, color or national origin or sex-based.

When affirmative action, and this I thought was very interesting in doing my research for this amendment, going back to the Kennedy Administration's Executive order that established this principle in 1963. It was specifically applied through the Civil Rights Act of 1964. The goals were promotion and assurance of equal opportunity without regard to race, creed, color or national origin, encouragement of positive measures toward equal opportunity for all qualified people, and expansion and strengthening of efforts to promote full equality of employment opportunity.

□ 1715

That, to me, is a reflection of exactly what we have here in my amendment. That was the original Kennedy initiative.

Before opponents of my amendment raise their voices, let me also add for clarity, here, that this legislation absolutely maintains this Nation's existing antidiscrimination laws. If it did not, I would not be proposing it here on the floor today. But it maintains existing civil rights laws which are there as a remedy for individuals who are victims of discrimination. Further, it is consistent with civil rights laws that prohibit any discrimination.

Mr. Chairman, I want Members to know that over time I have been a strong supporter of affirmative action. However, over the course of the years I have watched the implementation of affirmative action amount to the use of discriminatory quotas, set-asides, preferences, and timetables based on sex and race. This is evidence, I believe, of the law of unintended consequences.

That is why we should be reforming comprehensively affirmative action. But we have been unable to get that to the floor, a total reform. Indeed, I had fervently hoped that by this time in our session the Committee on the Judiciary would have reported that. In the absence of an overall reform, I thought this was the best vehicle to bring the issue before the public. It is very precise in this bill, as I have outlined it.

I know, of course, that discrimination exists today in America. There is no denying it. But we cannot attack discrimination with a different style of discrimination. Discrimination, that is, the reverse discrimination that I see, is the consequence of these set-asides and quotas. Discrimination in the name of equal treatment is, in my opinion, an oxymoron.

Mr. Chairman, affirmative action did its job in its day, but the day it became more quotas than opportunity is the day that, in my opinion, it became part of the problem and not part of the solution.

Equal opportunity has always been at the core of the American spirit. It is time that we return to that core, and apply it equally for all people in our society, while protecting the civil rights of those who need continued protecting, and assure that the law is applied equally to all people.

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

Mrs. TAUSCHER. Mr. Chairman, I am opposed to the amendment, and request the time in opposition.

The CHAIRMAN. The gentlewoman from California (Mrs. TAUSCHER) is recognized for 30 minutes.

Mrs. TAUSCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, in accordance with the agreement we made in the committee with negotiating a delicately-balanced compromise in this bill, we agreed, and the bipartisan leadership of our committee, to oppose all amendments that the bipartisan leadership did not agree to.

I, therefore, must reluctantly state my opposition to this amendment.

Mr. Chairman, I am sympathetic to my colleague's position opposing continuation of the DBE requirement in BESTEA.

However, I have made an agreement to oppose any DBE reforms in exchange for a balanced, bipartisan bill that provides maximum funding for America's transportation needs.

There have been a number of court challenges to the DBE program including a decision by the Supreme Court that casts doubt on the constitutionality of the program.

I have been concerned that attempts to repeal the DBE requirement could backfire—resulting in findings that could potentially strengthen claims that the program is constitutional.

I believe the best approach is to allow the courts to resolve the issue.

I am pleased that we have included language in BESTEA, similar to language included in the Senate-passed bill, that would prohibit DOT from withholding funds from grant recipients where a Federal court has issued a final order finding the DBE requirement unconstitutional. This provision should ensure that transit agencies, such as Houston Metro, that are under such orders, do not have their Federal funds withheld.

BESTEA also requires a GAO study that would examine whether there is continued evidence of discrimination against small businesses owned and controlled by socially and economically disadvantaged individuals. I believe that this study will lay the groundwork for future reforms.

For these reasons, I must reluctantly oppose the gentlelady's amendment.

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

Mr. Chairman, I rise in opposition to the Roukema amendment. The amendment offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) would recklessly end an important program that has successfully increased the participation of minority-owned businesses in the Federal-aid highway and transit programs.

Let us be clear, the DBE program does not involve set-asides, preferences, or quotas. Indeed, the DBE program requires States to establish their own voluntary DBE goals and make a good-faith effort to achieve these goals. The DBE goals can be waived if there are not sufficient minority contractors available to meet the targets. In addition, the Department of Transportation has never punished a State for failing to meet its voluntary goals.

The Disadvantaged Business Enterprise program ensures that small businesses that are owned and controlled by socially and economically disadvantaged individuals will have a fair opportunity to compete for federally-funded highway and transit contracts.

Prior to enactment of the DBE program in 1982, minority-owned businesses participated in only about 2 percent of all contracts in the Federal-aid highway program. Following enactment of DBE, minority participation has risen to roughly 9 percent of all contracts.

Since 1987, women-owned businesses have also benefited greatly from the DBE program. According to Federal Highway Administration figures, contracts to women-owned businesses have increased from 2.6 percent in fiscal year 1986 to 6.7 percent in fiscal year 1996. Nevertheless, while women own one-third of all construction firms, they still only get 19 percent of business receipts.

The Disadvantaged Business Enterprise program has been instrumental in promoting equal opportunity for all citizens to fully participate in our national economy. Now is not the time to turn back this effort.

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

Mrs. ROUKEMA. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. CHARLES CANADY), chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CANADY of Florida. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in strong support of the amendment of the gentlewoman from New Jersey (Mrs. ROUKEMA).

The ideal of equality under the law for all Americans is an ideal supported by the overwhelming majority of the American people. That ideal is at the heart of the American experience. We all know that in our history as Americans we have not fully lived up to that ideal, but we also know that future generations of Americans will judge us by how well we ground the laws of the land on that fundamental principle.

The amendment now before this House is solidly based on the ideal of equality under the law. Like the historic Civil Rights Act of 1964, this amendment recognizes that each American has the right to be treated by our government not as a member of a particular race or gender group, but as an individual citizen, equal in the eyes of the law.

The amendment is based on the conviction that it is morally wrong for the United States government to give some Americans benefits because of their race or gender, while denying other Americans opportunities because they belong to the wrong groups.

Let us be clear about it, despite the denials that we hear, under the transportation program, that is exactly what is happening every day. Contracts and subcontracts are awarded because of the race or gender of the people who are receiving those contracts or subcontracts. That is an undeniable fact.

Race and gender preferences undermine the dignity of all Americans. To some Americans, the system of preferences says, your government will deny you a job or some other opportunity because you are the wrong gender or ethnic background. To other Americans, the system of preferences says, you will not be expected to compete as an equal, but will be measured by a lower standard than individuals of another gender or race.

Both messages are hurtful, both messages are demeaning, both messages are demoralizing, and both messages are contrary to the basic American principle of respect for the individual.

We will never overcome discrimination by practicing discrimination. The way to mend affirmative action is by eliminating the divisive system of preferences based on race and gender, and reaffirming the original concept of affirmative action through vigorous and systematic outreach, recruitment, and marketing efforts.

Preferential policies are a dead end. As the Federal Government classifies, sorts, and divides Americans by their race and gender, it sends a powerful and perverse message to the American people that we should judge one another on the basis of race and gender. That is exactly the wrong message for us to be sending. That is a message which only reinforces prejudice and discrimination in our society.

President Clinton has quite rightly called on Americans to transform the problem of prejudice into the promise of unity. He has spoken of our primary allegiance to the values America stands for, calling for us to build one America.

The system of race and gender preferences stands as a massive impediment to a united America, in which all Americans are treated as individuals who are equal in the eyes of the law. Congress can demonstrate its allegiance to fundamental American values by adopting this amendment, and ending the use of race and gender preferences in the transportation program.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise to oppose this amendment. I want the record to be clear. This is a proposal that has been worked out. It is the same language that is in the Senate bill. It was an agreement within the committee. Clearly, this is meant to be corrective action.

If it was true that we no longer needed the DBE program, I would be the first person to want to give it up. All of my political career I have had to come to the forefront to try to defend and make opportunities; not to be better than anyone else, and certainly not to lower standards, but to make opportunities for those women and those minorities who do not get them without a program.

It is unconscionable that we would stand to deny people who can work hard, people that just do not look like white men, and defend their ability as Americans, as citizens, as persons who work just as hard, to get a simple opportunity.

This is a sad day to see that we still have people who are willing to deny people who work hard, who take on the same responsibility, are not asking for anything, they are only asking for an opportunity. I oppose this amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, the bill provides in section 102, "Not less than 10 percent of the amounts authorized to be appropriated under titles I, III, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals."

The underlying statute defines, at 15 U.S.C. 637, "The contractor shall presume that socially and economically disadvantaged individuals include black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities. * * *" This bill sets aside a quota on the basis of race.

The facts are uncontrovertible: race determines who gets contracts under this statute, and it is wrong. We cannot do good by doing bad. We cannot lift some people up on the basis of their race without putting other people down on the basis of their race. It is inherently unfair.

In the new biography of Jackie Robinson, there is a very touching quotation of a letter.

I quote: "Late in his career he wrote an eloquently spare letter to a white New Orleans journalist who had abused him in print: 'I wish you could comprehend how unfair and un-American it is for the accident of birth to make such a difference to you.'"

Are there other ways of taking care of the fact that we do not start life equally? Of course there are. The amendment of the gentlewoman from New Jersey (Mrs. ROUKEMA) does that: Take a look at somebody's actual effort to try to overcome the obstacles that they have been presented with; give a preference on the basis of someone who has never had a contract before; take account of the individual. But do not judge on the basis of their race.

How can we explain to somebody that it is fair that "You would have had had this contract, but your skin is the wrong color"?

Mr. Chairman, it was not that long ago that this issue was brought to the Supreme Court on the fundamental question of whether it was acceptable for the units of government in our country to use race. In 1954 the Supreme Court said it was not.

In Brown vs. The Board of Education, the Supreme Court reversed the horror of Plessy versus Ferguson, in which the Supreme Court had said separate but equal was okay. And in striking down Plessy versus Ferguson, the Supreme Court of the United States said it is stigmatizing, it is inherently wrong, for the government to make distinctions on the basis of race.

□ 1730

Justice Douglas, nobody's right-wing conservative, himself put it this way in 1974: "There is no constitutional right for any race to be preferred. There is no superior person by constitutional standards. A * * * [person] * * * who is white is entitled to no advantage by reason of that fact; nor is he subject to any disability, no matter what his race or color. Whatever his race, he had a constitutional right to have his application considered on its individual merits in a racially neutral manner."

We have a chance today to do what is right. But we cannot do right by doing wrong. We have other means provided in this amendment to help those who are disadvantaged, but let us today put an end to the use of race by government, let us never again look at someone and say, "You have something that another may not because of the color of your skin."

Mrs. TAUSCHER. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentlewoman from California (Mrs. TAUSCHER) for yielding me this time.

Mr. Chairman, shame on the gentleman from California (Mr. CAMPBELL), my good friend and fellow law professor, for racializing this issue. Not once, not once did the gentleman allude to anything but race. This issue does not involve race. This issue involves race and sex. My good friend and colleague puts a woman's face on an antiwoman amendment.

Mr. CAMPBELL. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. Mr. Chairman, the gentleman from California would not yield to me, and I will not yield to the gentleman one moment or one word.

Mr. Chairman, I warn my colleagues, hundreds of thousands of women's faces are trained on us now, particularly the faces of women small business owners. They are taking names and they are counting votes and they want to know which side my colleagues are on.

Mr. Chairman, I want my colleagues to listen to them. Roberta Verdun, president, Summit Graphics, North Brunswick, New Jersey:

> Without the DBE program, I would not have opportunities to bid against the big businesses out here.

Deborah Ayars, A-TECH Engineering, Vineland, New Jersey:

> Without the DBE provisions of ISTEA, the ever-larger majority firms would let none of the work out of their firms. The DBE program is one of the most successful programs the government has developed."

Elaine Martin, MarCon, Inc., Nampa, Indiana:

> I was low bidder on a job in 1987 where the owner told the estimator to give the job to a larger, male-owned firm that had a higher bid than mine. The estimator told the owner that the job had DBE goals and as low bidder, I should be given the opportunity to perform. In the 10 years since that one $100,000 job that I would have lost without the DOT DBE program, my company has grown from $200,000 to $3 million annually."

Finally, Joanna Pierson, Joanna Trucking, Inc., Sioux City, Iowa:

> My company is very good at what it does, but that does not mean anything. What does mean something is that I am a "foolish female," "stupid woman," I'm sure you've heard them all. To get rid of this program means putting me and other women like me out of business along with 25 of my employees.

Mr. Chairman, these are the voices of women small business owners. This amendment would end the program for socially and economically disadvantaged white men who also qualify for DBE.

Mr. Chairman, they will not be counting quotas in this bill, because there are none, but votes to see which side my colleagues were on when this amendment came up for vote.

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume only to say I am sorry the gentlewoman from the District of Columbia (Ms. NORTON) totally misunderstands my amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I rise today to address a very tough issue for women, with friends on both sides of this amendment.

I know as a woman that special and very difficult challenges confront businesswomen trying to launch enterprises in fields that have traditionally been male-dominated. That is a fact of life for businesswomen, despite that fact women continue today to form businesses at twice the rate of men.

Mr. Chairman, I also know there are serious constitutional questions involved whenever the government tries to guarantee outcomes, because that government action usually amounts to a quota and consequent legal challenges.

The truth is, Mr. Chairman, that when women are given an equal playing field we have proven that we can succeed. Women now employ more individuals than all the Fortune 500 companies in the world combined, and we want to be able to say we have achieved those successes because of our brains, not our gender.

Quotas have the perverse effect of undermining the credibility of minority businesses because people believe that

they got that contract on some basis other than merit. For women, that would set our movement back.

The Roukema amendment clearly states that it is the policy of the United States to recruit qualified women and minorities into the applicant pool for transportation contracts. This approach will move us beyond divisive government-sanctioned preferences and discrimination to a system of equality under the law, while continuing the original intent of affirmative action to reach out to those who are disadvantaged.

Mr. Chairman, my bottom line is this: I want my party and this Congress to embrace public policy that lets women know they are welcome, even encouraged, to enter and compete for business. My party and this Congress should be about expanding opportunities for women. Toward that end, I believe the gentlewoman from New Jersey has struck the proper balanced approach that is pro-woman, pro-minority opportunity, pro-affirmative action.

Nobody in this body can question the long and positive record of the gentlewoman from New Jersey (Mrs. ROUKEMA) on women's rights and opportunities. I urge my colleagues to support her balanced approach to affirmative action in the Roukema amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. POSHARD).

Mr. POSHARD. Mr. Chairman, I rise in opposition to the Roukema amendment and strongly urge my colleagues to vote against it. The gentlewoman from New Jersey (Mrs. ROUKEMA) seeks to discontinue the Disadvantaged Business Enterprises program, which has the goal of providing at least 10 percent of transportation contracts to small businesses owned by socially and economically disadvantaged individuals.

For almost 20 years, the DBE program has enjoyed great success and provided critical opportunities for qualified women and people of color to compete for and perform Federal construction contracts. This is a good program and it deserves our continued support.

Mr. Chairman, although I dearly wish that it were not the case, the fact is that women and minority-owned firms remain underrepresented in the field of construction. The DBE program has been instrumental in increasing the percentage of contracts awarded to these firms which are participating more than ever in the construction and maintenance of our Nation's highways. Now is not the time to dismantle the successful program which has helped so many and can continue to help even more.

The DBE program does not impose quotas or set-asides but relies instead on flexible targets and allows States and local governments to set their own goals based upon the particular circumstances of their local markets. Ending this program would create turmoil in the firms which have relied upon it, resulting in failing businesses and thousands of jobs lost.

Mr. Chairman, I hope my colleagues will recognize the critical role that the DBE program can continue to play in the promotion of equal opportunities for all business owners and join me in opposing the Roukema amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New Jersey (Mrs. ROUKEMA). I congratulate her for bringing to the floor such a useful way to improve ISTEA, our transportation bill, so that it promotes affirmative action and so that it outlaws discrimination.

First, let us focus on what this amendment really does. It would declare the policy of the Federal Government in favor of affirmative action. That means encouraging bidding by minority-owned and women-owned businesses, expanding the applicant pool, recruiting qualified women and minorities into the applicant pool, and encouraging contractors to do the same. That is what affirmative action is all about.

In 1964, in the other body, the Democratic floor manager of the 1964 Civil Rights Act, Hubert Humphrey, told a critic of the 1964 Civil Rights Act, a critic of affirmative action, "If you can find anything in this legislation that would require people to hire on the basis of percentages or quotas, I will start eating the pages one after another." He knew that quotas are the enemy of affirmative action.

Mr. Chairman, I heard a Member in defense of this discrimination provision say that it is a voluntary program, but the law says, as it is proposed to be passed on the floor, 10 percent. That is a quota. It has nothing to do with disadvantaged people. The definition of "disadvantaged" in the bill says if a company has sales of $16 million, year after year after year, they are disadvantaged. As the Federal court said when it struck down a provision just like this as unconstitutional, under this standard the Sultan of Brunei could qualify.

Mr. Chairman, let us not cheat those who are really disadvantaged. Let us do something for them with affirmative action. Let us get rid of discrimination and let us make it illegal. Let us vote for the amendment offered by the gentlewoman from New Jersey.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Chairman, there is an unfortunate pattern that has developed here. We have had almost an impossible scenario of trying to get colleagues on this side of the aisle to support the minimum wage bill. Just a few minutes ago, my colleagues on this side of the aisle stood up to oppose an amendment that would help facilitate the transportation of people on welfare so they could get to work and reach for their dreams. And now we have an amendment that would destroy a program that has helped create $1.4 billion worth of the economy, putting 62,000 people to work.

This program that we are talking about is based on a simple premise of equal opportunity. It requires all contractors bidding for Federal highway projects to do so on an equal footing, regardless of gender or of race. It also establishes a goal, a goal that says 10 percent of Federal highway projects should be awarded to companies owned by individuals who for decades, for decades were effectively shut out from this industry.

Mr. Chairman, this 10 percent goal is not mandatory. It is not a set-aside. It is not a quota. It is a goal. It is a worthy goal. It is a goal encouraging all Americans to work hard and to pursue their dreams.

This is a success story. This side of the aisle talks about appealing to women. They have to address that problem because they do not get very many votes from women in this country. Well, just as the gentlewoman from the District of Columbia (Ms. NORTON) said, this is a key vote and the American people and women in this country will be watching to see who stands with them when it comes to getting a fair share of the pie.

The CHAIRMAN. The gentlewoman from California (Mrs. TAUSCHER) has 20 minutes remaining, and the gentlewoman from New Jersey (Mrs. ROUKEMA) has 10 minutes remaining.

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

Mrs. TAUSCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, we set goals in many of our initiatives, whether it be Goals 2000 or in the Clean Water Act. Goals do not guarantee giveaways, they generate participation.

The DBE's goal is to provide opportunity to all Americans. Let us talk about what the DBE is and is not. It is not a quota. It is not a set-aside. It is not a guarantee of contracts or dollars. And if it was, I would not support it. What it is is an opportunity for all Americans to participate in building the Nation's infrastructure and future.

The Roukema amendment would, in fact, eliminate opportunity for all Americans to be part of a program they pay for. It would eliminate talented

and competent women, African-Americans and Hispanic Americans from simply having an opportunity to compete, to compete in the bidding process.

□ 1745

But the Roukema amendment not only denies opportunity to all Americans, it actually promotes the interests of the privileged few. This is not the Roukema amendment, it is the general contractors' amendment. The contractors and others are willing to accept the votes of women, Hispanic Americans and African Americans in this Congress to pass this bill, but want to lock us out of the benefits. If this Congress cannot accept the simple goal of equality of opportunity for all Americans, what a sad day it will be.

When my colleagues on the other side of the aisle talk about privilege, they are referring to the privilege that has been enjoyed by the majority for a long period of time with very few benefits to anyone in the minority. Let us promote participation, not prohibit it, by defeating this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentlewoman for yielding me the time.

I rise in strong opposition to this amendment. The Department of Transportation DBE program has provided over 20,000 firms with contracts worth over $2 billion in 1996 alone. As a result, tens of thousands of jobs have been created, providing economic development in cities, rural areas and in communities desperately in need of hope and opportunity. This important program has provided opportunity for women and minorities working in nontraditional fields like construction and deserves our support.

As the ranking member of the Committee on Small Business, I can tell my colleagues that this program is effective, valuable, and most importantly, it is fair. I must remind my colleagues that this is not a quota program; it is not a set-aside. It is an economic development program that is goal-based and focused on outcomes. It uses competitive bidding that includes white males, minorities and women business owners competing for transportation contracts. This program enjoys bipartisan support in this body, including the chairman of the Committee on Transportation and Infrastructure and the subcommittee of jurisdiction.

Recently the other body overwhelmingly rejected a similar amendment to destroy this valuable and necessary program. This amendment threatens to undermine a bill that will help us meet the goal of rebuilding this Nation's infrastructure and providing for our transportation needs.

Mr. Chairman, many of my colleagues engage in rhetoric about empowerment and opportunity. Well, this program is all about opportunity and empowerment. By providing opportunity in the transportation bidding process, small local firms are creating jobs, teaching skills and reaching the tax base and helping communities literally rebuild themselves.

I strongly urge my colleagues to oppose this amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I rise in support of the Roukema amendment. It is time to stop dividing our country along race and gender lines. Initiatives like the Disadvantaged Business Enterprise Program harm our society, both by lowering standards and by leaving the beneficiaries of the program in doubt of their own ability. The DBE program reinforces negative stereotypes because it is based on the implicit assumption that members of certain groups cannot measure up to an objective standard and must be given special treatment in order to succeed.

Some contend that there are really no quotas or set-asides in Federal law. Well, I encourage anyone who believes that to read the bill. The language is an explicit 10 percent set-aside. The Roukema amendment eliminates the set-aside, but it does not prohibit the Federal Government from making affirmative efforts targeted at minorities and women to increase the size of the applicant pool for transportation contracts.

The Department of Transportation can still educate and mentor these firms in their effort to learn how to compete for contracts. In the end, though, all candidates must be judged by the same standard and requirements.

We all strongly support equal opportunity. We should create a level playing field, but we should never guarantee the final score.

I encourage my colleagues to prohibit discrimination and preferential treatment when awarding transportation contracts by supporting the Roukema amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I rise in opposition to an amendment to eliminate the Department of Transportation's Disadvantage Business Enterprise program. The DBE program ensures that small business concerns which are owned and controlled by socially and economically disadvantaged individuals will have a fair opportunity to compete for federally-funded highway and transit contracts.

Much has happened since the Department's first efforts to bring fundamental fairness to contracting with federal transportation construction dollars. Minority and women owned small and disadvantaged business participation in federally assisted highway construction contracting stood at a mere 1.9 percent in 1978 and rose to 14.8 percent in 1996.

In 1985 on the 4th day of this very month my Mayor Harold Washington, the Mayor of the great city of Chicago ordered city agencies to award 30 percent of their contracts to companies owned by minority group members and women. He had to threaten to impose financial penalties on contractors who try to avoid this minority goal. He suffered death threats and humiliation from the media from his actions. However because of his actions minority businesses were able to break an inefficient, archaic system that favored a handful of contractors and prevented minorities and women from obtaining city business.

There is good reason for concern that without a federal program in place, minority participation will decline substantially. When DBE programs end, many prime contractors return to the same exclusionary practices that denied minorities and women the chance to compete for business before the DBE program was created and will completely destroy what Mayor Harold Washington and the city of Chicago worked for. Why must we continue to allow certain members of this Congress to hinder a person's efforts to overcome poverty and adversity and other such obstacles to achieving excellence.

Mr. Chairman, I am told truth is proper and beautiful in all times and in all places. Well now is the time, and the place. Let us be truthful to the all American business people and give them the right and responsibility to access the roads to prosperity. Vote no to the Roukema amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Chairman, I rise with my colleagues and friends to oppose this amendment. This amendment is anti-small business. When I chaired the Michigan Small Business Committee in the House, we heard over and over again the concerns of small businesses about coming particularly into the field of transportation and competing with the large firms. The majority of small businesses today are being opened by women and minority firms. This gives the opportunity not for a guarantee, not for a quota, but for the opportunity to get started in a multibillion-dollar business.

This is a transportation package that will provide jobs and billions of dollars in contracts. What we are asking, what the committee reported out was the opportunity to make sure that small and disadvantaged businesses have the opportunity to get started in this business. We are talking about those who do not have a long track record and relationships over years and years being able to be given a chance as a small business to get that first contract so then they can go on to get the second and the third and get bigger and bigger.

I urge a no vote on this amendment. It is anti-small business.

Mrs. ROUKEMA. Mr. Chairman, I include for the RECORD a letter of a small businessman in New Jersey, who indicates the discrimination he endured and was denied equal opportunity.

I also include for the RECORD the letter of Ward Connerly of the American Civil Rights Coalition in support of my amendment.

GEOD CORPORATION,
Newfoundland, NJ, April 1, 1998.

Hon. MARGE ROUKEMA,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ROUKEMA: I urge you to please support congresswoman Roukema's amendment H.R. 2400, the Intermodal Surface Transportation Efficiency Act (ISTEA). This amendment will end the racially divisive policy of imposing race preference quotas on every transportation related public works project. These race/gender preference programs have had a devastating negative impact on my small business. I am the owner of a 35 person land surveying firm located in New Jersey. My firm has been repeatedly denied opportunities to bid or submit my company's qualifications on public works projects due to my white male ownership status. Time and time again my prospective clients have said "sorry John we know your company does good work but we have to meet the required quota percentage's in order to be selected, all our subcontractors have to be MBE, WBE or DBE firms".

Through the Freedom of Information Act, I obtained lists of executed contracts by both New York and New Jersey Department's of Transportation for the last 3 years: 95, 96 & 97. Incredibly more than 80% of subconsultants on all contracts were D/M/WBE firms. In my industry—Land Surveying, 95% of the survey firms used as subconsultants were D/M/WBE's. My firm has been denied an equal opportunity to provide our services on public works projects due to Affirmative Action's race and gender preference programs.

I urge you to please support Congresswoman Roukema's amendment H.R. 2400.

Sincerely,
JOHN F. EMILIUS, *President.*

AMERICAN CIVIL RIGHTS COALITION,
Sacramento, CA, March 30, 1998.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR SPEAKER GINGRICH: Tomorrow the House Rules Committee will decide to whether or not to make in order an amendment from Representative Marge Roukema to the Intermodal Surface Transportation Efficiency Act (ISTEA) bill to eliminate provisions inserted by the Senate that contain racial preferences and set asides. I would ask that you do everything in your power to ensure that this amendment is made in order.

As you noted on ABC's "This Week" last September we should have competitive bidding in federal contracts, not quotas or set asides. The Supreme Court agreed in the Adarand decision, ruling that programs granting racial preferences and set asides are unconstitutional unless they can meet a specific and compelling state interest. Aside from being ineffective, using discriminatory federal policies as a method of redressing past discrimination is counterproductive. Discrimination is wrong, no matter where it occurs. As public servants, we have an obligation to protect people's civil rights, whether it is through your authority as House Speaker or mine as a university regent.

What some people in our nation have forgotten is that civil rights are individual rights. As you know, our constitution guarantees the rights of individuals, not groups. When government confers benefits on groups of people on the basis of race, ethnicity or gender, it injects a bit of poison into the body politic.

Please let me know if I or the American Civil Rights Coalition can be of any help to you as you consider action on this important issue.

Sincerely,
WARD CONNERLY, *Chairman.*

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

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, I thank the gentlewoman from California for yielding me the time.

Inherently unfair? I have heard that said several times today. I thought I would not have too many surprises when I came here, but today I have been surprised. Equal pay for equal work, have my colleagues ever heard that question raised? I, too, chaired, in our Senate the Committee on Small Business for a number of years. I can tell my colleagues, there is some inequities out there. If they do not believe that, come and see me after we have got through here. I have got some swampland for sale.

I do not understand why we have to debate this issue and try to not be seemingly aware that there is some inequities. Why would we want to do this? It is permissive. It is a goal. We have the opportunity to do what is right. I hope that we will defeat this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT), ranking member of the Subcommittee on the Constitution.

Mr. SCOTT. Mr. Chairman, we know exactly what will happen if this amendment is passed. Similar legislation was passed before and the result is always the same. Opportunities for minorities and women will disappear. For example, in Michigan, when they eliminated their program, minority businesses were totally shut out of billions of dollars of State contracting dollars.

Mr. Chairman, we do not live in a color-blind world. According to a study by the Department of Transportation, a white-owned construction firm will likely receive 50 times more bonding authority than an identically situated black-owned firm.

In addition, we know that minorities and women are discriminated against in access to capital and are still excluded from many business opportunities and social circles where many important business decisions take place. That is why white males who represent one-third of the population already get over 90 percent of the contracts.

This amendment does nothing to deal with that vile discrimination. We can dress up this amendment by describing it in glowing rhetorical terms, but we know what it will do. It will devastate the future opportunities for minorities and women. Therefore, Mr. Chairman, I ask for a no vote on this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, I adamantly oppose the Roukema amendment to strike provisions of BESTEA that continue the Transportation Department's Disadvantaged Business Enterprises Program. I represent the part of Houston which is currently embroiled in a lawsuit regarding this exact program. In fact, the citizens of Houston overwhelmingly supported a referendum to continue the DBE program as recently as this spring. Houston is not in a vacuum. This is an issue that has captured the attention of cities nationwide. The DBE program is fair and it is constitutional. It does not include any set-asides or any quotas. Rather, it is a goal-setting economic development program. It uses a competitive bidding process, which includes qualified minority and women-owned businesses vying for transportation dollars. There is a need for the DBE program. Minority and women owned businesses are still underrepresented in the construction industry.

The Senate recognized the validity of the program when it defeated Senator MCCONNELL's efforts to eliminate the program. The Roukema amendment will have a devastating effect on the opportunities for DBEs to participate in federally funded highway and transit projects. I urge my colleagues to oppose the Roukema amendment to eliminate the DBE included in BESTEA.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have heard the debate on the House floor and I hear a lot of talk about free enterprise and free markets. I would like to point out that it was President Ronald Reagan that signed this bill into law. The fact of the matter is that if we look at the system we have in place today, what we have in place is very simple. We have socialism for white contractors and free enterprise for everybody else.

Let us look at the whole idea of what goes behind this. If we have got some idea that we want to have a poor black entrepreneur in Boston or California or, yes, New Jersey bid on one of these contracts, if we want a woman to feel that she can compete, how are they going to do it? We have an entire tax system that allows you to depreciate all of your equipment as a contractor.

You cannot walk in and start a new construction company and be able to bid on any of these Federal contracts and be able to effectively compete. If

you start up with all the capital requirements that are necessary to bid on these big jobs, there is no way that unless you are already in the club you can get in the club.

So what we do is we pretend, by a lot of rhetoric, that if we take a program that has no quotas, that has no timetables, that just says that if there is a qualified minority or a qualified woman that wants to bid on a contract, we ought to provide her or him or that individual with a competitive environment in order to get it. It has not lessened the quality of the workmanship of our highway program throughout the Nation. In fact, it has strengthened it.

What we are doing, make no mistake about it, is we are saying this is for white boys only. That is all this amendment is about. It is trying to say, we are going to put up a wall between women and minorities and the work and the taxes that they pay in order to be able to build our highway system.

Let us be honest with the system we have got. Let us encourage minorities and our women to go out and get competitive, get business contracts, start their own companies and employ the people of our country.

□ 1800

Mrs. ROUKEMA. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I thank the gentlewoman for yielding.

We are hearing a lot of things today about what is happening and what is not happening. One of the things that is important for us to understand is what affirmative action originally meant. If we go back to what President Kennedy said when he issued the original affirmative action executive order, it involved this provision. It said, "The contractor will take affirmative action to assure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, or national origin."

Without regard to their race, creed, color, or national origin. That is the principle of nondiscrimination. That is the principle of affirmative action as it was originally embodied in the policy of this land, and that is the policy of this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman for yielding to me.

The Roukema amendment turns back the clock and destroys the very viable constitutional DBE program. I rise in vigorous opposition.

Mr. Chairman, I am rising today to speak against the Roukema Amendment that would abolish the Department of Transportation's Disadvantaged Business Enterprise Program. For almost two decades, the DOT's DBE Program has been providing equal opportunities for women and minorities competing for highway and transit contracts. By reaching out to women and minority-owned firms and fostering business relationships, the program has countered the effects of discrimination and good old boy networks which have been road blocks for many legitimately competitive minority-owned businesses.

The fact remains that as a result of continued discrimination, women and minority-owned firms remain underrepresented in the construction field, even today. Now is not the time to discontinue DOT's equal opportunity program. It is still an essential tool in paving the road to equal opportunity for many "so-called" disadvantaged businesses. This program does not impose quotas or set-asides of any kind on those seeking to receive a government contract, it merely gives the government a reachable goal to achieve and a standard to measure in regards to women and minority participation in our vast federal economic apparatus.

Furthermore, the Adarand decision has put forth a clear groundwork of which affirmative action programmatic agendas genuinely produce diversity without unfairly harming others and which do not. The law is clear, affirmative action is neither illegal nor inappropriate. It is frankly a necessary means in trying to achieve true multi-cultural and multi-gender diversity amongst those people this government chooses to do business with. The DBE program is about creating points of access and opportunity for those groups who would otherwise not have them. We have mended affirmative action to meet the needs of our changing world and its law, but we can not end it. Opportunity is as essential to success in this world as air is in our lungs; give people a fair chance to maximize their potential. Vote down the Roukema Amendment. This amendment is bad for Texas and bad for Houston. This is not reverse discrimination.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, this highway bill will spend over $200 billion of taxpayers' money. The fact is that well over half of those taxpayers are women and minorities.

It is only a matter of basic fairness that groups comprising a majority of American taxpayers should have a realistic chance to compete for 10 percent of the highway programs paid for by their tax dollars. It was that very fundamental issue of fairness that caused 58 Democrats and Republicans in the other body to vote "no" on this unfair amendment.

The DBE program is not a quota. I oppose quotas. But what is good for America and good for our highway program is that when we are spending billions of American taxpayer dollars we should at least make it a goal to not exclude women and minorities from these programs. That is the right thing to do.

Mr. Chairman, I have heard a few Members today talk about reverse discrimination in the highway business. Well, I have a suggestion for them: Go across this country and visit highway contractors and come back to me and tell me if they really think there are too many Hispanics and African-Americans and women owning and managing highway contractor firms. And while they are at it, take a look at those States who had gotten rid of goals and see what has happened. Then they and I can talk about real discrimination.

Mr. Chairman, I have reservations about this bill, quite frankly. To all of those supporting this actively, I would suggest that the passage of this amendment would be seen as an insult by the vast majority of Hispanics, African-Americans, and women in this House voting, at least right now, planning on voting for this bill.

If they want to see the wheels fall off this highway bill today, simply pass this amendment, sit back and watch. This amendment is not about quotas. It is not about reverse discrimination. It is about simple fairness. Vote "no" on this amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. EHRLICH).

Mr. EHRLICH. Mr. Chairman, I felt compelled to come over here just to congratulate the gentlewoman for not indulging in threats and for not being politically correct and for doing the right thing and for having the guts to stand up and speak her mind. And I congratulate the gentleman from California for his usual articulate manner with respect to this issue.

Mr. Chairman, we know what quotas do. And quota language is in the bill. It is a fact. And the gentleman from Florida talked about the history of quotas in this country, and facts are dangerous. Facts are particularly dangerous on this floor. Quotas lead to taxpayers getting the short run, and we all know it. Low bidders are subject to reverse discrimination, as the gentlewoman originally stated.

The American people lose in the process, and the American people are divided again in the process. If there is anything we can least afford in these days and times is to again divide the American public.

Civil rights should mean and always mean equal rights. That is what it used to mean before PC came about. I truly congratulate the gentlewoman from New Jersey, whom I am very proud to serve with on the Committee on Banking for doing the right thing for all of the American people.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, today I rise in opposition to this amendment. The vote on this amendment is a no-brainer. Even though today might be April Fools, in 14 days it will be tax time; and on this day,

every single person will contribute their share to the pot.

This pot reminds me of my grandmother's sweet potato pie. We all contribute to that pot every year. So when it comes time to cut it up, we should all get a piece. That includes women and minorities. Women and minorities contribute their share to the Federal Government, so why should they be excluded from getting part of the goods and services?

The DBE program is simply one tool to make sure that we are on a level playing field when it comes to competing. Vote "no" on this amendment.

Mrs. ROUKEMA. Mr. Chairman, may I ask how much time is remaining on each side, please?

The CHAIRMAN (Mr. HASTINGS of Washington). The gentlewoman from New Jersey (Mrs. ROUKEMA) has 6 minutes remaining, and the gentlewoman from California (Mrs. TAUSCHER) has 7½ minutes remaining.

Mrs. ROUKEMA. Mr. Chairman, and I will have the right to close?

The CHAIRMAN. The gentlewoman from California (Mrs. TAUSCHER) has the right to close.

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

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend from California for yielding me the time.

I rise in strong opposition to this amendment. The program under consideration here is not a perfect program, but we are not a perfect Union either. One of the ways that we are imperfect is that people have not had real economic opportunity. They have been shut out. If we leave this program in place, people will have the chance to be included and participate.

But perhaps even more importantly than what this program does for people is we should oppose the amendment for what it says to people. Do we really believe and are we really prepared to say that enough has been done, that women and people of color and people that have been left out of this process have enough now, that we have gone as far as we can go and have done all that we can do to rectify decades of discrimination in this country?

I think the answer to that question is "absolutely not." We have a long way to go. The approval of this amendment would be a step in the wrong direction. The defeat of this amendment is a step in the right direction. I urge its defeat.

Mr. Chairman, I rise to oppose the amendment offered by my colleague from New Jersey, which would end the Transportation Department's efforts to give disadvantaged businesses the opportunity to bid for transportation contracts.

The current law promotes economic growth and advances social justice through the Disadvantaged Business program, by giving disadvantaged businesses the chance to compete for up to 10% of federal transportation spending, which would be as much as $20 billion over the next five years. Many small businesses have been unable to participate in federal transportation contracting in the past, including companies owned by minorities, women, people with disabilities, and others. These companies deserve a chance to get started in the process, to get their first contract, and to begin growing and hiring more workers. This is the best way to create jobs and promote justice.

The Roukema Amendment would undercut the goals of growing the economy and ensuring justice. This proposal would cut out many of these disadvantaged businesses that deserve a chance to get their foot in the door. The Roukema Amendemnt embraces the rhetoric of affirmative action, but it would abolish the current practice of affirmatively reaching out to help disadvantaged businesses get a fair start.

This amendment eliminates a law which guarantees that the government works to include people who have been excluded from a program which builds our economy and builds small businesses. This disadvantaged business law is the only approach that works. It works to build the best roads in the world, and it works to give minorities, women, people with disabilities, and other disadvantaged Americans a chance to compete for contracts. When they win these bids, these companies create jobs for disadvantaged citizens across our country, at the same time they are helping to build the highest-quality highways for our people. It is a grave mistake to think that we can do without it.

For these reasons, I strongly oppose the Roukema Amendment and urge my colleague to vote against it.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I thank my colleague from California for yielding to me.

A distinguished Member of this House once wrote that "In politics we have no permanent friends, no permanent enemies, just permanent interests." It gives me no great pleasure to rise in opposition to one of my Women Caucus colleagues, but I do have permanent interests, and that is the economically disadvantaged.

As the co-chair of the Women-owned Business of the Women's Caucus, I held a hearing the top of the year because women were complaining that, though we have mandated about 5 percent of the procurement contracts, they have only gotten 1.8 percent of the contracts.

This is what DBE is all about. It allows women and others, irrespective of their race, the opportunity to apply for contracts if they qualify. The DBE program is not a set-aside, it is not quotas, it is simply giving them an opportunity to qualify for contracts for those who are economically disadvantaged.

The disadvantaged business enterprise provisions of BESTEA are sound and were passed out by the full committee with bipartisan support. I join the Senate in saying "no" on the Roukema amendment and "yes" for moving an agenda for women-owned businesses.

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to our colleague, the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I want to thank the gentlewoman from New Jersey (Mrs. ROUKEMA) for bringing this amendment to the floor, and I wholeheartedly support it.

Let us be very clear. The Supreme Court has stated that the current set-aside program is unconstitutional because it violates the 14th amendment guarantee that all Americans will be treated equally regardless of race, color, or gender. By setting aside a certain number of contracts to be allocated on those bases, current law flies in the face of our constitutional mandate that all Americans be treated equal under the law.

Now, President Clinton has suggested that we need to mend, not end, affirmative action to bring it in compliance with the Supreme Court rulings and to bring it in compliance with our notion that has been since the founding of our country that every person is of equal dignity.

I think the Roukema amendment does exactly that. It removes the unconstitutional provision that sets up a quota and says that certain contracts will not be awarded based on merit, based on free competition, not based on what color your skin is or whether you are a woman, not a man. That is wrong and needs to be removed from law.

What her amendment does, which is absolutely necessary, is puts into place an effective affirmative action program that says we are going to reach out to disadvantaged contractors, reach out to minorities, reach out to women and make available to them every opportunity to compete on a free and equal basis.

I heartily encourage my fellow colleagues to vote for the Roukema amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, we have to recognize that there is still disparity out there. And if we do not recognize it, we do not see it.

For them to stand up there and talk in terms of being in favor of affirmative action, in favor of trying to do the right thing reminds me of the slave owner who basically said, you are better off in slavery because we will be able to take care of you. It is appalling in terms of the comments that I hear when I stand up here before my colleagues.

It is not a quota. We need to recognize the fact that there is preferential treatment that is occurring out there and that is discrimination that is happening, and we need to see how we can best respond to that. And this program is one of the programs that has been proven to make sure that the individuals have an opportunity to be able to participate.

My colleagues cannot tell me that women are having a fair deal out there, because they are not; and for my colleagues to stand up there to say that they are is contrary to what is actually happening. It is contrary to what the statistics will show and tell us. I would ask that my colleagues consider what has been done too.

To say that it is contrary to the Supreme Court decision, I would ask my colleagues to also consider the Adarand decision, because this particular decision does not deal with this particular item, and it is a safe item, and we should continue to support it.

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

I am afraid the gentleman from Texas is the only one that I know of who interprets the Adarand decision that way.

Mr. Chairman, what is the balance of my time?

The CHAIRMAN. Each side has 4½ minutes remaining. The gentlewoman from California (Mrs. TAUSCHER) has the right to close.

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

I would simply say that I think our colleagues have been listening to this debate, but in no way are we denying affirmative action. We are really mending it and bringing it up to date because it has resulted in unintended consequences. And my amendment carefully protects outreach, as well as the civil rights and anti-discrimination elements of affirmative action and literally goes back to our original intention. As we know now, the courts are clearly coming to terms with this. And if we do not act upon it, the courts certainly will.

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

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, it is amazing the fundamental ignorance that goes behind this amendment and particularly to people who have responded in debate tonight.

First of all, it is very obvious that they do not know that there are no quotas in this bill. There are no quotas in this bill. They feel that there are. They feel that there are some set-asides. There are no set-asides in this bill, only goals. They do not understand, obviously, that this bill is not all for minorities and women. It is for disadvantaged. Anyone can be disadvantaged. Even some white males have been disadvantaged.

So this is a spurious argument that they are using here today. It is not even based on fact. If they are trying to bring to the floor a bill which one of our colleagues from Florida has been trying to tack onto everything that has come through this House, then do it. But this is no way to do it. They are doing it on a bill that is going to benefit a lot of people in this particular body.

So if that is what they are doing to try to kill the transportation bill, then kill it. But kill it in such a way that is noble and noteworthy and not cloaked behind something that is not true.

I say to each of my colleagues to vote against this bill. This is a terrible bill, and they know it. They have got one of their moderates to present it, but it is presented under the wrong title.

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Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Chairman, despite an overwhelming bipartisan defeat in the Senate, unfortunately we have before us another attempt to gut a program that gives women and minorities the chance to compete for Federal highway dollars.

The Disadvantaged Business Enterprise program works. It puts women and minorities to work. It gives them the chance to compete in an industry that has traditionally shut them out. It is not a quota. It is not a set-aside. If it were, do we really think that Ronald Reagan's administration would have created this program? I think not.

The highway bill offers so much to so many. It is wrong to turn back the clock on women and minority-owned businesses. Let us not put a tollgate on the road to opportunity for these aspiring entrepreneurs.

We can further refine this program. As the President has said, mend it, do not end it. But this amendment goes too far. I urge a "no" vote and, frankly, a return to the kind of bipartisan spirit that has allowed us to begin to make some progress against the legacy of discrimination. This program should be reaffirmed and not eliminated.

Mrs. ROUKEMA. Mr. Chairman, I just want to set the record straight. Nobody sought me out as a moderate, dirty word, moderate to do this amendment. I have been advocating this procedure for more than a year. In addition, the Senate proposal was not this proposal at all, the one that was defeated. It was a far more complicated one. It created a whole new program. It was not my amendment that was defeated.

Mr. Chairman, I yield the balance of my time to Speaker GINGRICH.

The CHAIRMAN. The gentleman from Georgia, the Speaker of the House, is recognized for 3½ minutes.

Mr. GINGRICH. Mr. Chairman, I hope that everybody who is listening carefully to this debate has listened to our good friends over here, because they are now caught in an inherent contradiction. They say to us they are against quotas. Member after Member got up and said, "I am against quotas." They say to us there is nothing in this program that is a quota. They say to us, "We are against the government discriminating." They say there is nothing in this program that requires the government to discriminate.

I want to thank the gentlewoman from New Jersey (Mrs. ROUKEMA), for having the courage to stand up here and to offer a very, very important amendment. Notice what it says. It says it is for affirmative action. Affirmative action: "to expand the applicant pool for transportation contracts in order to increase competition; to encourage participation by businesses owned by women and minorities in bidding for transportation contracts."

Affirmative action: "to recruit qualified women and minorities into the applicant pool for transportation contracts." And it goes on to say, an affirmative action "to encourage transportation contractors to request businesses owned by women and minorities to bid for transportation contracts" and affirmative action "to include qualified women and minorities into an applicant pool for transportation contracts." Everything we are told our friends over here believe in.

But here is what it then goes on to say. It then says, but it cannot involve granting a preference. This is the nub of this thing. Should an American citizen be discriminated against? Should an American citizen be discriminated for by their own government? Should the Government of the United States say to you, well, you were the lowest competitive bidder, but you did not fit the preference this week.

Let me point out, in California, when this broke down, when Senator CAMPBELL at that time first got involved in this fight, it was because it was Asian women who were being discriminated against at law school and could not get in because the quota was filled. And it was Asian women who were being discriminated against, not white males, not the old boy network. They frankly were not studying enough. But Asian women.

So let us go ahead. What does the gentlewoman from New Jersey (Mrs. ROUKEMA) do? She says it is a "prohibition against discrimination or preferential treatment." We have been told by our friends over here they do not have any preferential treatment. There is no quota.

All right. What would the gentlewoman from New Jersey (Mrs. ROUKEMA) do? She says no governmental

entity, the very government of our own country, no governmental entity shall, in connection with a transportation contract, in other words, in giving out the money of the American people, the Government of the United States shall not, one, "intentionally discriminate against, or grant a preference to, any person or group based in whole or in part on race, color, national origin, or sex," which by the way is what Hubert Humphrey said in 1964 was the essence of the Civil Rights Act.

So what does this say? We are not going to ask you to tell us that you are black. We are not going to ask you to tell us you are white. We are not going to ask you to tell us that you are Asian. We are not going to ask you to tell us you are Hispanic.

We are going to ask you to tell us what will you charge for this contract. And the lowest competitive bidder should get the contract. Why should the lowest competitive bidder be told, well, you know, you would build the best highway, you would do the best job for the taxpayer. You went to school and you learned how to do it and you worked hard and you founded your own little company, and, you know, you would have gotten the contract, but this week you do not fit.

Oh, it is not a quota anymore. I am not sure what you all would call it. A preference, a ripe banana, a kumquat. I mean, what is this year's code word? What is the newest phrase? Because you cannot defend quotas. You know you cannot get up here and say, yep, I want to make sure my political friends that give to my campaign get a quota. Yep, I want to make sure that my friends get their contract, even if they are not the lowest bidder. Yep, in fact they could be the highest bidder, but if they fit the right quota; you cannot say that anymore.

So my colleagues come down here and misdescribe what she does. What she does is very straightforward. It is right here, and my colleagues cannot refute it. She says the Government of the United States will not discriminate.

When I was an Army brat growing up from Pennsylvania to Kansas to France to Germany, and I arrived in Georgia in 1960, we had government-imposed segregation. It was totally wrong. I have lived in an integrated system called the United States Army, and I go into an integrated system called military dependent schools.

But to set up a new system of discrimination, to set up a new approach by which the Government of the United States cheats the people of this country, no longer gives away the contract to the lowest competitive bidder, but picks out a political winner.

So we say to our children, do not go and study engineering, study how to fill out the application. Do not go and study business, fill out how to make sure you are in the right quota.

We saw it happen in San Francisco when people began to apply as firemen and had new ancestors who happened to fit the quotas.

So I want to commend the gentlewoman from New Jersey. This is the right step. It is very simple. The Government of the United States should not discriminate against any American. The taxpayers of the United States should expect that the lowest competitive bidder will get the grant.

I urge a "yes" vote for the Roukema amendment.

Mrs. TAUSCHER. Mr. Chairman, I have here a letter from the President of the United States sent by fax this morning from Dakar where he says,

> The DBE program is not a quota. The existing statute explicitly provides the Secretary of Transportation may waive the 10 percent goal for any reason and that this benchmark is not to be imposed on any State or locality.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Minnesota (Mr. OBERSTAR), ranking member of the committee.

The CHAIRMAN. The gentleman from Minnesota is recognized for 2 minutes.

Mr. OBERSTAR. Mr. Chairman, when all else fails, read the language of the legislation. The inherent contradiction that our esteemed Speaker talked about is in the amendment itself, not in the arguments on this side. The inherent contradiction is that the amendment goes on for line after line talking about all the good things it wants to do. Then in the end it defines preference in the last four lines as an advantage of any kind, a quota, set-aside, numerical goal, timetable, other numerical objective. Does it also mean outreach? They want to protect outreach? They do not do that in this legislation.

The DBE program has worked wonderfully for the 6 years of ISTEA. The 10 percent goal is a national target. State and local recipients of DOT funds set their own goals for DOT participation and construction projects based on the availability of disadvantaged businesses in their markets. There is no absolute requirement that a particular goal be met.

In fact, it is very acceptable business practice to set goals. Goals are a standard tool of good management worldwide. But by prohibiting goals, the amendment prevents States and localities from measuring progress against discrimination. That is what this is all about, progress against discrimination.

I have heard all sorts of conversation today from the advocates of this amendment about freedom, freedom to choose, freedom to move, mobility. Let me just say, Mr. Chairman, rich and poor alike have the freedom to leap under a bridge. Only the poor wind up under the bridge. Do not stuff people under a bridge with this amendment. Let us defeat this amendment. Let us stand up for what is good in America and give poor, minorities, women, an opportunity to bid on this great highway program, this $270 billion program of ours that moves America forward into the next century.

Mr. DELAY. Mr. Chairman, I rise in support of this amendment.

BESTEA is a terrific bill. I salute Chairman SHUSTER and his committee for the many hours of hard work they put in on this bill over the last year.

I thank the committee for including a very important provision which will exempt from federal DBE requirements any transit authorities that are under court order preventing them from complying with these requirements.

This is a step in the right direction, but it doesn't quite go far enough.

It is time to completely put an end to discrimination in the awarding of transportation contracts.

Mr. Chairman, race-based discrimination is wrong. And gender-based discrimination is wrong. And it is wrong regardless of whether the victim is male, female, black, or white.

The DBE program is a federally-mandated quota program that commands highway and transit contractors to discriminate based on race and gender.

A federal court in Texas recognized that this kind of discrimination is wrong when it ordered the city of Houston's metro transit authority to cease awarding contracts based on race and gender.

Houston METRO complied with this court order, and as a result, it went 18 months without its share of federal funding.

The BESTEA bill prevents this kind of thing from happening again. It guarantees that transit agencies will not lose their funding when a court orders them not to discriminate. That's great. I support that.

If we pass this amendment, we will take an even bigger step in rooting out discrimination. Getting rid of the DBE program will ensure that agencies continue to receive funding if they refuse to discriminate—even without a court order.

I urge my colleagues to stomp out government-enforced discrimination. I urge them to vote yes on this amendment.

Mr. TOWNS. Mr. Chairman, I rise in strong opposition to the Roukema Amendment to the Building Efficient Surface Transportation and Equity Act to eliminate the Disadvantaged Business Enterprise Program. I strongly support the DBE Program which was first signed into law by President Reagan in 1983. The goal of the DBE Program is to eradicate the lingering effects of discrimination in the construction industry, and provide equal opportunities for minority and women-owned business to compete for federal highway and construction contracts.

Although the playing field is still far from level, we have made progress since the inception of the DBE Program. The percentage of women and minority-owned firms participating in the construction of America's highways has increased. By reaching out to minority and women-owned firms and forging business relationships, this program has been successful in

countering the effects of "good old boys" network. Despite the success of the DBE program, non-DBE firms still get over 85% of federal highway and construction contracts. If we eliminate this program now, we will reverse modest gains for women and minorities in the construction industry.

Make no mistake, when Members say that they want to eliminate this program in order to ensure fair competition for all firms, including those owned by minorities and women, they are deliberately misleading the American people. If they do not believe that discrimination exists in the construction industry, they are blind. If they do not believe that majority-owned firms, advantaged by a network good old boys, have a historical advantage, they are either blind or naive, or both. If they say that elimination of the DBE Program will not result in a sharp decline in the percentage of minority and women-owned firms participating in federal construction projects, they are insincere.

Mr. Chairman, both the Reagan and Bush administrations supported the Disadvantaged Business Enterprise Program. The President, under the stewardship of Transportation Secretary Rodney Slater, has urged Congress to continue its support for the DBE Program. The DBE program does not impose quotas or set-asides. Instead, it simply sets a national goal that 10% of highway and transit funds be used for services rendered by disadvantaged businesses. However, the goals are flexible. The program allows state and local governments to set their own goals based on the numbers of disadvantaged businesses in their markets. And a state can waive the goal if it cannot find a qualified disadvantaged business.

The DBE program is consistent with President Clinton's "mend it, don't end it" policy on affirmative action, and the Supreme Court's Adarand decisions which allowed the use of affirmative action programs by the federal government to meet a "compelling government interest" to combat the "lingering effects of discrimination."

I urge my colleagues to follow the lead of the House authorizing Committee, which recommends that this program be continued. I urge you to follow the Senate's lead, which voted overwhelmingly to retain it. And finally, I urge my colleagues to follow the lead of the two past Presidents and our current President, all of whom support this valuable program. I urge the rejection of this amendment.

Mr. DIXON. Mr. Chairman, I rise in strong opposition to the Roukema amendment. How ironic that the GOP—who recently led the effort that resulted in renaming Washington National Airport to the Ronald Reagan National Airport—now seeks to eliminate a vital program which President Reagan himself signed into law. The Department of Transportation's Disadvantaged Business Enterprise (DBE) Program is about providing opportunities—an ideal our Republican colleagues often champion as one of their goals. It is not about quotas, set asides, unqualified businesses receiving preferential treatment, nor about violations of Supreme Court rulings.

The DBE program was created by Section 105 (f) of the Surface Transportation Act of 1982 (P.L. 97–424) in order to increase the share of qualified, "socially and economically disadvantaged" businesses in the transportation construction industry. Under the program, state Departments of Transportation and state and local mass transit agencies must establish a goal of awarding 10 percent of all funds spent on federal-aid highway projects to certified firms owned by "socially and economically disadvantaged individuals." However, if a state agency or prime contractor is unable to find enough qualified subcontractors to reach the goals, they are allowed to apply for a waiver to lower the goal. There are no penalties or sanctions for failure to meet a goal.

The Roukema amendment would gut DOT's ability to address a problem that still plagues our nation: the paucity of minority and women-owned firms who receive transportation dollars. For those who naively believe that American has fully realized her dream of a color-blind society, a society in which there no longer exists a need to ensure an equitable playing field in the economic marketplace for disadvantaged persons, I submit that they are mistaken. Discrimination is alive and well and manifesting itself through the difficulties minorities and women continue to face in securing access to contracts and capital.

Consider that minorities make up 20 percent of the population, yet represent only 9 percent of all construction firms and 5 percent of all construction receipts. Women own one-third of all firms, but receive only 19 percent of the business receipts. White-owned construction firms receive 50 times more loan dollars than black-owned firms with identical equity.

Without goals, women- and minority-owned businesses have been shut out of transportation construction projects. In 1989 in Michigan, within nine months of terminating the state DBE program, no minority businesses received contracts. Seven years later, in 1996, DBEs still had received no more than 1.1 percent of state highway contract dollars.

These disturbing statistics further underscore the reality that America has yet to reach the honorable state of a truly color-blind society, and that in order to ensure absolute parity in the contracting process, we must legislate fairness through programs such as the one before us today. Think about the following example: since the inclusion of women in the DBE program in 1987, women have enhanced their procurement dollars by approximately 175 percent. In FY 1994, the DBE program generated nearly $87 million in contracting opportunities for women-owned businesses. These contracting opportunities resulted in the creation of 62,000 new jobs. When racial/ethnic minority-owned firms are added, the DBE program in FY 94 generated $3.4 billion and resulted in the creation of approximately 146,000 new jobs.

This program does not set aside a specific amount of money for any one population group, nor does it guarantee that a specific number of businesses will receive contracts. And let me reiterate: there are no penalties for not meeting the 10 percent goal. This amendment is strongly opposed by the Administration, and the Senate recently defeated a similar amendment by a vote of 58 to 37. I share the view of Transportation Secretary Rodney E. Slater who has said that "[r]emoval of the DBE program from H.R. 2400 would be a serious blow to our efforts to assure fundamental fairness to the citizens of this country." I urge defeat of this amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, a distinguished Member of this House once wrote that "in politics, we have no permanent enemies, just permanent interests." It gives me no great pleasure to rise in opposition to one of my Women's Caucus colleagues, but I do have permanent interests—the economically disadvantaged. The Disadvantaged Business Enterprise provisions of BESTEA are sound and were passed out of the full Committee with bi-partisan support. The DBE programs in this bill do not include set asides or quotas. These DBE programs use a competitive bidding process to include minority and women-owned businesses.

As Co-Chair of the Women's Caucus Women-Owned Businesses Legislative Task Force, I held a hearing on the lack of procurement opportunities for women-owned businesses because women were complaining that they did not have access to federal contracts.

The Disadvantaged Business Enterprise program is fair, flexible and complies with the Supreme Court's "strict scrutiny" standard. It serves as the model program for federal agencies aspiring to extend contracting opportunities for women and minority-owned firms who receive disproportionately fewer contracts and subcontracts than their qualifications and ability warrant.

It sets the goal of 10 percent of highway and transit funds be used for services rendered by disadvantaged businesses. State and local governments then set their own goals based on the numbers of disadvantaged businesses in their local markets. And if a prime contractor cannot find a qualified disadvantaged business, the state can waive the goal entirely.

Any individual owning a business may demonstrate that she or he is socially and economically disadvantaged, even if that individual is not a woman or minority. In fact, businesses owned by white males have qualified for DBE status.

Since the inclusion of women in the DBE program in 1987 under President Ronald Reagan, women have enhanced their procurement dollars by approximately 175 percent. The participation of women and minority-owned small and disadvantaged businesses in federally assisted highway construction contracting has grown from a mere 1.9 percent in 1978 to 14.8 percent in 1996.

In fiscal year 1996, 6.7 percent of contracts were awarded to women-owned businesses under the DBE program, generating $1.4 billion for women-owned businesses and producing 62,000 new jobs in highway and transit industries.

Between 1987 and 1996, women-owned businesses in the field of construction grew by 171 percent. During that same time period, contracts to women-owned businesses increased from 2.6 percent to 6.7 percent in 1996.

As of 1996, there were more than one million women-owned businesses in the state of California—that is a 77.7 percent growth since 1987 when Ronald Reagan signed into law the inclusion of

women in the DBE program. In California, women-owned businesses received less than 4 percent of the DBE dollars.

We need the DBE program. White-owned construction firms received 50 times as many loan dollars as black-owned firms with identical equity. At least 492 firms have grown from subcontractors to prime contractors after entering the DBE program.

The Senate voted 58 to 37 to defeat an amendment to replace the DBE program. I urge the House to follow their bipartisan lead and maintain this fair, effective and constitutional program.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. ROUKEMA).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. ROUKEMA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 405, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on Amendment No. 2 offered by the gentleman from Illinois (Mr. DAVIS) which will be taken immediately after this vote.

The vote was taken by electronic device, and there were—ayes 194, noes 225, answered "present" 1, not voting 11, as follows:

[Roll No. 93]

AYES—194

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—225

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Kucinich
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (OR)
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Radanovich

NOT VOTING—11

Cannon
Gonzalez
Hutchinson
Jefferson
Klug
LaFalce
Payne
Rangel
Ros-Lehtinen
Royce
Waters

□ 1844

Mr. MARTINEZ and Mr. McDADE changed their vote from "aye" to "no."

Messrs. DAN SCHAEFER of Colorado, YOUNG of Alaska, SNOWBARGER and WHITFIELD changed their vote from "no" to "aye."

Mr. RADANOVICH changed his vote from "no" to "present."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. DAVIS OF ILLINOIS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 175, not voting 13, as follows:

[Roll No. 94]

AYES—242

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Calvert
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman

Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kucinich
LaHood
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Redmond
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Souder
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Watt (NC)
Waxman
Weldon (PA)
Weller
Weygand
Wise
Woolsey
Wynn
Yates

NOES—175

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Everett
Ewing
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rohrabacher
Roukema
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shuster
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Cannon
Gonzalez
Jefferson
Klug
LaFalce
Payne
Rangel
Ros-Lehtinen
Royce
Scarborough
Smith (MI)
Spratt
Waters

□ 1853

Mr. EWING and Mr. FOLEY changed their vote from "aye" to "no."

Mr. ORTIZ changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 4 printed in part II of House Report 105–476.

AMENDMENT NO. 4 OFFERED BY MR. GRAHAM

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GRAHAM:

(a) HIGHWAY PROJECT AUTHORIZATION.—

(1) In section 102(8), strike all after the parenthetical and insert "$596,000,000 for fiscal year 1998, $816,000,000 for fiscal year 1999, $885,000,000 for fiscal year 2000, $885,000,000 for fiscal year 2001, $885,000,000 for fiscal year 2002 and $885,000,000 for fiscal year 2003."

(2) In section 103(b), strike the "and" and all that follows after paragraph (7) and insert "and" after paragraph (6).

(3) Strike sections 127(b) and 127(c) and redesignate sections of the bill accordingly.

(b) TRANSIT PROJECT AUTHORIZATIONS.—

(1) In section 328(a) in the matter proposed to be inserted as section 5338(b)(1) of title 49, strike all that follows after "to carry out section 5309" through the end of such subsection and insert "(1) $878,000,000 for fiscal year 1998, (2) $964,800,000 for fiscal year 1999, and (3) $1,045,200,000 for fiscal years 2000 through 2003."

(2) In section 329(a) strike "shall not exceed" through the end of such subsection and insert "(1) $800,000,000 for fiscal year 1998; (2) $856,000,000 for fiscal year 1999; and (3) $1,045,200,000 for fiscal year 2000–2003."

(3) Strike sections 332 and 333 and redesignate sections of the bill accordingly.

The CHAIRMAN. Pursuant to House Resolution 405, the gentleman from South Carolina (Mr. GRAHAM) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. GRAHAM).

□ 1900

Mr. GRAHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Chairman, I would like to speak in support of this amendment that would strike out all of the special projects in the current bill before this committee.

I want to say that I am opposed to the bill itself for three principal reasons: One, it is bad process; two, it is bad precedent; and three, it is a bad product.

Let me speak about bad process first. I would ask the question, is it right that the campaign committee chairmen are consulted before the special road projects are given to Members who live or represent politically sensitive districts where they have tough races coming up in November?

Is it right to dangle millions of dollars in front of Members for no specific projects, just a blank check?

Is it right to award the States of Committee on Transportation and Infrastructure Members an average of $253 million, versus $54 million if there is not a Member on the Committee on Transportation and Infrastructure from one's State?

It is bad precedent because this bill exceeds the budget caps put in place last summer by $26 billion, that is with a capital B, billions of dollars. What happens when we use the budget caps as a defense when anybody else wants to raise spending in any other level? Are we going to say, no, we cannot do that because of the budget caps? We cannot do it if we pass this bill.

What happens when we begin building deficits as a result of this fiscal insanity? We will raise taxes. It is bad precedent.

It is a bad product. What do I mean by that? Is it responsible to increase the total funding for infrastructure by 42 percent, which is what this bill does? The Balanced Budget Agreement, which we voted on, again, last summer, calls for a 20 percent increase in infrastructure funding. How much is enough?

What happens when the Senate does not agree with the offsets? What are we going to do then?

Do we really think a high-priority project is a transportation museum in Pennsylvania, an Appalachian Transportation Institute at Marshall University, or $800,000 for a train station? Are these really high-priority projects?

The chairman of this committee is a zealous advocate for roads. I appreciate that and respect him for it. But I believe he has crossed the center line. The House's own rules say it shall not be in order for any bill to contain any provision for any specific road.

The rule was never waived until 1982. Then, in 1982, it was waived: ten special projects, at a cost of $386 million; in 1987, 152 for $1.3 billion; in 1991, 539 projects, for $6.2 billion; this year, 1,450 projects for $9.3 billion.

Support the amendment of the gentleman from South Carolina to strike these projects.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 10 minutes.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that I may yield 5 of my minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR), to control blocks of time.

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

There was no objection.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) will control half the time in opposition.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Chairman, I rise in support of the principle of Members of Congress being able to recommend to our committee specific projects, and our committee in turn being able to vet those projects and determine ones which are worthy.

It is very important to emphasize that only 5 percent of the total funding in this bill is dedicated to high-priority congressional projects. That means, and let me be even more specific, 88 percent of the decisions being made as to where the highways and transit systems are being built will be made by the States: by governors and by the legislatures and the departments of transportation. Seven percent of the money goes downtown, to be made by the Secretary of Transportation.

The decisions to build highways and transit systems are not decisions made by angels up in heaven. These are decisions made in the political process. Governors decide where it is best to put highways. State legislators decide.

There is nothing wrong with Members of Congress, who are the ones that have to cast the tough votes to create the programs, having some say. To have a 5 percent say does not seem unreasonable.

In fact, I would point out that if indeed this amendment were to pass, and $18 billion less were to be available, then we would be violating the principle of spending gas tax dollars for improvements to infrastructure. We would be back in the same old game we were in previously, where the American people were being flim-flammed. They were paying their gas taxes at the pump, but the money was building up in the Trust Fund, and this would increase the balance in the Trust Fund.

Conversely, if we strike the projects but do not strike the money, then there is no saving. We would be back keeping faith with the people in terms of saying that the money paid by the gas tax would be available to be spent, and that is all, only the revenue coming in the gas tax; honesty in budgeting, that is all. Then we would be saying the money can be spent, but zero decisions would be made by Members of Congress, and all of the decisions would be made by those governors and legislators and the Secretary of Transportation downtown.

I think it is not reasonable to believe that somehow there is a non-political, pure process back in the State Houses, as compared to the decisions that are made here. In fact, if a Member of Congress does not know what is important to his district, then I do not think he is going to be a Member of Congress very long.

Let me say, I do not agree with some of the projects that have been submitted. But that is not my decision to make. In fact, I would respectfully suggest it is a bit arrogant for someone to say that we know better what is important for Members' congressional districts than they know.

Indeed, we have a vetting process. The vetting process is a 14-point vetting process, which includes recommendation by the Secretary of Transportation in the State, which includes recommendation by the mayors.

Indeed, what I find so mystifying is my good friend, the gentleman from South Carolina (Mr. GRAHAM), submitted four projects to us. I have the letter right here from him, saying that the South Carolina Route 72 project is vital and would provide additional traffic capacity resulting in safe and efficient roadways in three counties, a letter asking for the project.

And my good friend, the gentleman from Oklahoma (Mr. LARGENT), signed a letter asking for projects. In fact, I do have a letter from the Governor of Oklahoma received just yesterday saying, "On behalf of all Oklahomans, I want to express our appreciation for the successful committee action on the bill to do so much to restore Federal funding dollars and to move the vital Interstate 40 crosstown project forward."

That is the project which was requested by two members of the Oklahoma delegation who took this floor or took a press conference last week to attack our integrity, suggesting that we were offering projects in exchange for votes. At the time I challenged somebody to come forward and to name one Member of Congress to whom I said, I will give you a project in exchange for your vote, or conversely, threatened, you will not get a project if you do not vote for it. None has come forward? Why, because it never happened.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, this is also worth pointing out, that this was an open process, with 4 full days of hearing, 170 Members of Congress testifying in public, supported by hundreds of local mayors and officials from across the United States, pointing out the merits of these particular projects.

Mr. GRAHAM. Mr. Chairman, speaking of angels and governors, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I would like to speak in support of the Graham amendment. I believe that what we have here is a violation of the Balanced Budget Agreement. I think the committee, by the way, did a good job on this legislation. They just went too far. They went about $26 billion too far, and that is money which we do not presently have.

About $18 billion of that can be found in these special demonstration projects. I disagree with the Chairman on this. I believe the special demonstration projects are wrong. I believe they are pork. I believe these decisions should be made by the States and by the officials who live in the States, who are qualified to make decisions about where their highways should go.

How are we going to pay for this? I ask Members to ask themselves that before they support this legislation. We are going to pay for it because education is going to suffer, defense is going to suffer, housing may suffer, the environment may suffer. Maybe we will not balance the budget. Alan Greenspan will tell us that interest rates will go up 2 percent if we do not get a balanced budget.

I think these are extraordinarily important issues. I hope before anybody here votes, whether they have demonstration projects or not, they will consider the enormity of what we are doing. This has just gone too far, and it is too bad, because an extraordinary amount of good work was done here.

However, the bottom line is, all of us should unite to support this amendment and take this $18 billion off the table.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL), a ranking member of the Committee on Transportation and Infrastructure, and an architect of this legislation.

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

Mr. Chairman, let us get some facts on the table. The gentleman from Pennsylvania (Chairman SHUSTER) has laid out very well how funds for highways are apportioned under this bill. Eighty-eight percent would be distributed to the States by formula through apportionments, by going to States. Basically, this money goes to governors and State legislators. Seven percent would stay here in Washington for administration of the Federal Highway Administration.

Let us get it straight, only 5 percent, the remaining 5 percent of the highway funds in BESTEA, are for these projects that are deemed to be high-priority projects by Members of this body. That is the same as in the current law, ISTEA. The bottom line is

that governors and State legislators get to spend 88 percent of the highway dollars, while House Members get to direct only 5 percent.

Yet some in the media, and I think perhaps the sponsors of this amendment, ought to look at these facts, instead of paying attention to those in the editorial pages in some of the national newspapers or those in the media who would portray this as pork and something evil. Let us look at the facts. They ignore the fact that 88 percent of these dollars are going directly to the State governors and State legislators for their disbursements.

Are these individuals angels? Let us get real. The last time I checked, governors were elected like we are elected, politicians. They have to run for election. I do not know of any governor that has been appointed from some holier-than-thou source to serve. So these guys are politicians. Get real.

I would submit that Members of this body, Democrat and Republican alike, know his or her district better than any State governor who has to make those decisions on a Statewide basis. If anybody in this body does not know his or her district better than the governor of their State, I doubt if they are going to be here very long.

These projects are worthwhile. They have been through a rigorous vetting process. They have answered a series of 14 tough questions that we instituted back when we started reauthorizing ISTEA. They have been part of the transportation plan of every State.

We have reviewed the requests. We have held public hearings. There has been nothing secretive about the process, there has been nothing dishonest about the process, there has been nothing corrupt about the process; some of the words being thrown around here.

So the proof is in the pudding. This legislation has passed the muster. It has passed the muster with the Surface Transportation Policy Project, a liberal group comprised of environmentalists, in line with the Conference of Mayors and League of Cities. The Surface Transportation Policy Project has endorsed this legislation, and they have said that these projects are worthwhile.

I would urge rejection of this amendment.

□ 1515

Mr. GRAHAM. Mr. Chairman, I yield myself 5 seconds, just to say that Citizens Against Government Waste and the National Taxpayers Union support my amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I rise in support of this amendment. I would like for the American public to know what was left on a voice mail in my office by the Committee on Transportation and Infrastructure:

"Matt, this is Darryl Wilson with the Transportation Committee. I'm calling about the BESTEA bill, which is the transportation measure that is moving through the committee. We have a deal for you on the funding levels for that. I originally spoke to your office last September and we said there was $10 million in this bill for your boss. Well, we are upping that by $5 million, so now you have $15 million. I just want to know where your boss wants to spend that money."

Mr. Chairman, I want to tell my colleagues that if we apply this logic that we get to dole out 5 percent of the transportation funds, then we should apply the same logic elsewhere. Let us dole out 5 percent of the Defense Department funds in our district. Let us dole out 5 percent of the funds for Medicare in our district, for Medicaid, for food stamps, where the Congressman could surely know how to control that.

Mr. Chairman, this is a corrupt process that is used to extend the political careers and situations of Members of this body. It ought to stop. I support this amendment.

Mr. GRAHAM. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, when we came here and became a majority, we said we were going to change things. We were going to be different. We were going to balance the budget, which we finally did now for the first time in 30 years. And now we are getting ready to break that commitment by $26 billion, $18 billion of it in special pork projects.

That is, in my mind, business as usual. What has changed? It is wrong, and I urge my colleagues to support this amendment. That is the right thing to do.

Mr. GRAHAM. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman from South Carolina (Mr. GRAHAM) for yielding me this time. I rise in strong support of the gentleman's amendment, and I want to make the point that the people get this issue back home.

The editorial in the Mesa Tribune today: "Pork barrel bribery. Transit bill is out of whack." The editorial in yesterday's Wall Street Journal: "Highway robbery." Today's front page Arizona Republic: "Pork deal raw."

The answer is this bill breaks every promise we made when we got here. We came here and said we would not do business as usual, but this bill has us spending money the same way money used to be spent. It is pure and simple bribery.

Mr. Chairman, if we allow Members of Congress to control how the money is spent in this bill, why not allow Members of Congress to control how the money is spent in every bill? This is the kind of project where it is pork by definition because of the way the support was built.

The truth is these decisions need to be made on merit. They need to be based on the real need for these transportation projects. They should not be such that one State with a powerful committee chairman gets hundreds of millions of dollars more, even billions of dollars more than another State which has no Member on the committee. That is the way Washington used to work and under this bill, it is sadly the way this bill still works.

Mr. GRAHAM. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman from South Carolina (Mr. GRAHAM) for yielding me this time.

Mr. Chairman, this is probably the most embarrassing night that I have ever spent in this Congress, to realize that we came here to change things and we are not. We are participating in the big old trough that has characterized this place in the past, and it is a terrible embarrassment to be part of the new majority and to stand here and have to support this amendment that would take care of that trough that we are seeing.

Mr. Chairman, there are 31 States who will be cheated as a result of this bill and the demonstration projects in it. Not an opinion; it is a mathematical fact. If a Member is from South Carolina and votes for this bill, they are cheating the State of South Carolina. So it is for 30 other States. Unless Members happen to have the big dig going on in their State or are from Pennsylvania, they are being cheated in this bill.

Demonstration projects cheat their State, and in return they are getting a press release. So they get a press release and their State gets cheated. That is a lousy deal for their State and it is a lousy deal for America.

Mr. Chairman, I urge my colleagues to vote for this amendment and fix this lousy bill.

Mr. GRAHAM. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I too am very embarrassed for this House. We came here in the Class of 1994 in particular claiming that we were willing to trade about anything to balance the budget and cut taxes. Tonight we are the people busting the budget. We are the people with the proposal billions of dollars higher than the United States Senate.

I am embarrassed at what is before us. I see media reports in Indiana of Members of Congress who are getting money that is going to be allocated to their county commissioners. That was not a carefully scrutinized thing. It is

up to the county commissioners now to decide whether they have potholes on their roads. Any Member of Congress can have such a thing.

It was not a carefully scrutinized process. Everybody here, whether it was direct or indirect, knew that if they supported this bill they would have access to certain funds. We all advocate different projects at different times within the context of the balanced budget. This busts the budget. This is contrary to what we ran on. By the time we get done with this, the House and the Senate and the President, we are going to have spent the supposed surplus and undermined everything we claimed to have come here to do, and I am embarrassed for this body tonight.

Mr. GRAHAM. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from South Carolina is recognized for 2½ minutes.

Mr. GRAHAM. Mr. Chairman, I would say to the gentleman from Pennsylvania (Chairman SHUSTER), listen up. You have used my name, and that is okay. You talked about a letter I wrote, and that is okay. Last year your committee called me and said there was $7 million for projects in my district. I submitted a list of projects after talking with the highway commissioner in the Third Congressional District, and I appreciated the $7 million.

Two weeks ago I got a call from your committee, unsolicited, that said I now have $15 million. I said no. You told me I had by 5 o'clock two weeks ago to take the money or lose it, and I said no. And the reason I said no is because the bill you put together spends $26 billion more than we can afford to spend.

What you are doing is, you are allowing this House to slip down a slippery slope because your committee wants to take more of the balanced budget pie than we gave it. And the next chairman and the next worthy cause is going to do that.

You are going to make us take it out of somebody else's hide, because you have an amendment in this package that requires this bill to be offset. So we have to go to somebody else in this government and say, "Give us $26 billion because we overspent on highways, but we are not going to give a dime ourselves."

Mr. Chairman, my amendment says give up the demonstration projects and we reduce the amount we have to offset by 69 percent. But we are not going to do that. We are going to go to other people in the government and say, "Give it up. But not us, buddy."

Mr. Chairman, we reduce spending by 8 percent if we do away with the demonstration projects. All of them are probably worthwhile. I am not up here shaming anybody. Let us assume all 1,467 of them are worthwhile. Look what has happened since the last time we did this. Look how the number of projects has grown. Look how much money. We have tripled the number of projects and increased the spending by a third.

I am not here to shame anyone and say that their project is not worthwhile. I am here to say we cannot afford it. Families cannot afford a lot of things they would like. But not us. Somebody in this government is going to pay for this bill, but it will not be us. We will not give one penny. We are going to take every penny we can get and put it in the ground, in the asphalt, and somebody else is going to have to give it up.

Mr. Chairman, that is what is wrong with this country. That is why we cannot lead. The gentleman has taken the balanced budget agreement and has made a sham out of it and we all should be ashamed.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 2 minutes.

Mr. OBERSTAR. Mr. Chairman, I just wish to observe that it is inappropriate for a Member to address directly another Member, and that all remarks should be addressed to the Chair in proper debate.

Mr. Chairman, when all else fails, try the facts. The facts that are this committee went through a very appropriate process of asking all Members about projects that are priorities and important in their district, priorities that their State has not addressed. Point 8 of our 14-point questionnaire: "Is the project included in the metropolitan and/or State transportation improvement plan or the State long-range plan? Is it scheduled for funding?" And on through a very objective analysis of each project.

That is a fair way to do it. Who said that all wisdom resides in the State? A statement was made earlier in this debate, decisions should be made by the States, who know what the needs and priorities are in their State. Well, the States will have the choice to match the required 20 percent or not to match it, to start projects under construction or not to start those projects. Those are decisions that are left to the States.

But let me tell my colleagues what kind of wisdom there is in State government. There was a stretch of highway in my district on which, over 15 years, 57 people have died. Where did that appear on the State priority list? Nowhere, until I got involved in it and brought them together, and now we are going to address long-term and immediate needs on Highway 8, and there are not going to be any more deaths if I have my way and if we have the funding that is in this legislation.

All of this talk about we are spending over the amount. Listen, we give up $9 billion of the Highway Trust Fund, taxes already paid by drivers in America who have been carrying for 30 years the burden of government on their back, and we give up the future interest, $13 billion dollars. We paid for it. The drivers of America paid for this bill over and over and over again, and now it is time to get their due and let us invest in America. We know what projects are good and important for our districts every bit as well as those governors do.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina (Mr. GRAHAM).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GRAHAM. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 405, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. GRAHAM) will be postponed.

It is now in order to consider amendment No. 5 offered by the gentleman from South Carolina (Mr. SPRATT) printed in part II of report 105–476.

AMENDMENT NO. 5 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

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

Part II amendment No. 5 in the nature of a substitute offered by Mr. SPRATT:

Strike all after the enacting clause and insert the following:

SECTION 1. TWO-MONTH EXTENSION OF TRANSPORTATION PROGRAMS.

Notwithstanding any other provision of law, there is authorized to be appropriated out of the Highway Trust Fund such sums as may be necessary to continue funding for an additional two months each of the programs for which an extension was provided under the Surface Transportation Extension Act of 1997 (111 Stat. 2552 et seq.) at the same monthly rate for which funds were provided for each such program under such Act.

The CHAIRMAN. Pursuant to House Resolution 405, the gentleman from South Carolina (Mr. SPRATT) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

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

Mr. Chairman, I am for spending more on highways and mass transit, but we have a process for deciding how much more and which priorities we will pare back or preclude to make room for more spending on highways so that we can keep the budget in balance.

The purpose of this amendment is basic and simple. It is just to let this

process work. What it calls for is regular order, nothing more. Let us pass a budget resolution. Let us go through the 302(B) allocation process. Let us identify $26 billion in offsets, or whatever the amount may be, and then let us come back to this floor and pass this bill.

Mr. Chairman, I feel compelled to offer this amendment because I am the ranking member of the Committee on the Budget, and this bill does not just skirt or evade the budget process, it is a frontal assault upon it. It violates the Balanced Budget Agreement of 1997, which we only voted for a few months ago, and trumpeted by all of us who voted for it, by authorizing $40 billion more for contracting authority than the BBA provides and $26 billion in outlays over the next 5 years above and beyond the BBA.

Mr. Chairman, it radically departs from the appropriations process by letting the transportation conferees decide some $26 billion in offsets to pay for their increases. All of these offsets are outside their jurisdiction. It violates the Congressional Budget Act by being brought to the floor ahead of the budget resolution. It violates the Budget Enforcement Act of 1990 by providing $9.3 billion in mandatory spending for demonstration projects without identifying $9.3 billion in offsets. And it dismantles the budget structure that we built up so painstakingly over the last 15 years, which has brought us to a balanced budget, by taking transportation off budget, removing it from any strictures whatsoever.

To those who say there is not the time to do this process, this amendment provides an answer.

□ 1930

It extends the Surface Transportation Extension Act for another 2 months. This act was temporary in the first place. It runs out on May 1. It will have to be extended because it is highly unlikely that we will have a conference report by then and, in any event, States will not get any more budget authority under BESTEA than they will get under this because the levels for 1998 are the same.

What we are proposing here once again, Mr. Chairman, is budget discipline, the budget process that we built up over time. In the end, I am sure transportation will get more. They have demonstrated that Members from all parts of the country and all places on the spectrum support more spending. But we will do it in a regular order procedure, and we will do it in a process so we can determine exactly which priorities will have to be displaced to give transportation more.

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

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 10 minutes.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR), and I ask unanimous consent that he may control that time.

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

There was no objection.

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS), and I ask unanimous consent that he may control and allocate the time.

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

There was no objection.

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

This is a terrible amendment because particularly for the Northern States, it will destroy the opportunity to have funding as they prepare for the winter season. It is wrong to pass another short-term extension. Now that the May 1 deadline is before us, it is irresponsible to impose additional short-term extensions.

An extension is going to interrupt the State's critical summer contracting season. It is going to force the Northern tier States to virtually lose an entire construction season. There will be insufficient funds available for the States to have the certainty to go forward with critical projects.

This amendment will delay any implementation of BESTEA until the last quarter of fiscal 1998 and will put out additional funds, get this, additional funds under the unfair Senate-imposed formula that was included in the short-term bill that is now before us.

Many more States will receive more apportionments and obligation authority than they would receive for the entire year under BESTEA. This will preclude a full formula change for this year. Donor States will have to wait another year for the formula, the fair formula, which we have in this bill, to take, fully take effect.

This will completely upset the minimum allocation program and apportion more funds that are not subject to any equity adjustment.

Members' projects will not be able to begin. They will lose a whole season before these projects can be implemented. BESTEA simply spends the new gas tax revenues coming into the Highway Trust Fund over the next 6 years. That is what the people who pay these taxes expect. Rather than upset the budget process, BESTEA, in fact, restores honesty and fairness to the budget process.

In sum, this amendment will wreak additional havoc with the States, virtually every State, but most particularly the Northern tier States. It is unfair and unnecessary.

I urge my colleagues to oppose the amendment.

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

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume. First, I want to thank both the ranking member and chairman. They believe in what they are doing. We happen to disagree. But in every instance that I have dealt with them they have always been gentlemen. I just think they are wrong.

Mr. Chairman, I totally disagree with the arguments outlined by my chairman from the Committee on Transportation and Infrastructure. This amendment extends the temporary ISTEA bill for 2 months. We anticipate that we will be able to pass a full bill before then. But what we are being asked to do in this legislation is to spend and allocate $217 billion without having the offsets to pay for the new money. I think that is wrong.

Mr. Chairman, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

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

This is a good amendment. Let me use an analogy. Take a hot summer day and there is a picnic and there are sandwiches and potato chips and cookies there. And somebody comes along with ice tea, and it is 95 degrees out and that ice tea looks awfully good, and they fill your glass. That is absolutely wonderful. But they make a mistake and they fill it too much, and it spills on the sandwiches and on the potato chips and the cookies, and it ruins them. That is what is happening here.

This is good legislation. This is good ISTEA. To the extent that this Committee on Transportation and Infrastructure, to their great credit, put together a formula and put together the numbers that we handled in the budget agreement, they did a wonderful job. But they went too far. They went too far by about $26 billion.

What this amendment is doing is saying let us wait for 2 months so we can see how much money we are really going to have to be able to spend on transportation, which we all agree should be done. We have heard all manner of examples all afternoon of how we should spend money on transportation. That is absolutely correct. But the bottom line is that the glass has overflowed here and we have $26 billion too much in it.

I just spoke a moment ago on the demonstration projects. I think that is poor public policy. Beyond that, we are looking at that additional money. Where is it going to come from? We are about to vote blindly for a piece of legislation in which we are not at all sure what the offsets are. Let me remind Members of what we just went through with about $2.5 billion, which we could not find offsets. What are we going to go through on $26 billion? Who is going to suffer on that?

As I stated earlier, will education suffer? Will the environment suffer? Will housing suffer? Will defense suffer? Will the balanced budget suffer? Any of these things could suffer. The Spratt amendment makes all the sense in the world. The 2-month month delay will not hurt anything, and it will let us do what is the most important thing we are going to do this year, balance our budget. Support the Spratt amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL), ranking member of the Subcommittee on Surface Transportation.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Minnesota for yielding the time to me.

I commend the gentleman from South Carolina, the ranking member on our Committee on the Budget, for the work that he does on that committee. He is proposing an amendment here that would allow the normal congressional budget process to work its will prior to enactment of BESTEA. Unfortunately, highway construction seasons across our country do not necessarily allow themselves, because of the seasons through which they go, to follow our normal budget processes in Congress.

The other body decided to proceed full steam ahead with this legislation prior to consideration of their budget resolution. And I think our House leadership made the appropriate decision in consultation with our House budget chairman, to proceed forthwith on this legislation at this time. We are facing a May 1 deadline.

After May 1, the States will lose their ability to obligate spending authority and in many States much more, so in our Northern States and other States, this will truly wreak havoc in their transportation planning decisions.

Not only will it wreak havoc in the States, but there could very well be a problem with the FHWA here in Washington. There are staffing problems to consider. We do not want to face any type of a government shutdown at FHWA, which would truly be devastating to our road mapping processes and transportation decisions across this country.

There is no way to plan if the States are faced with a cutoff of obligational authority come May 1. It is truly a drop-dead date. We do not have the luxury of trying to comply with the budget process or time frames that have been set up here in this Congress.

We are talking about spending what the American taxpayers and the American motorists in particular have already paid at the gas pump and that is why we must proceed here forthwith without waited for any budget resolutions. It is no way to plan America's future. It is no way to plan for the safety on our Nation's highways.

If we are to delay this process and find come May 1, or a couple of weeks thereafter if we face a slippage that the States do not have the definitive schedule upon which to base the letting of contracts within their borders. So I would submit that while the chairman of, the ranking member of our Committee on the Budget has noble goals in mind, this is perhaps a back-door effort used by some on the other side of the aisle to truly kill this bill.

I would urge defeat.

The CHAIRMAN. The Chair would remind Members that the gentleman from South Carolina (Mr. SPRATT) has 2 minutes remaining, the gentleman from Minnesota (Mr. OBERSTAR) has 2½ minutes remaining, the gentleman from Pennsylvania (Mr. SHUSTER) has 2½ minutes remaining, and the gentleman from Connecticut (Mr. SHAYS) has 3 minutes remaining.

The gentleman from Pennsylvania (Mr. SHUSTER) has the right to close.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Chairman, this vote is not just about bridges and highways. We are all for them. It is a vote about priorities, a vote about fiscal discipline and a promise we made to America just last year. Unfortunately, as the majority leader put it the other day, the leadership of the House is more concerned about haste rather than substance.

As a result, we may unravel the first balanced budget in a generation. This is no way to write a budget. The cart is way before the horse. If we approve this bill we are going to have to make substantial cuts in the budget. Where do we get the $26 billion from; defense? From senior citizen housing, again, another day? From our kids health care? From education or maybe our seaports or airports, as we did the other day?

Those of us on the Committee on the Budget and the Committee on Appropriations already knew we were going to have to shave billions of dollars from the Federal budget just based on last year's budget deal. Now we will have to find billions of dollars more to cut.

Mr. Chairman, it boils down for us today to a question of courage. Let us be responsible about spending. Let us set our budget priorities in the manner they should be set and let us show the American people we have the courage to live within our means.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. PETRI), distinguished chairman of our subcommittee.

Mr. PETRI. Mr. Chairman, I would just like to make several points. First of all, I have watched one-minutes sometimes and hear the spin people are trying to give to this Congress. Some Members are saying we are a do-nothing Congress. And then Members are stepping forward and saying we should not do something.

We are trying to meet a major need of our country by passing this bill at an appropriate time, as asked by the national Governors who wanted us, if we possibly can, to get this done so that they can go forward with their construction seasons and plans this summer by May 1. If we had some assurances that the budgeteers would act in a reasonable and timely way, that is one thing. But knowing how these things work around here, they are not going to, I do not think.

We do not have any assurance that we will have a budget resolution passed and ready to guide Congress by May 1 or thereby. We will be lucky, last year I think it slipped into June or July. So that means if we waited for this process, we are into September or October and Congress will be gone.

This is saying we do not want to address the needs of the country. We do not want to deal with the donor State question in this Congress. That is what it is saying. They want to be a do-nothing Congress, not a do-something Congress. I think that is just plain wrong.

I have some suggestions for our budget friends as they say where we can find this money. We are giving up $9 billion, writing it off the debt of the United States. No scoring for that. We are lowered, by the budget resolution, the caps, by about $9 billion below what we are actually spending. That mistake could be corrected. That is not really an increase in spending, when we just continue in constant levels, yet they score us with cuts. We are giving up $14 billion of interest over the life of this bill. That is not being scored either.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, this amendment is not about roads. We desperately need roads. My State of Arizona is a growing State and it has great need for roads. But I rise in support of the Spratt amendment. It is a matter of process. This amendment sets the cart right. The bill, as it currently is proceeding before Congress, has the cart before the horse, simply put.

As a matter of budget discipline, we cannot pass this bill at this time without grave consequences. Alan Greenspan, Chairman of the Federal Reserve, came before the Committee on the Budget, of which, and the gentleman from South Carolina (Mr. SPRATT) are members and said, whatever you do in this Congress, you must not break the caps. He did not say you must not break them by a large amount. He said you must not break the caps. The signal you will send to this economy is dynamic. If you break the caps at all, you will destroy the discipline you have established.

This amendment will allow us the time to get the budget figures in mid month, to look at where we are and to do the process in an orderly fashion. The bill, in its current form, spends $26 billion above the budget caps. We have to find offsets that are nowhere in this current legislation.

It includes demonstration projects which, as we can see by the debate, are highly controversial. We need to identify those offsets and to proceed in a regular order. And if this bill were so correct and so fitting within the current figures, why does it spend $30 billion more than we authorized just 10 months ago in the balanced budget agreement? I support the amendment.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. SABO).

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. SABO).

The CHAIRMAN. The gentleman from Minnesota (Mr. SABO) is recognized for 1 minute.

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

As someone who voted for the gas tax to reduce the deficit in both 1990 and 1993, I have to say to my friends on the Republican side, if Democrats had brought a bill to the floor with mandatory spending and no offsets, or spending and no offsets, they would have laughed us off the floor. We never tried it. We did not try it. I cannot believe this process.

Why do we not deal with it honestly? There are people who prefer spending transportation money to other expenditures. That is a legitimate decision. But let us deal with the reality of the spending cuts that we then have to make. Let us be honest. This is not money from heaven. There are tradeoffs. Let us understand those tradeoffs. Let us pay some attention to the process that we are breaking here today.

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

Mr. Chairman, the distinguished gentleman from South Carolina offers a very appealing and even compelling, rational, thoughtful argument. It is a neatly constructed syllogism which I appreciate. The horse should be before the cart, in very plain terms, the horse being the budget.

We did that last year. We had the debate on the budget resolution. We had the Shuster-Oberstar amendment, which asked Members to make choices, to prioritize, to decide where they wanted to pin dollars on their values. We came within two votes of prevailing because we offered something that was very reasonable and very responsible. We had an across-the-board minuscule cut.

Everybody is going to have a little cut. Little bit less in taxes, little bit less in defense, little bit less on domestic discretionary. And we exempted the mandatory programs and the entitlements. And we should have won.

I think that the reason that we are not doing it that way this year, I say to my good friend, the gentleman from South Carolina (Mr. SPRATT), is there some way up there in the White House and in the clouds above Mount GINGRICH who are afraid that we will win, that we will win that battle, that our values will prevail; and, so, they did not want to have it that way.

Now, this 3-month extension, that is a nice idea, buy a little time. Let me tell my colleagues what that buys. In my State we have two seasons, winter and road construction. And this is going to put us right through road construction into winter again, and it is going to do that for a whole northern tier of the United States. I do not think that makes a whole lot of sense.

We have had the debate. We have had all the numbers spelled out here. I think the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Pennsylvania (Mr. SHUSTER) have spelled it out; and I said it myself, look, we gave up $9 billion of taxes paid by the driving public of America that are in the Trust Fund. Commitments made, not delivered on. That is going to go off there into the ether somewhere to reduce that $3 trillion debt.

I hope everyone feels good about that. It is not going to build any roads.

Then we yield another $15 billion out into the future in interest on the dollars coming into the Trust Fund. I hope my colleagues feel awfully good about that, because that is not going to build any roads either.

This bill builds roads and bridges and transit systems and keeps America mobile and productive, and we ought to defeat this amendment.

The CHAIRMAN (Mr. HASTINGS of Washington). The gentleman from South Carolina (Mr. SPRATT) has 30 seconds remaining. The gentleman from Connecticut (Mr. SHAYS) has 1½ minutes remaining. And the gentleman from Pennsylvania (Mr. SHUSTER) has 1 minute remaining and the right to close.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER) also.

The CHAIRMAN. The gentleman from Maryland is recognized for 1 minute.

Mr. HOYER. Mr. Chairman, from 1981 to 1992, we increased the debt of America by 437 percent. We did so doing good things the wrong way.

Yesterday, we passed a $2.9 billion bill and the majority demanded offsets before it passed. Today, we add $26 billion to the deficit, with offsets unknown. We should have, my friends, the discipline to pass a budget prior to adding $26 billion in spending before the caps.

My colleagues, we have come a long way in balancing the budget. Let us not fail now. Let us show the discipline to say, yes, we want these things; yes, we want to invest in the infrastructure of America; but let us determine how we are going to pay for it before we do it. That 437 percent increase in the debt was because we did not answer that question first.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. MINGE), who was my partner in trying to put forward a balanced budget amendment.

Mr. MINGE. Mr. Chairman, I would just like to briefly say that all of us support transportation. We think it is vital in our country; it is important; it is our infrastructure. At the same time, all of us are sensitive to the practical needs of the States.

I think the important thing to recognize is that the bill reported out of Committee does not increase the spending in 1998 above the budget agreement. We do not have to worry about ruining the States' ability to construct roads in 1998 or let contracts. That is not what is at issue here. That is a red herring.

Mr. SHAYS. Mr. Chairman, I yield myself the balance of my time.

We spent 11 years trying to get our country's financial house in order. We are so close. And now we are spending the surplus we do not even have. We gave the Committee on Transportation and Infrastructure $20 billion above last year's agreement. We are giving them another $26 to $33 billion this year. We do not even have offsets.

For me, this is an amazing time. I salute my colleagues on the other side who have done this in a bipartisan way. But we spent 30 years having deficits in a bipartisan way. I thought we had ended that.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

A 2-month short-term extension is terrible policy for our State transportation departments, for the people across America. This will destroy the construction season for many if not all of the States. There will be insufficient funding for the States to have certainty to proceed with projects. And, indeed, this will extend the unfair Senate-imposed formulas which we are living with now. And most importantly in that regard, the donor States will have to wait another year for the formula changes to take place; and Member projects will be delayed for another year.

Now, my good friend on the other side said, "This is not money from heaven." How true that is. This is not money from heaven. This is money

from the gas tax paid by the American people at the pump, and we do not spend one penny more than the revenue coming in.

Defeat this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 405, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SPRATT) will be postponed.

It is now in order to consider Amendment No. 6 printed in Part II of House Report 105–476.

AMENDMENT NO. 6 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk will designate the amendment in the nature of a substitute.

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

Part II amendment No. 6 in the nature of a substitute offered by Mr. KASICH:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transportation Empowerment Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) that objective has been attained and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing fuels used in the States and then distributing the proceeds to the States based on the Federal Government's perceptions of what is best for the States;

(7) the Federal Government has used the Federal gasoline tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) PURPOSES.—The purposes of this Act are—

(1) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national transportation systems that are not within the direct purview of the Federal Government;

(2) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(3) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public lands;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(4) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of State and Federal transportation facilities; and

(5) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

(A) competition among States, local governments, and the private sector; and

(B) innovation, energy efficiency, private sector participation, and productivity.

SEC. 3. CONTINUATION OF FUNDING FOR CORE HIGHWAY PROGRAMS.

(a) IN GENERAL.—

(1) FUNDING.—For the purpose of carrying out title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund:

(A) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $5,100,000,000 for fiscal year 1999, $5,300,000,000 for fiscal year 2000, $5,400,000,000 for fiscal year 2001, $5,600,000,000 for fiscal year 2002, and $5,700,000,000 for fiscal year 2003.

(B) INTERSTATE AND INDIAN RESERVATION BRIDGE PROGRAM.—For the Interstate and Indian reservation bridge program under section 144 of that title $1,217,000,000 for fiscal year 1999, $1,251,000,000 for fiscal year 2000, $1,286,000,000 for fiscal year 2001, $1,321,000,000 for fiscal year 2002, and $1,360,000,000 for fiscal year 2003.

(C) FEDERAL LANDS HIGHWAYS PROGRAM.—

(i) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $202,000,000 for fiscal year 1999, $208,000,000 for fiscal year 2000, $214,000,000 for fiscal year 2001, $220,000,000 for fiscal year 2002, and $225,000,000 for fiscal year 2003.

(ii) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $182,000,000 for fiscal year 1999, $187,000,000 for fiscal year 2000, $192,000,000 for fiscal year 2001, $197,000,000 for fiscal year 2002, and $201,000,000 for fiscal year 2003.

(iii) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $89,000,000 for fiscal year 1999, $91,000,000 for fiscal year 2000, $94,000,000 for fiscal year 2001, $97,000,000 for fiscal year 2002, and $99,000,000 for fiscal year 2003.

(iv) HIGHWAY SAFETY PROGRAMS.—For highway safety programs under section 402 of that title $171,000,000 for each of fiscal years 1999 through 2003.

(v) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For highway safety research and development under section 403 of that title $44,000,000 for each of fiscal years 1999 through 2003.

(2) TRANSFERABILITY OF FUNDS.—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

"(g) TRANSFERABILITY OF FUNDS.—

"(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including mass transit and rail) purpose in the State.

"(2) ENFORCEMENT.—If the Secretary determines that a State has transferred funds under paragraph (1) to a purpose that is not a surface transportation purpose as described in paragraph (1), the amount of the improperly transferred funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.".

(3) FEDERAL-AID SYSTEM.—Section 103(a) of title 23, United States Code, is amended by striking "systems are the Interstate System and the National Highway System" and inserting "system is the Interstate System".

(4) INTERSTATE MAINTENANCE PROGRAM.—

(A) FUNDING.—Section 104(b)(5) of title 23, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B) INTERSTATE MAINTENANCE.—For each of fiscal years 1999 through 2003, for the Interstate maintenance program under section 119, 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and the remaining 99 percent apportioned as follows:

"(i)(I) For each State with an average population density of 20 persons or fewer per square mile, and each State with a population of 1,500,000 persons or fewer and with a land area of 10,000 square miles or less, the greater of—

"(aa) a percentage share of apportionments equal to the percentage listed for the State in subclause (II); or

"(bb) a share determined under clause (ii).

"(II) The percentage referred to in subclause (I)(aa) is as follows:

"States:	Percentage:
Alabama	2.02
Alaska	1.24
Arizona	1.68
Arkansas	1.32
California	9.81
Colorado	1.23
Connecticut	1.00
Delaware	0.40
District of Columbia	0.13
Florida	4.77
Georgia	3.60
Hawaii	0.55
Idaho	0.70
Illinois	3.71
Indiana	2.63
Iowa	1.13
Kansas	1.10
Kentucky	1.91
Louisiana	1.63
Maine	0.50
Maryland	1.64
Massachusetts	1.68
Michigan	3.34
Minnesota	1.56
Mississippi	1.23

Missouri	2.45
Montana	0.95
Nebraska	0.73
Nevada	0.67
New Hampshire	0.48
New Jersey	2.28
New Mexico	1.05
New York	4.27
North Carolina	2.83
North Dakota	0.63
Ohio	3.77
Oklahoma	1.55
Oregon	1.23
Pennsylvania	4.12
Puerto Rico	0.50
Rhode Island	0.55
South Carolina	1.63
South Dakota	0.70
Tennessee	2.30
Texas	7.21
Utah	0.71
Vermont	0.43
Virginia	2.61
Washington	1.75
West Virginia	0.76
Wisconsin	1.91
Wyoming	0.66.

"(ii) For each State not described in clause (i), a share of the apportionments remaining determined in accordance with the following formula:

"(I) ⅙ in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States with an average population density greater than 20 persons per square mile and all States with a population of more than 1,500,000 persons and with a land area of more than 10,000 square miles.

"(II) ⅙ in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States described in subclause (I).

"(III) ⅔ in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States described in subclause (I).

"(IV) ⅔ in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States described in subclause (I).

"(V) ⅜ in the ratio that the total diesel fuel used in each State bears to the total diesel fuel used in all States described in subclause (I).".

(B) CONFORMING AMENDMENTS.—Section 119(f) of title 23, United States Code, is amended—

(i) in paragraph (1), by striking "If" and inserting "For each of fiscal years 1991 through 1997, if"; and

(ii) in paragraph (2)(B), by inserting "through fiscal year 1997" after "thereafter".

(5) INTERSTATE BRIDGE PROGRAM.—Section 144 of title 23, United States Code, is amended—

(A) in subsection (d)—

(i) by inserting "on the Federal-aid system as described in subsection (c)(3)" after "highway bridge" each place it appears; and

(ii) by inserting "on the Federal-aid system as described in subsection (c)(3)" after "highway bridges" each place it appears;

(B) in the second sentence of subsection (e)—

(i) in paragraph (1), by adding "and" at the end;

(ii) in paragraph (2), by striking the comma at the end and inserting a period; and

(iii) by striking paragraphs (3) and (4);

(C) in the first sentence of subsection (l), by inserting "on the Federal-aid system as described in subsection (c)(3)" after "any bridge";

(D) in subsection (m), by inserting "on the Federal-aid system as described in subsection (c)(3)" after "any bridge"; and

(E) in the first sentence of subsection (n), by inserting "for each of fiscal years 1991 through 1997," after "of law,".

(6) NATIONAL DEFENSE HIGHWAYS.—Section 311 of title 23, United States Code, is amended—

(A) in the first sentence, by striking "under subsection (a) of section 104 of this title" and inserting "to carry out this section"; and

(B) by striking the second sentence.

(7) TERMINATION OF MINIMUM ALLOCATION.—Section 157 of title 23, United States Code, is amended—

(A) in subsection (a)(4), by striking "fiscal year 1992 and each fiscal year thereafter" and inserting "each of fiscal years 1992 through 1997"; and

(B) in subsection (e), by striking "the fiscal years ending on or after September 30, 1983" and inserting "fiscal years 1983 through 1997".

(8) MOTOR CARRIER SAFETY GRANTS.—Section 31104 of title 49, United States Code, is amended—

(A) in subsection (a), by adding at the end the following:

"(6) not more than $90,000,000 for each of fiscal years 1999 through 2003."; and

(B) in subsection (g)(1)—

(i) in subparagraph (B), by striking "1993–1997" and inserting "1993 through 2003";

(ii) in subparagraph (C), by striking "1993–1997" and inserting "1993 through 2003"; and

(iii) in subparagraph (D), by striking "1996, and 1997" and inserting "1996 through 2003".

(b) EXTENSION OF HIGHWAY-RELATED TAXES AND HIGHWAY TRUST FUND.—

(1) EXTENSION OF TAXES.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking "1999" each place it appears and inserting "2004":

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination).

(E) Section 4071(d) (relating to termination).

(F) Section 4081(d)(1) (relating to termination).

(G) Section 4481(e) (relating to period tax in effect).

(H) Section 4482(c)(4) (relating to taxable period).

(I) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(2) OTHER PROVISIONS.—

(A) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of such Code (relating to floor stocks refunds) is amended—

(i) by striking "1999" each place it appears and inserting "2004", and

(ii) by striking "2000" each place it appears and inserting "2005".

(B) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Section 6156(e)(2) of such Code (relating to installment payments of highway use tax on use of highway motor vehicles) is amended by striking "1999" and inserting "2004".

(3) EXTENSION OF CERTAIN EXEMPTIONS.—The following provisions of such Code are each amended by striking "1999" and inserting "2004":

(A) Section 4221(a) (relating to certain tax-free sales).

(B) Section 4483(g) (relating to termination of exemptions for highway use tax).

(4) EXTENSION OF DEPOSITS INTO, AND CERTAIN TRANSFERS FROM, TRUST FUND.—

(A) IN GENERAL.—Subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 of such Code (relating to the Highway Trust Fund) are each amended—

(i) by striking "1999" each place it appears (other than in subsection (b)(4)) and inserting "2003", and

(ii) by striking "2000" each place it appears and inserting "2004".

(B) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(i) IN GENERAL.—Paragraphs (4)(A)(i), (5)(A), and (6)(E) of section 9503(c) of such Code are each amended by striking "1998" and inserting "2003".

(ii) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11(b)) is amended—

(I) by striking "1997" and inserting "2003", and

(II) by striking "1998" each place it appears and inserting "2004".

(C) CONFORMING AMENDMENT.—The heading for paragraph (3) of section 9503(c) of such Code is amended to read as follows:

"(3) FLOOR STOCKS REFUNDS.—".

(5) EXTENSION AND EXPANSION OF EXPENDITURES FROM TRUST FUND.—

(A) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (1) of section 9503(c) of such Code is amended by striking "1998" and inserting "2003".

(B) EXPANSION OF PURPOSES.—Paragraph (1) of section 9503(c) of such Code is amended—

(i) by striking "or" at the end of subparagraph (C), and

(ii) by striking "1991." in subparagraph (D) and all that follows through the end of paragraph (1) and inserting "1991, or

"(E) authorized to be paid out of the Highway Trust Fund under the Transportation Empowerment Act.

In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Transportation Empowerment Act.".

(c) TERMINATION OF TRANSFERS TO MASS TRANSIT ACCOUNT.—

(1) IN GENERAL.—Section 9503(e)(2) of such Code (relating to Mass Transit Account) is amended by striking "2.85 cents" and inserting "2.85 cents (zero, on and after October 1, 1998)".

(2) AUTHORIZATION TO EXPEND REMAINING BALANCES IN ACCOUNT.—Section 9503(e)(3) of such Code is amended by striking "before October 1, 1998".

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1998.

SEC. 4. INFRASTRUCTURE SPECIAL ASSISTANCE FUND.

(a) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(f) ESTABLISHMENT OF INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

"(1) CREATION OF FUND.—There is established in the Highway Trust Fund a separate fund to be known as the 'Infrastructure Special Assistance Fund' consisting of such amounts as may be transferred or credited to the Infrastructure Special Assistance Fund as provided in this subsection or section 9602(b).

"(2) TRANSFERS TO INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—On the first day of

each fiscal year after 1998 and before 2003, the Secretary shall transfer $300,000,000 from the Highway Trust Fund to Infrastructure Special Assistance Fund.

"(3) EXPENDITURES FROM INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

"(A) TRANSITIONAL ASSISTANCE.—

"(i) IN GENERAL.—Except as provided in clause (iv), during fiscal years 1999 through 2002, the amount in the Infrastructure Special Assistance Fund shall be available to States for transportation-related program expenditures.

"(ii) STATE SHARE.—

"(I) IN GENERAL.—Except as provided in clause (v), each State is entitled to a share of the $1,200,000,000 specified in paragraph (2) upon enactment of legislation providing 1 of the 2 funding mechanisms described in clause (iii).

"(II) DETERMINATION OF STATE SHARE.—For purposes of subclause (I), each State's share shall be determined in the following manner:

"(aa) Multiply the percentage of the amounts appropriated in the latest fiscal year for which such data are available to the Highway Trust Fund under subsection (b) which is attributable to taxes paid by highway users in the State, by the amount specified in paragraph (2). If the result does not exceed $15,000,000, the State's share equals $15,000,000. If the result exceeds $15,000,000, the State's share is determined under item (bb).

"(bb) Multiply the percentage determined under item (aa), by the amount specified in clause (i) reduced by an amount equal to $15,000,000 times the number of States the share of which is determined under item (aa).

"(iii) LEGISLATIVE FUNDING MECHANISMS.—A funding mechanism is described in this clause as follows:

"(I) A funding mechanism which results in revenues for transportation-related projects in the State for fiscal year 2003 and each succeeding fiscal year which are equal to the excess of—

"(aa) the mean annual average of distributions from the Highway Trust Fund to the State for fiscal years 1992 through 1997; over

"(bb) the distributions from the Highway Trust Fund to the State for such fiscal year attributable to the core programs financing rate for such year.

"(II) A funding mechanism which results in an increase in the State rate of tax on motor fuels equal to the decrease in the rate of tax on such fuels under section 4081 for fiscal year 2003 and any succeeding fiscal year.

"(iv) DISTRIBUTION OF REMAINING AMOUNT.—If after September 30, 2002, a portion of the amount specified in paragraph (2) remains, the Secretary, in consultation with the Secretary of Transportation, shall, on October 1, 2002, apportion the portion among the States which received a share of such amount under clause (ii) and which are not described in clause (v) using the percentages determined under clause (ii)(II)(aa) for such States.

"(v) ENFORCEMENT OF FUNDING MECHANISM REQUIREMENT.—If a State, which enacted legislation providing for a funding mechanism described in clause (iii), terminates such mechanism before fiscal year 2003, the State's share determined under clauses (ii) and (iv) shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for fiscal year 2003.

"(B) ADDITIONAL EXPENDITURES FROM FUND.—

"(i) IN GENERAL.—Amounts in the Infrastructure Special Assistance Fund, in excess of the amount specified in paragraph (2), shall be available, as provided by appropriation Acts, to the States for any surface transportation (including mass transit and rail) purpose in such States, and the Secretary shall apportion such excess amounts among all States using the percentages determined under clause (ii)(II)(aa) for such States.

"(ii) ENFORCEMENT.—If the Secretary determines that a State has used amounts under clause (i) for a purpose which is not a surface transportation purpose as described in clause (i), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 1998.

SEC. 5. RETURN OF EXCESS TAX RECEIPTS TO STATES.

(a) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(g) RETURN OF EXCESS TAX RECEIPTS TO STATES FOR SURFACE TRANSPORTATION PURPOSES.—

"(1) IN GENERAL.—On the first day of each of fiscal years 1999, 2000, 2001, and 2002, the Secretary, in consultation with the Secretary of Transportation, shall determine—

"(A) the excess highway receipts for such year, and

"(B) allocate such excess highway receipts among the States (as defined in section 101 of title 23, United States Code) in proportion to their respective shares of the amount described in paragraph (2)(A) in the latest fiscal year for which such data are available which is attributable to highway users in the State.

Amounts allocated to a State under this paragraph may be used only for surface transportation (including mass transit and rail) purposes.

"(2) EXCESS HIGHWAY TAX RECEIPTS.—For purposes of this subsection, the term 'excess highway tax receipts' means, with respect to any fiscal year, the excess of—

"(A) the aggregate amount which would be appropriated to the Highway Trust Fund if each of the rates specified in section 4081(a)(2)(A) were reduced by 4.3 cents, over

"(B) the sum of—

"(i) the aggregate amount which would be appropriated to the Highway Trust Fund if each of such rates equaled the core programs financing rate for such year, plus

"(ii) the aggregate of the amounts transferred from the Highway Trust Fund under paragraphs (4), (5), and (6) of subsection (c) for such year.

"(3) CORE PROGRAMS FINANCING RATE.—For purposes of this subsection, the term 'core programs financing rate' means—

"(A) after September 30, 1998, and before October 1, 1999, 12 cents per gallon,

"(B) after September 30, 1999, and before October 1, 2000, 7 cents per gallon,

"(C) after September 30, 2000, and before October 1, 2001, 4 cents per gallon, and

"(D) after September 30, 2001, 3 cents per gallon.

"(4) ENFORCEMENT.—If the Secretary determines that a State has used amounts under subparagraph (A) for a purpose which is not a surface transportation purpose as described in paragraph (1), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 1998.

SEC. 6. INTERSTATE SURFACE TRANSPORTATION COMPACTS.

(a) DEFINITIONS.—In this section:

(1) INFRASTRUCTURE BANK.—The term "infrastructure bank" means a surface transportation infrastructure bank established under an interstate compact under subsection (b)(5) and described in subsection (d).

(2) PARTICIPATING STATES.—The term "participating States" means the States that are parties to an interstate compact entered into under subsection (b).

(3) SURFACE TRANSPORTATION.—The term "surface transportation" includes mass transit and rail.

(4) SURFACE TRANSPORTATION PROJECT.—The term "surface transportation project" means a surface transportation project, program, or activity described in subsection (b).

(b) CONSENT OF CONGRESS.—In order to increase public investment, attract needed private investment, and promote an intermodal transportation network, Congress grants consent to States to enter into interstate compacts to—

(1) promote the continuity, quality, and safety of the Interstate System;

(2) develop programs to promote and fund surface transportation safety initiatives and establish surface transportation safety standards for the participating States;

(3) conduct long-term planning for surface transportation infrastructure in the participating States;

(4) develop design and construction standards for infrastructure described in paragraph (3) to be used by the participating States; and

(5) establish surface transportation infrastructure banks to promote regional or other multistate investment in infrastructure described in paragraph (3).

(c) FINANCING.—An interstate compact established by participating States under subsection (b) to carry out a surface transportation project may provide that, in order to carry out the compact, the participating States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for that type of surface transportation project;

(3) on such terms and conditions as the participating States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law, including surface transportation infrastructure banks under subsection (d).

(d) INFRASTRUCTURE BANKS.—

(1) IN GENERAL.—An infrastructure bank may—

(A) make loans;

(B) under the joint or separate authority of the participating States with respect to the infrastructure bank, issue such debt as the infrastructure bank and the participating States determine appropriate; and

(C) provide other assistance to public or private entities constructing, or proposing to construct or initiate, surface transportation projects.

(2) FORMS OF ASSISTANCE.—

(A) IN GENERAL.—An infrastructure bank may make a loan or provide other assistance described in subparagraph (C) to a public or private entity in an amount equal to all or part of the construction cost, capital cost, or

initiation cost of a surface transportation project.

(B) SUBORDINATION OF ASSISTANCE.—The amount of any loan or other assistance described in subparagraph (C) that is received for a surface transportation project under this section may be subordinated to any other debt financing for the surface transportation project.

(C) OTHER ASSISTANCE.—Other assistance referred to in subparagraphs (A) and (B) includes any use of funds for the purpose of—

(i) credit enhancement;

(ii) a capital reserve for bond or debt instrument financing;

(iii) bond or debt instrument financing issuance costs;

(iv) bond or debt issuance financing insurance;

(v) subsidization of interest rates;

(vi) letters of credit;

(vii) any credit instrument;

(viii) bond or debt financing instrument security; and

(ix) any other form of debt financing that relates to the qualifying surface transportation project.

(3) NO OBLIGATION OF UNITED STATES.—

(A) IN GENERAL.—The establishment under this section of an infrastructure bank does not constitute a commitment, guarantee, or obligation on the part of the United States to any third party with respect to any security or debt financing instrument issued by the bank. No third party shall have any right against the United States for payment solely by reason of the establishment.

(B) STATEMENT ON INSTRUMENT.—Any security or debt financing instrument issued by an infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

(e) EFFECTIVE DATE.—This section takes effect on October 1, 1998.

SEC. 7. FEDERAL-AID FACILITY PRIVATIZATION.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning provided in section 105 of title 5, United States Code.

(2) PRIVATIZATION.—The term "privatization" means the disposition or transfer of a transportation infrastructure asset, whether by sale, lease, or similar arrangement, from a State or local government to a private party.

(3) STATE OR LOCAL GOVERNMENT.—The term "State or local government" means the government of—

(A) any State;

(B) the District of Columbia;

(C) any commonwealth, territory, or possession of the United States;

(D) any county, municipality, city, town, township, local public authority, school district, special district, intrastate district, regional or interstate government entity, council of governments, or agency or instrumentality of a local government; or

(E) any federally recognized Indian tribe.

(4) TRANSPORTATION INFRASTRUCTURE ASSET.—

(A) IN GENERAL.—The term "transportation infrastructure asset" means any surface-transportation-related asset financed in whole or in part by the Federal Government, including a road, tunnel, bridge, or mass-transit-related or rail-related asset.

(B) EXCLUSION.—The term does not include any transportation-related asset on the Interstate System (as defined in section 101 of title 23, United States Code).

(b) PRIVATIZATION INITIATIVES BY STATE AND LOCAL GOVERNMENTS.—The head of each Executive agency shall—

(1) assist State and local governments in efforts to privatize the transportation infrastructure assets of the State and local governments; and

(2) subject to subsection (c), approve requests from State and local governments to privatize transportation infrastructure assets and waive or modify any condition relating to the original Federal program that funded the asset.

(c) CRITERIA.—The head of an Executive agency shall approve a request described in subsection (b)(2) if—

(1) the State or local government demonstrates that a market mechanism, legally enforceable agreement, or regulatory mechanism will ensure that the transportation infrastructure asset will continue to be used for the general objectives of the original Federal program that funded the asset (which shall not be considered to include every condition required for the recipient of Federal funds to have obtained the original Federal funds), so long as needed for those objectives; and

(2) the private party purchasing or leasing the transportation infrastructure asset agrees to comply with all applicable conditions of the original Federal program.

(d) LACK OF OBLIGATION TO REPAY FEDERAL FUNDS.—A State or local government shall have no obligation to repay to any agency of the Federal Government any Federal funds received by the State or local government in connection with a transportation infrastructure asset that is privatized under this section.

(e) USE OF PROCEEDS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local government may use proceeds from the privatization of a transportation infrastructure asset to the extent permitted under applicable conditions of the original Federal program.

(2) RECOVERY OF CERTAIN COSTS.—Notwithstanding any other provision of law, the State or local government shall be permitted to recover from the privatization of a transportation infrastructure asset—

(A) the capital investment in the transportation infrastructure asset made by the State or local government;

(B) an amount equal to the unreimbursed operating expenses in the transportation infrastructure asset paid by the State or local government; and

(C) a reasonable rate of return on the investment made under subparagraph (A) and expenses paid under subparagraph (B).

SEC. 8. REDUCTION IN MOTOR FUEL TAXES ON OCTOBER 1, 2002.

(a) REDUCTION IN TAX RATES.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended—

(1) by striking "18.3 cents" and inserting "7.3 cents",

(2) by striking "19.3 cents" and inserting "8.3 cents", and

(3) by striking "24.3 cents" and inserting "7.3 cents".

(b) CONFORMING AMENDMENTS.—

(1) Clauses (ii) and (iii) of section 4041(a)(2)(B) of such Code are each amended by striking the number of cents specified therein and inserting "4.3 cents".

(2) Section 6427(b)(2)(A) of such Code is amended by striking "7.4 cents" and inserting "0.1 cent".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel removed after September 30, 2002.

(d) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before October 1, 2002, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid; and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before April 1, 2003; and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on October 1, 2002—

(i) the dealer submits a request for refund or credit to the taxpayer before January 1, 2003; and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

SEC. 9. MASS TRANSPORTATION.

(a) IN GENERAL.—Section 5338 of title 49, United States Code, is amended to read as follows:

"§ 5338. Authorizations

"There are authorized to be appropriated to the Secretary of Transportation to carry out this chapter—

"(1) $868,000,000 for fiscal year 1999, of which—

"(A) $304,000,000 shall be used to carry out sections 5307 and 5309;

"(B) $95,000,000 shall be used to carry out section 5311; and

"(C) the amount remaining after allocation under subparagraphs (A) and (B) shall be used at the discretion of the Secretary, including for capital expenditure under this chapter;

"(2) $889,000,000 for fiscal year 2000, of which—

"(A) $212,000,000 shall be used to carry out sections 5307 and 5309;

"(B) $97,000,000 shall be used to carry out section 5311; and

"(C) the amount remaining after allocation under subparagraphs (A) and (B) shall be used at the discretion of the Secretary, including for capital expenditure under this chapter;

"(3) $916,000,000 for fiscal year 2001, of which—

"(A) $119,000,000 shall be used to carry out sections 5307 and 5309;

"(B) $100,000,000 shall be used to carry out section 5311; and

"(C) the amount remaining after allocation under subparagraphs (A) and (B) shall be used at the discretion of the Secretary, including for capital expenditure under this chapter;

"(4) $941,000,000 for fiscal year 2002, of which—

"(A) $27,000,000 shall be used to carry out sections 5307 and 5309;

"(B) $103,000,000 shall be used to carry out section 5311; and

"(C) the amount remaining after allocation under subparagraphs (A) and (B) shall be used at the discretion of the Secretary, including for capital expenditure under this chapter; and

"(5) $961,000,000 for fiscal year 2003, of which—

"(A) $0 shall be used to carry out sections 5307 and 5309;

"(B) $105,000,000 shall be used to carry out section 5311; and

"(C) the amount remaining after allocation under subparagraphs (A) and (B) shall be used at the discretion of the Secretary, including for capital expenditure under this chapter.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 1998.

SEC. 10. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, after consultation with the appropriate committees of Congress, the Secretary of Transportation shall submit a report to Congress describing such technical and conforming amendments to titles 23 and 49, United States Code, and such technical and conforming amendments to other laws, as are necessary to bring those titles and other laws into conformity with the policy embodied in this Act and the amendments made by this Act.

SEC. 11. EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.

(a) PURPOSE.—The purpose of this section is to ensure that—

(1) this Act will become effective only if the Director of the Office of Management and Budget certifies that this Act is deficit neutral;

(2) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level; and

(3) the tax reduction made by this Act is not scored under pay-as-you-go and thereby inadvertently trigger a sequestration.

(b) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect only if—

(1) the Director of the Office of Management and Budget (referred to in this section as the "Director") submits the report as required in subsection (c); and

(2) the report contains a certification by the Director that the reduction in discretionary outlays resulting from the enactment of this Act (assuming appropriation amounts described in paragraph (2)(B)) is at least as great as the sum of the net reduction in receipts and direct spending provided in this Act for each fiscal year through 2003.

(c) OMB ESTIMATES AND REPORT.—

(1) REQUIREMENTS.—Not later than 7 calendar days (excluding Saturdays, Sundays, and legal holidays) after the date of enactment of this Act, the Director shall—

(A) estimate the net change in receipts and in direct spending resulting from the enactment of this Act for each fiscal year through 2003;

(B) estimate the net change in discretionary outlays resulting from the reduction in budget authority under this Act for each fiscal year through 2003;

(C) determine, based on those estimates, whether the reduction in discretionary outlays resulting from the enactment of this Act (assuming appropriation amounts described in paragraph (2)(B)) is at least as great as the sum of the net reduction in receipts and direct spending provided in this Act for each fiscal year through 2003; and

(D) submit to the Congress a report setting forth the estimates and determination.

(2) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(A) REVENUE AND DIRECT SPENDING ESTIMATES.—The revenue and direct spending estimates required under paragraph (1)(A) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(B) OUTLAY ESTIMATES.—The outlay estimates required under paragraph (1)(B) shall be determined by comparing the estimated amounts of discretionary outlays that would flow from the new budget authority authorized in this Act on the assumption that subsequent appropriation Acts will provide amounts consistent with this Act (and that obligation limitations set forth in such appropriation Acts, if any, equal the corresponding levels of contract authority provided in this Act) and the corresponding amounts of discretionary outlays assumed in House Concurrent Resolution 84 (105th Congress) and House Report 105-116.

(d) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in subsection (b), the Director shall adjust the adjusted discretionary spending limits for each fiscal year under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) by the estimated reductions in discretionary outlays under subsection (c)(1)(B).

(e) PAYGO INTERACTION.—Upon compliance with the requirements specified in subsection (b), no changes in receipts or direct spending estimated to result from the enactment of this Act shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

The CHAIRMAN. Pursuant to House Resolution 405, the gentleman from Ohio (Mr. KASICH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Chairman, I yield myself 6 minutes.

Well, the first thing I want to do is just point out to the House and to my colleagues on the floor tonight who may study government, I think it is very interesting and think even a cause for optimism to recognize the fact that the gentleman from Pennsylvania (Mr. SHUSTER) and I have been locked in a titanic struggle now for the course of the last several years; and I think what we can conclude from this is that it has been possible for two people to be able to take opposite positions based firmly on their principles and yet at the same time to be able to maintain a good relationship and never to make the fight personal.

I hope that in some small way maybe down the road this debate will serve as somewhat of a model to those that engage at times on this floor in very heated debates based on very firmly held principles. So I think this is a very bright day for the House of Representatives from the standpoint of how, in fact, we conduct our debates.

Let me start and talk to those who are actually watching this now and let me just start with a quote that was uttered on January 3, 1956.

If we are to solve our mounting traffic problem, the whole interstate system must be authorized as one project to be completed approximately within the specified time of 10 years.

In 1956, those words were uttered by Dwight David Eisenhower. And, in fact, the legislation that passed the United States Congress authorized the Interstate Highway System Program for a period of 12 years, to be ended at the period at the end of 12 years. And, of course, that would have meant the program would have been ended in 1968. And here we are going into the next century, and the program still continues.

What I wanted to propose today is what I believe will ultimately happen in this country. And I must tell my colleagues, I am disappointed that our Republicans who want to turn power, money, and influence back to people in local communities and to the States have not actually adopted this proposal. I call it the turn-back proposal. What it does, and I do not want anybody back in the offices to be confused about precisely the way this works, what we would do over the period of the next 4 years is to wrap up the projects that are currently under contract and then to begin to block grant money back to the States, their money back to the States.

At the end of 4 years, we would essentially repeal the entire Federal gas tax program, except for 3 cents. We would leave 2 cents still coming to Washington for purposes of maintaining the interstate system, and we would also leave one additional penny in Washington to help those States that have unique transportation needs.

At the same time, what we would argue is that we would repeal this whole Federal program; and we would essentially say to the States, they tax themselves at the pump, they pave their own roads, they make their own decisions, and they use their own regulatory authority to decide how they are going to do things.

In a nutshell, what we are suggesting is rather than the States tax themselves at the pump and send their money to Washington so that we can then send it back, what we are suggesting is they never send the money to Washington in the first place. Because we all know what happens when

we send our money to Washington expecting it to come back. It never comes back the way we want, and it never comes back in the amount we want.

So what we are suggesting going into the next century is that they get to keep their money at home, they get to make their decisions based on what their transportation needs are, that the Federal Government will only have the responsibility for maintaining the current interstate system and helping those States that are in trouble.

And how do they come out? At the end of the day, bingo, 32 States in America would benefit from this program. If they live in Texas, if they live in California, if they live in Florida, if they live in Ohio, they will get to tax themselves, keep their own money, and we will also not have these onerous Federal regulations that the State Department of Transportation argues costs as much as 20 percent on each project.

There would be six States that would break even. But that would not be true, because when we cut the Federal regulations, the States would be far ahead. There would also be 12 States that would have special needs. That is why we would keep that extra penny in Washington to help those States.

But when we take a view at the United States of America, 38 States are going to be clear winners under this program. What does that mean for us?

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It means that we will have more money at home without sending it to Washington so we can all figure out what is best. We will be able to tax ourselves to the limit that we want to meet the highway needs that we have.

At the end of the day, we will not only have more money to spend on our own roads, but we will not have all the Federal bureaucrats that sit around day and night trying to figure out all those silly regulations that drive the cost up of the projects, and we will be ahead. If we want to look towards the future that is the way it ought to go.

We had a big debate today. Is a 43 percent increase in highway funding justified? We had another debate today about these special projects. We would not have that debate anymore if we just turned the program back to where we lived.

To my Republican colleagues, we want to turn welfare back to people where they live. We want to turn education back to where they live. We wanted to turn public housing back to where they live. You know what, I think we can turn concrete back to where they live, because they will, not only have more money, and they will not only be able to pave more roads, but they will be able to use their own local judgment to decide what their needs really are.

I would urge my Republican colleagues and many of my Democratic colleagues to come to the floor and vote for the future. Vote for the future where we can be in control of our own destiny in so many ways.

This fits the idea that really Washington does not know best. But who really knows best are the people that get up and go to work and earn a living and pay the taxes. They ought to be the ones that decide what our real needs are. We ought not to ask them to send their money here so when they get it back they are always disappointed. Let us just call the whole thing off, and let us pass the Kasich amendment.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 15 minutes.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that 7½ minutes be allotted to the gentleman from Minnesota (Mr. OBERSTAR) and that he be permitted to control that time.

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

There was no objection.

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

Mr. Chairman, I rise in strong opposition to this amendment. Interestingly enough, while this would simply turn things back to the States, ironically there is a greater need for us to have a coordinated, tied-together national transportation system than ever. Why? Because more people and more goods are moving interstate than ever before. I think it is important.

I think it is important to recognize that 64 percent of all truck traffic travels interstate now. I think it is important to recognize, as I mentioned earlier today, a great example, Oklahoma City, where two interstates intersect, 60 percent of the license plates are out of State license plates.

Indeed, there is a greater need to have this tied together than ever before. Our bill not only does that, but it also gives flexibilities to the States and the cities by saying that 50 percent of the funding in each category can be flexibly moved about to other categories.

Beyond that, understand, this amendment keeps the 4.3 cents here in Washington and does not spend it. So we are back to the same old game, the shell game of taxing the American people for gas taxes; and, yet, keeping that money here and not spending it.

Beyond that, this amendment has not been scored by the Congressional Budget Office. This amendment exempts the pay-go provisions of the bill for which we have been criticized.

So for all of these reasons, it is very important that we reject this amendment. It is very important, also, to recognize that, of the money that comes to Washington now, only 1 percent stays here down at the Department of Transportation for administrative purposes, 88 percent goes back to the States to be spent, 5 percent goes to the Secretary of Transportation to be sent back to the States for high cost discretionary projects, 5 percent goes back to the States through the congressional projects, and only 1 percent stays in Washington.

Further, State regulations, which in many cases are as onerous, if not more onerous, than Federal regulations, would obviously stay in place. Indeed, we have no assurance whatsoever that, if we turn this back to the States, that the States would pass and increase their gas taxes.

Indeed, I am told that, on the average, each State would have to pass the State gas tax increasing it by 15 cents per gallon. So what assurance do we have? No, this is simply destroying what must be a national program which is to tie our country together from a transportation point of view. For those reasons, I say we should defeat this amendment.

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

Mr. KASICH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let us make no mistake about it. Under this proposal, first of all, it is deficit-neutral. Secondly, for those who have been struggling to repeal the 4.3 cent gas tax, we would take that to the Committee on Ways and Means and, in fact, repeal the 4.3 cents. Make no mistake about it.

In addition to it, let me just suggest one thing. I believe our Governors of our States are actually capable of being able to coordinate the transportation needs of our Nation. We believe that they can do this as Republicans and conservatives for a whole variety of functions. We absolutely believe they can get it right in highways. In fact, if we pass this amendment, they will have more money and less Federal regulations in order to get the job done.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I have got a news flash for the American people, and that is the American two-party system we have loved for so long. It is clear with today's goings on it is dead and gone.

The Republicans and the Democrats have been replaced by one big mammoth party called the "republicrats", and they have one interest, and that is business as usual.

My support for the Kasich amendment is typified by this story. It appears there was a young boy who wrote a letter to God asking for $10 because he wanted to buy something. The post office did not know where else to send it, so they sent it to the White House.

The President got a kick out of that. He put a dollar in the mail back to the

boy. The boy quickly wrote another letter back to God. He said, God, thank you so much for the money that you sent me, but it went by way of Washington, D.C., and they took out $9 and only gave me $1. Could you please send it to me directly next time?

I think that is what we are after. We just want to make sure that the money stays in the States, and we cut out the Federal middleman, and all of the money goes to transportation, the needs appropriated by the citizens of the States we live in.

Mr. SHUSTER. Mr. Chairman, I yield myself 15 seconds to simply make the point that this amendment does not repeal the 4.3 cents. It keeps that money here in Washington. Secondly, all 50 Governors support our bill. Those are facts.

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

Mr. OBERSTAR. Mr. Chairman, may I inquire what the distribution of time is at this point.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 7½ minutes.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL), ranking member on the Subcommittee on Surface Transportation.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Minnesota, the ranking member, for yielding to me.

Mr. Chairman, the previous speaker had just spoken of the formation of two parties today. He said "republicrats", I believe is what he called those of us working for the future of America by these investments we are making today. I would suggest perhaps the other party that he did not refer to should be called the "RWWK", the "right wing whacko kids" for some of the philosophy they have been espousing here today.

I commend the gentleman from Ohio for his tenacity. I do not agree with his amendment, but certainly his tenacity is to be commended. He has testified before our committee before. This is not his first time of putting this proposal forward.

I would also note that I have been waiting for this day for a long, long time. I want to see a rollcall vote taken on the gentleman from Ohio's amendment, because I think we need to clear once and for all where things stand on this particular issue.

This amendment is, indeed, a thinly veiled attempt to turn back almost all highway responsibilities to our States, to devolve the Federal responsibility. So it just pertains to interstates and roads within our national parks, our public lands, and Indian reservations. That is it. There would be no other Federal highway-related responsibilities.

Under the gentleman's amendment, to accomplish this goal, the Federal motor fuels tax would be reduced to a little more than 7 cents per gallon and ultimately phased down to 3 cents a gallon.

The obvious problem with his approach is that it does nothing, it does nothing to address the existing shortfall and spending to address our deficient highway infrastructure. In fact, it would worsen that shortfall.

Considering the 18.3 cents per gallon Federal gas tax that is reserved for transportation investments, that is simply to maintain our status quo. Simply to maintain that status quo, many States are going to have to then increase their State gasoline taxes by at least 15 cents per gallon under this turn-back proposal, devolution, States opt out, or whatever description they want to give it.

If my colleagues believe that the majority of our State Governors in their legislative bodies are prepared to take this type of action of increasing their State gasoline taxes to make up for this shortfall, if we believe State Governors and legislators are going to do that, then welcome to la-la land.

There are numerous other problems with this approach as well. The fundamental problem, however, is that it simply throws crumbs at our crumbling infrastructure. That is all this approach does.

There is a Federal responsibility, in my opinion, a pressing need on the Federal level to improve our roads, highways, and bridges. It goes to more than just our interstate system.

Every day our people cross State lines on a noninterstate highway or roadway. These principal arterial routes, along with our interstates, are part of the national highway system. Interstates play only a small part of that national highway system we designated in 1995. I urge that we continue this Federal responsibility to maintaining our interstates and national highway systems. Vote no on this amendment.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, everything that was just said makes a great deal of sense provided that we stipulate that the Federal Government is the low-cost provider, that the most efficient way to get the most roads, the most bridges, and the most transportation is to send the money to Washington first where the freight charges can be deducted or where it can be run through the bureaucracy here and then shipped pack to the States.

If we think that Washington is the best way to do it, getting the Washington bureaucracy involved is the most efficient way to do it, then, by all means, keep sending our gas taxes to Washington, D.C., even after the Interstate Highway Program was all finished, which it was in 1991.

If we think the Washington bureaucracy is the low-cost provider, then, by all means, vote for the status quo. If we think Washington knows best, send all our money back here. But if we want more transportation, more highways, more bridges, more infrastructure, more transit, then take the full dollar of gas tax and spend it at home.

This program guarantees us a full 90 percent of what we send to Washington. It is time to get 100 percent. That is what this amendment will do.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, since the founding of this Republic, the Federal Government has been integrally involved with developing an infrastructure system: railroads, freeways, airports, ports, and inland waterways. And it has provided us a national system that has made this country great. But today, it is fraying at the edges.

This proposal, the turn-back proposal, I think is appropriately named, because just when we are on the verge of getting it right under the ISTEA formula, we would be turning back to States that have varied, highly restricted constitutional provisions on how they can spend the money. They would be turning their back on many of the environmental priorities, transit priorities, and the strong national system that we have for bicycles. We would be turning our back on many of these areas.

Onerous Federal regulations that the gentleman from Ohio refers to strikes me as somewhat humorous. I am not running for President, but I have been in 30 American communities over the last year talking about ISTEA and transportation. I tell my colleagues to a certainty, in community after community, it was the ISTEA structure that enabled for the first time cities and regions to have a voice that were ignored by State transportation commissions in State after State.

This is not a vote for the future. It is a turning our back on the partnerships that can make America great.

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Mr. KASICH. Mr. Chairman, I have always liked righteous indignation.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding this time to me. I rise in support of the Kasich substitute. Frankly, I am disappointed today that we see before us a bill that so fundamentally, so clearly violates the principles of fiscal responsibility, flies in the face of the balanced budget agreement that so many of us in this body worked so hard to achieve. Should

we not be concerned about the fact that we are going to be spending $33 billion more than the balanced budget agreement? That is $33 billion more.

Mr. Chairman, I think it is hypocritical for this Congress to brag about its historic balanced budget agreement on the one hand and then move to trash that agreement. There is no way that I think any of us here can justify this shameful exercise in fiscal irresponsibility.

Now I know the legislation says that there is going to be offsets to it, but do we not have a responsibility to first determine where those offsets ought to come from, where we are going to get the money to spend for this, before we go about authorizing it? Are we going to take it out of defense? Are we going to take it out of programs in law enforcement? Tax relief for American citizens? War on drugs? Where are we going to take it from?

I think we should think about those things before we pass this legislation.

Congress has an established process for appropriating money. The authorizing committee approves the spending, the Committee on Appropriations appropriates the money. That is a frequently contentious process, but it is a democratic process and we ought to keep it.

Vote "aye" on this amendment.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Chairman, I have the highest regard for the chairman of the Committee on the Budget, who will make a great President of the United States one day, but I am going to tell my colleagues his amendment predicts that there is no politics played in the local level in the State of Ohio or any other State. I can point the gentleman to half a billion dollars of road projects within spitting distance of the State capital that we share in Columbus, Ohio. I can also point the gentleman to roads in my area of the State where for 26 years there have been promises made, where young people die every day and improvements never come.

Mr. Chairman, the gentleman's amendment takes the decision out of the hands of 435 Members of this House who are elected by 600,000 people and gives it to 50 men and women across this country who are elected by millions. H.R. 2400, BESTEA, makes sure that local decision-making is preserved. Ohio receives $300 million more per year than it received under ISTEA. This bill is a good bill, and it needs to be passed.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MCHALE).

Mr. MCHALE. Mr. Chairman I oppose the "turn your back" amendment. The Kasich amendment would lower the gasoline tax by virtually eliminating Federal support for our Nation's highways.

Last week my wife Kathy bought a gallon of gasoline in my district for 99 cents. We may have among the cheaper gasoline in the Western World. Mr. Chairman, we do not need cheaper gas, we need better safer highways.

A few minutes ago my friend and colleague, the gentleman from Oklahoma (Mr. LARGENT) attacked the proposed redevelopment of the industrial waterfront in Allentown, Pennsylvania. The gentleman from Oklahoma has never visited the site; I live 2 miles away. The gentleman from Oklahoma has never spoken to the low-income families who live in the area; I have many times.

The ISTEA funding in this bill will provide roads and access ramps to reclaim and restore a brownfield site located in the heart of one of Pennsylvania's largest cities. There could be, I pledge to the gentleman from Oklahoma (Mr. LARGENT) and others, there could be no more honorable investment of public funds.

What a meaningless victory if we preserve the budget but abandon our cities. What a callous misjudgment if we protect our wallets but abandon our people.

I urge a "no" vote on the Kasich amendment.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH) one of my cosponsors.

Mr. SMITH of Michigan. Mr. Chairman, the first question it seems like we should ask ourselves: How do we most efficiently and most effectively get bridges and roads repaired in this country? One problem with the money coming to Washington and then going back to the States is there is too many strings attached when it goes back to the States.

Gabriel Roth, in his book "Roads in a Market Economy," estimates that the Federal regulations that go back with that money increase the cost of roads and bridges by 50 percent. Other road economists estimate that it is 40 percent. Talking about politics played, we use this money as blackmail. We say to States, "Unless you do things our way, we're not going to give you the road money. Unless you do your environmental regulations our way, you don't get your road money."

If we want to get rid of the politics, if we want to have more efficient construction and utilization to build a road and bridge system in this country that is badly in need of repair, then let us let the money stay in the States in the first place instead of running it through the Washington bureaucracy.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 2½ minutes.

Mr. OBERSTAR. Mr. Chairman, I am just delighted that the gentleman from Ohio (Mr. KASICH), the author of this amendment, was not in the Eisenhower Cabinet or in the Bureau of Roads, as it was known in those days, because goodness knows we would never have had a Highway Trust Fund, we would have never had an interstate highway program; he would have just let the States go on and fumble as they had been doing. He would take us back to a time that none of us here could possibly imagine, a time when some States started roads, others did not, they built it up to a certain point and then it stopped. Bridges were started and then stopped.

If we follow the gentleman's logic all the way through, we would have bridges that go halfway across a river because one State would want to build it and the other State would not or would run out of money, or we would have roads that go up to a State's border and the other State would say, "Well, we don't think we want to build a road there."

I mean, he would have us in chaos, he would have us back in 14th century England when the rule was that the owner of a castle had to repair the road in front of their castle so that the carriages riding along would not be stuck in the potholes, and if they did, then they had to pull them out. He would set us back, not forward.

This is a vote for the past, not a vote for the future. This is a vote for a chimerical view of transportation in America, one that exists solely in the mind of its author but does not exist in reality.

If we are going to be a Nation, and if my colleagues believe in the Constitution that said a responsibility of the Congress shall be to build post roads, that it shall have authority over interstate and foreign commerce, then it is our duty to promote interstate and foreign commerce, and the way to do it is through transportation, and we do that.

This legislation that we bring to the floor today continues the greatest movement of, mobility of people and goods, the greatest thrust for economic growth that this country or any country has undertaken. Our transportation network has given America the thrust to be a world power.

Let us not retreat to the past. Let us vote for the future, for BESTEA, and vote down the Kasich amendment.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, a donor State is better off under Kasich. If my colleagues believe that States can do some things better than the Federal Government, vote for Kasich. If my colleagues want highways off budget, let us really take them off budget, keep the dollars at home and vote for Kasich.

There is or there should be a Federal role in the highway area, but this bill is so incredibly irresponsible. Forty-four percent over the last bill, $40 million over the budget; it demonstrates this Congress has lost all manner of self-control on this issue and does not deserve to have its hands on the dollars in this bill.

The gentleman from Pennsylvania said a moment ago, oh, this amendment is not scored. I could not help but laugh. Give me a break. This bill has been scored, and it is a $40 billion budget buster.

We are told 50 Governors support the bill. What Governor do we not see in this posture, with his hand out half the time? We had 40 of those Governors last year tell us to pass the same budget that now they are telling us to bust. That is ridiculous.

Last year when we passed the welfare reform bill we told people that there was no longer any need to keep Federal standards under how we took care of poor people. If that is the case, there is certainly no need to maintain Federal standards on concrete.

Vote for the Kasich amendment. It gets us out of the most irresponsible mess I have seen in this Congress in at least a week.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI) the distinguished chairman of the subcommittee.

Mr. PETRI. Mr. Chairman, I thank the gentleman for yielding this time to me, and I would just like to make a few points.

The Kasich amendment, hearing some of the people describe it, sounds like a pretty good idea: Keep the money in the States where it is generated and where it can be spent most efficiently, instead of sending it out to Washington and having all sorts of red tape added and then sending it back so we do not get as much investment for our infrastructure as we pay for.

Is that what the Kasich amendment does? No. Last time I checked, what was the Federal gas tax? 18.4 cents. How much does the Kasich amendment send back? 18.4 cents? No, 11 cents. What happens to the rest? Stays in Washington, at least a lot of it, and is spent on other things.

So in my State, in Wisconsin, what is being said? This is saying we want to increase taxes at the State level because we will give them in Washington 11 cents, and in order to maintain the transportation investment in their infrastructure they will have to raise their gas taxes how much? 11 cents? No, 15 cents.

As my colleagues know, the Governors and a lot of experts watching what is happening in our national Federal system have been pointing out that people in Washington cut back on spending and it has to be picked up at the State and local level and higher taxes at the State and local level, and then we pat ourselves on the back for supposedly cutting burdens when all we are doing is shifting it to the State and local level.

The Governors have been criticized here on this floor, but I think they are elected too and are due our respect. They were out here just a few weeks ago pointing out that over the last 20 years the Federal percentage of investment in our Nation's transportation infrastructure have been gradually declining. We have been talking pretty big out here, but we have been transferring the budget responsibility, the need for raising the revenue to maintain our roads and bridges in the United States, from Washington back to the State and local units of government. This would radically accelerate that, and it would basically shortchange every State in the United States by about 4 cents.

Please vote "no."

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding this time to me. I rise in strong support of this amendment.

I would like to remind my colleagues that in the 1950s when the Federal highway program started it was recognized that it was an improper function of the Federal Government. Therefore the Congress back then, they were still recognizing that the Constitution had some effect as well as the President; they had to come up for a reason for the highway projects, so they did it under national defense.

Of course today we do not debate that issue in that light, but I think we see the results of doing something that was not proper. Today it is very expensive, it is very bureaucratic, and we have seen tonight in the debate how it has become politicized.

So if we are looking for a fair way to build highways, a more efficient way to build highways, I think this is the answer. This is not going backwards, this is going forward. This would be the first time we could have a national highway system really controlled by the States where it is supposed to be. The States would have more money, not less money. They would have less regulation, not more regulation.

This is much better than block grants. This is returning responsibility to the States. I compliment the gentleman for bringing this to the floor.

□ 2030

The CHAIRMAN. The Chair will advise Members that the gentleman from Ohio (Mr. KASICH) has 1½ minutes remaining and the gentleman from Pennsylvania (Mr. SHUSTER) has 1¼ minutes remaining and the right to close.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Brookhaven, Mississippi (Mr. PARKER).

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

Mr. Chairman, I rise in strong support of the Kasich amendment. Tim Penny, I saw him yesterday, and Tim made a statement to me which I find fascinating. He said he felt he owed an apology to some of the liberal Democratic chairmen for some of the bills that they had written. He thought there was a lot of pork in them, and he found out that, no, that was not really right; that this particular bill that has been brought forth puts the rest of them to shame. And I agree.

Now, if you think this bill is going to become law as it is, it is not. The Senate is not going to pass this bill, and I pray to God that the President of the United States vetoes it.

The interesting thing is this: Can you imagine the depths that we have sunk to when we have to depend on the other body and the President of the United States to show fiscal responsibility?

I predict that this vote will be one of the worst votes, if you vote for this bill, of any vote you have ever cast, if you are a conservative, a fiscal conservative and believe in fiscal responsibility. You will rue the day you voted for this.

Mr. KASICH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just make it clear: What we want to do is keep 3 cents in Washington to maintain the current interstate system. If you come from Montana, where you are losing in this bill, we are going to keep a penny here to help you and the other heavy transit States. We are going to repeal the 4.3 cents enacted in 1993 that every Republican voted against, and we are going to get rid of the rest of the gas tax and let the States levy their own taxes and manage their own roads with their own regulations.

I do not think that we are going to have any halfway built bridges that are going to end in the middle of a river. I think people are smarter than that. I know this, they are a lot smarter at home than they are right here in Washington.

Vote for the Kasich amendment.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we hear about turning back to the States, but all 50 State Governors support BESTEA, not the amendments in front of us. Indeed, I have a letter from Governor Whitman of New Jersey in which she says turn back what hurt our State's ability to move people and goods throughout the Northeast corridor. That is the way it is across America. Why? Because more people are traveling interstate than ever before.

And do not be fooled by this pig in a poke. This does not turn back the 4.3 cents. This does not rescind the 4.3

cents. This amendment does nothing but keep the 4.3 cents, which amounts to about $6.5 billion a year, here in Washington, not to be spent on highways, but to be spent to mask and disguise the same old Ponzi scheme of using this money rather than building highways in America.

Indeed, my good friend from Ohio talks about the regulations here. Only 1 percent of the money stays in Washington for the Department of Transportation. But we Republicans control the Congress. If we want to change the regulations, then let us do it. And, indeed, we hope that we will control the White House a few years from now, and indeed it may well be the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the Budget, who will be the next President of the United States. And if he is the next President of the United States, I will join with him in changing these regulations.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. KASICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 405, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KASICH) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 405, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 4 offered by the gentleman from South Carolina (Mr. GRAHAM); Amendment No. 5 offered by the gentleman from South Carolina (Mr. SPRATT); and Amendment No. 6 offered by the gentleman from Ohio (Mr. KASICH).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series of votes.

AMENDMENT NO. 4 OFFERED BY MR. GRAHAM

The CHAIRMAN. The pending business is the vote on the amendment offered by the gentleman from South Carolina (Mr. GRAHAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 79, noes 337, answered "present" 2, not voting 12, as follows:

[Roll No. 95]

AYES—79

Archer
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Boehner
Bonilla
Burr
Campbell
Castle
Chabot
Christensen
Coburn
Condit
Cox
Cubin
Deal
Deutsch
Edwards
Ehrlich
Foley
Frelinghuysen
Goss
Graham
Gutknecht
Hall (TX)
Hayworth
Hill
Hilleary
Hobson
Hoekstra
Hunter
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kind (WI)
Kingston
Kolbe
Largent
Leach
Lewis (GA)
McCollum
Miller (FL)
Minge
Morella
Myrick
Nethercutt
Neumann
Pappas
Parker
Pomeroy
Porter
Rogan
Rohrabacher
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Skaggs
Smith (MI)
Souder
Stenholm
Stump
Taylor (NC)
Thomas
Thornberry
Wamp
Wexler
White
Wolf
Young (FL)

NOES—337

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Nadler
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (AK)

ANSWERED "PRESENT"—2

Lofgren
McCrery

NOT VOTING—12

Cannon
Gonzalez
Jefferson
Klug
McIntosh
Payne
Rangel
Ros-Lehtinen
Royce
Torres
Waters
Yates

□ 2059

Messrs. BURTON of Indiana, TAYLOR of Mississippi, MEEHAN, and BRADY changed their vote from "aye" to "no."

Mr. DEUTSCH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 405, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 5 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT) on

which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 106, noes 312, answered "present" 1, not voting 11, as follows:

[Roll No. 96]

AYES—106

Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Bentsen
Berman
Boehner
Bonilla
Boyd
Brown (OH)
Burr
Campbell
Cardin
Castle
Chabot
Christensen
Clayton
Coburn
Condit
Cox
Crane
Davis (FL)
Deal
Deutsch
Dicks
Doggett
Dooley
Edwards
Eshoo
Etheridge
Fazio
Gillmor
Graham
Hall (TX)
Harman
Hastings (FL)
Hayworth
Hill
Hobson
Hoyer
Inglis
Jones
Kasich
Kennedy (RI)
Kind (WI)
Kingston
Kolbe
LaFalce
Largent
Lewis (GA)
Livingston
Lofgren
Luther
Maloney (NY)
Miller (FL)
Minge
Moran (VA)
Myrick
Nethercutt
Neumann
Obey
Parker
Paul
Peterson (MN)
Pomeroy
Porter
Portman
Price (NC)
Roemer
Rogan
Rohrabacher
Roybal-Allard
Sabo
Salmon
Sanchez
Sanford
Sawyer
Scarborough
Scott
Sessions
Shadegg
Shays
Sisisky
Skaggs
Smith, Adam
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Sununu
Tanner
Taylor (MS)
Thornberry
Thurman
Watt (NC)
Waxman
Wexler
Weygand
White
Whitfield
Wolf

NOES—312

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Carson
Chambliss
Chenoweth
Clay
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (WA)
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogers
Rothman
Roukema
Rush
Ryun
Sanders
Sandlin
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Shaw
Sherman
Shimkus
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stabenow
Stokes
Strickland
Stump
Stupak
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thune
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

McCrery

NOT VOTING—11

Cannon
Gonzalez
Jefferson
Klug
Payne
Rangel
Ros-Lehtinen
Royce
Torres
Waters
Yates

□ 2110

Mr. KENNEDY of Massachusetts and Mr. DAVIS of Illinois changed their vote from "aye" to "no."

Mr. BERMAN and Mr. STARK changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KASICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. KASICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of the substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 318, answered "present" 2, not voting 12, as follows:

[Roll No. 97]

AYES—98

Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bilbray
Bilirakis
Boehner
Bonilla
Boyd
Brady
Brown (OH)
Burr
Campbell
Canady
Chabot
Chenoweth
Christensen
Coburn
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Deutsch
Dooley
Dreier
Foley
Goodlatte
Goss
Graham
Hall (TX)
Harman
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hunter
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kind (WI)
Kingston
Kolbe
Largent
Linder
Livingston
Lucas
McCollum
McIntosh
Miller (CA)
Miller (FL)
Moran (VA)
Myrick
Neumann
Obey
Packard
Parker
Paul
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rogan
Rohrabacher
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Sisisky
Smith (MI)
Souder
Stark
Stenholm
Stump
Taylor (NC)
Thornberry
Thurman
Wamp
Watkins
Wexler
White
Wolf
Young (FL)

NOES—318

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baesler
Baker
Baldacci
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart
Dickey

Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (AK)

ANSWERED "PRESENT"—2

Lofgren
McCrery

NOT VOTING—12

Cannon
Gonzalez
Jefferson
Klug
McCarthy (NY)
Payne
Rangel
Ros-Lehtinen
Royce
Torres
Waters
Yates

□ 2118

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

(Mr. OBERSTAR asked and was given permission to proceed out of order for 1 minute.)

EXPRESSIONS OF APPRECIATION

Mr. OBERSTAR. Mr. Chairman, I take this moment to express my deep appreciation to the staff on the Democratic side, David Heymsfeld, Sante Esposito, Ken House, Rosalyn Millman, Ward McCarragher, Jim Zoia, Steve Dubois, and to Jack Schenendorf, staff director on the Republican side, for the splendid cooperation and the many hard hours of work that they have devoted to this legislation.

And to the gentleman from Pennsylvania (Mr. SHUSTER), Mr. Chairman, I would simply like to say that his 26 years of service in this body have been unfailingly devoted to advancing the cause of transportation, its safety, mobility, its economic growth and its impact on America. Some of our colleagues serving in this body are fortunate enough to get an amendment adopted. A rare few get a bill enacted into law. But a rare trailblazer makes an impact on the Nation that will outlive his service in this body.

Yours is that monumental service. The bill we are about to adopt by, I am confident, an overwhelming vote will be an everlasting tribute to the years of professional service you have given to the people of America and to the cause of transportation.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SNOWBARGER) having assumed the chair, Mr. HASTINGS of Washington, 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. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, pursuant to House Resolution 405, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is 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.

RECORDED VOTE

Mr. SHUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 80, answered "present" 3, not voting 10, as follows:

[Roll No. 98]

AYES—337

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Bartlett
Bass
Bateman
Becerra
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh

McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Nadler
Neal
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Stabenow
Stearns
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—80

Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bentsen
Boehner
Bonilla
Brown (OH)
Burr
Campbell
Cardin
Castle
Chabot
Christensen
Coburn
Cox
Crane
Cubin
Davis (FL)
Deal
Deutsch
Dooley
Edwards
Fazio
Goss
Graham
Hall (TX)
Hastings (FL)
Hayworth
Herger
Hill
Hobson
Hoekstra
Hoyer
Hunter
Inglis
Johnson, Sam
Jones
Kasich
Kind (WI)
Kingston
Kolbe
LaFalce
Largent
Lewis (GA)
Miller (FL)
Minge
Moran (VA)
Morella
Myrick
Nethercutt
Obey
Parker
Paul
Pomeroy
Porter
Portman
Radanovich
Rohrabacher
Sabo
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Skaggs
Smith, Adam
Souder
Spratt
Stark
Stenholm
Stump
Thornberry
Wexler
White
Wolf

ANSWERED "PRESENT"—3

Hefley
Lofgren
McCrery

NOT VOTING—10

Cannon
Gonzalez
Jefferson
Klug
Payne
Rangel
Ros-Lehtinen
Royce
Waters
Yates

□ 2144

The Clerk announced the following pair:

On this vote:

Ms. Ros-Lehtinen for, with Mr. Yates against.

So the bill was passed.

The result of the vote was announced as above recorded.

The motion to reconsider is laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 2400, to reflect the actions of the House.

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

There was no objection

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2400, the bill just passed.

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

There was no objection.

DEEMING THE HOUSE TO HAVE AGREED TO A CONFERENCE REQUESTED BY THE SENATE AND THE SPEAKER TO HAVE APPOINTED CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that if and when the Clerk receives a message from the Senate indicating that that body has passed the bill, H.R. 2400, with an amendment, insisted upon its amendment, and requested a conference with the House, the House be deemed to have disagreed to the amendment of the Senate and agreed to the conference requested by the Senate, and that the Speaker be deemed to have appointed conferees without intervening motion.

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

There was no objection.

The SPEAKER. The Speaker will make the appointment of conferees shortly.

MAKING IN ORDER AT ANY TIME DURING WEEK OF APRIL 21, 1998, MOTION TO INSTRUCT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. SHUSTER. Mr. Speaker, further, I ask unanimous consent that it shall be in order at any time during the week of Tuesday, April 21, 1998, notwithstanding the Speaker's appointment of conferees pursuant to this request, for a Member to offer a motion to instruct the managers on the part of the House on the bill, H.R. 2400, as if offered prior to the appointment of the conferees. The managers may not file their report prior to Wednesday, April 22, 1998.

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

There was no objection.

RECOGNIZING THE CONTRIBUTIONS OF THE REVEREND DR. MARTIN LUTHER KING, JR., ON THE 30TH ANNIVERSARY OF HIS DEATH

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (H. Con. Res. 247) recognizing the contributions of the Reverend Dr. Martin Luther King, Jr., to the civil society of the United States and the world and to the cause of nonviolent social and political change to advance social justice and equality for all races and calling on the people of the United States to study, reflect on, and celebrate the life of Dr. Martin Luther King, Jr., on the thirtieth anniversary of his death, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Florida?

Mr. LEWIS of Georgia. Mr. Speaker, reserving the right to object, I would ask the gentleman from Florida (Mr. CANADY) to explain to the body the purpose of the legislation.

Mr. Speaker, I yield to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding.

House Concurrent Resolution 247, a concurrent resolution to recognize the contributions of the Reverend Martin Luther King, Jr., was introduced by the gentleman from Oklahoma (Mr. WATTS).

On April 4, 1968, the Reverend Dr. Martin Luther King, minister, civil rights activist, Nobel Peace Prize winner, and world leader, was killed by an assassin's bullet. Dr. King's foreshortened life, which ended at age 39, was memorialized all over the world.

This spring marks the 30th anniversary of Reverend King's death and comes at a time when Americans will be remembering and discussing Dr. King's work and contributions to the cause of nonviolent social and political change to advance social justice and equality for people of all races.

This anniversary presents an excellent time to offer this resolution which recognizes the importance of the life and work of the Reverend Dr. Martin Luther King, Jr. It recognizes that Dr. King's life was tragically taken before the full achievement of his dream and goals, and it calls on the people of the United States to study, reflect on, and to celebrate his life's work.

Mr. LEWIS of Georgia. Mr. Speaker, continuing my reservation of objection, I first heard of Martin Luther King, Jr. in 1955 when I was 15 years old growing up in rural Alabama. Three years later, in 1958, 40 years ago, I had an opportunity to meet Martin Luther King, Jr. It was the beginning of a long and beautiful relationship. He was my friend, my leader, my brother, my hero.

Martin Luther King, Jr., must be looked upon as one of the Founding Fathers of the new America. He used the philosophy and the discipline of nonviolence to bring about a nonviolent revolution in America. Martin Luther King, Jr., with the use of nonviolence, had the power, the ability, and the capacity to bring the dirt and the filth from under the American rug, out of the cracks, out of the corners into the open light in order for us to deal with the problem of racism and segregation. We live in a better nation, in a better place. We are a better people because Martin Luther King, Jr., lived.

In my estimation, 30 years later, we must look upon Martin Luther King, Jr., as one of the founding fathers of the new America. He not only freed and liberated African Americans, but he freed and liberated all Americans. So it is fitting and appropriate that we pause tonight to commemorate the life and times of Martin Luther King, Jr.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. WATTS of Oklahoma. Mr. Speaker, reserving the right to object, I rise today to reflect on the life and accomplishments of Dr. Martin Luther King, Jr., and to encourage our colleagues to support House Concurrent Resolution 247, commemorating the life of Dr. King as we come upon the unfortunate 30th anniversary of his death.

I do not intend to speak this evening on the death of Dr. King. The reason why is because Dr. King, Dr. Martin Luther King, Jr.'s spirit is alive today. Today, I want to tell you, Mr. Speaker, how I know Dr. King's spirit is alive in the United States of America.

Of course, we have concrete examples of legislation that bears Dr. King's legacy. For starters, we have the 24th amendment to the Constitution which ended the poll tax. We also have the Civil Rights Act of 1964 and the Voting Rights Act of 1965 which further prohibits racial discrimination in the workplace and in the voting booth. We also have the Civil Rights Act of 1968 which prohibits landlords from refusing to sell or rent property on account of race.

All of those effective anti-discrimination laws would probably not exist today had it not been for the leadership of Dr. Martin Luther King, Jr. However, these laws are not the only legacy Dr. King has left behind. Dr. King also lives on in the hopes and dreams of our young people.

You have children in grade school or in college today. I want to have you take a look at them. I want you to consider all of the opportunities that are available for your kids today. Your son and your daughter could be a doctor or lawyer, or your kids would be astronauts or firemen. They can serve in the military or as elected officials.

In these times, it is becoming easier for our children to gain success in these career fields without having to worry about whether or not their race will be an impediment to their success.

Racism is not dead, Mr. Speaker. Let me be clear about that. However, discrimination and prejudice are on the run thanks to Dr. King and those who fought the good fight alongside him, people like my distinguished colleague, the gentleman from Georgia (Mr. LEWIS).

Mr. Speaker, during the years in which Dr. King served as a leader of the civil rights groups like the Montgomery Improvement Association and the SCLC, he took out a tissue of truth and wiped away the dirt of discrimination from the American dream. Thanks to Dr. King, the American dream today is alive and accessible to millions of Americans who might otherwise been left out in the cold. This, too, is Dr. King's legacy.

Dr. King's legacy can also be found in our churches every week. Mr. Speaker, Dr. King was a believer in the power of God to change the lives of Americans for the better. He served as a pastor at Dexter Avenue Baptist Church in Montgomery, Alabama, and at Ebenezer Baptist Church in Atlanta, Georgia. In short, Dr. King was a devout man of faith who believed that God had a place, a central place in American society.

That is important to recognize as part of Dr. King's legacy. Nowadays, there seems to be a serious effort under way to run God out of America. America without God's direction is like a man who does not have a heart. Neither entity can survive for very long.

Indeed, Dr. Martin Luther King, Jr., believed that laws were meaningless unless they had a moral component to them. In his Letter From the Birmingham Jail, Dr. King wrote, "A just law is a man-made code that squares with the moral law and a law of God. An unjust law is a code that is out of harmony with the moral law."

Dr. King felt he was morally justified in fighting segregation and discrimination because he knew that Jim Crow laws violated God's law. Mr. Speaker, this evening, as we consider laws here in Congress, we should start holding each other up to the same standard Dr. Martin Luther King set for laws. We must ask, is this law we are considering a morally just law? Or, we must ask, would it be morally just if we did not pass this law?

Every Member of Congress should remember the words of Dr. King when he said, human progress never rolls in on wheels of inevitability. It comes through the tireless efforts and persistent work of men and women willing to be coworkers with God.

Indeed, Mr. Speaker, if all of us as Americans will come together, Republicans, Democrats, liberal, conservative, red, yellow, brown, black, or white, we can make our schools places where children will shoot for the stars instead of making schools places where our children are shot at. If we as Americans will all reject our prejudices and stereotypes and work together, we can end this horrible drug epidemic which is killing our young people.

In closing, Mr. Speaker, as we all consider this great resolution before us, let us each resolve to examine ourselves this evening. Let us ask ourselves what are we doing today to keep Dr. King's legacy alive.

We must ask ourselves, are we teaching our kids to respect and love people of all races? Are we leading by example in this area? How many hours have we spent with our kids this week? Are we actively encouraging our children in their studies and in talking with them about their problems? Are we showing our children that we care about them?

If we are falling short in any of these areas, Mr. Speaker, we are stomping all over the legacy of Dr. Martin Luther King, Jr. However, if we teach our kids right from wrong, spend time with them and encourage our kids to love others, we are keeping Dr. King's dream alive and, at the same time, preserving the American dream for our children, our children's children, and millions of new Americans to come.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 247

Whereas the life work of Dr. Martin Luther King, Jr., serves as an inspiration to all people who believe in justice, equality, and human rights;

Whereas Dr. King advanced his goals and principles with determination, faith, dignity, and courage in the face of life-threatening opposition;

Whereas Dr. King raised the consciousness of the Nation to fundamental injustices and

inequalities in American society and moved the Nation significantly forward on the long and unfinished road to racial harmony and reconciliation;

Whereas the work of Dr. King created a basis of understanding and respect for individuals, communities, and the Nation as a whole, to act cooperatively and courageously to establish tolerance, justice, and equality among all people;

Whereas Dr. King's life and political philosophy advocated the need for men and women to strive to overcome oppression without resorting to violence;

Whereas Dr. King was the recipient of the 1964 Nobel Peace Prize for his unrelenting efforts to bring about social and racial justice;

Whereas Dr. King believed in, practiced, and urged others to achieve political change and social equality through nonviolent means and dedicated his life to achieving the goal of a fully integrated society;

Whereas there is still much work to be done in achieving full reconciliation among America's racial, social, and ethnic communities and in creating a colorblind society;

Whereas Dr. King's life was tragically ended on April 4, 1968, before completing his work and fulfilling his dream of a Nation where people are not judged by the color of their skin but by the content of their character; and

Whereas Dr. King's political philosophy and life's work shine as a guiding light for all people who would live peacefully together in freedom, both nationally and around the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the importance of the life and work of the Reverend Dr. Martin Luther King, Jr. to the civil society and freedoms of the United States of America;

(2) recognizes that Dr. King's life was tragically taken before the full achievement of his goals; and

(3) calls on the people of the United States to study, reflect on, and celebrate Dr. King's life and ideals in order to fulfill his dream of civil and human rights for all people.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 399

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of House Resolution 399.

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

There was no objection.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA OR HONORABLE THOMAS M. DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 21, 1998

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 1, 1998.

I hereby designate the Honorable CONSTANCE A. MORELLA or, if not available to perform this duty, the Honorable THOMAS M. DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Tuesday, April 21, 1998.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

□ 2200

CORRECTING ENROLLMENT OF S. 419, BIRTH DEFECTS PREVENTION ACT OF 1997

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 87) to direct the Secretary of the Senate to make certain corrections in the enrollment of the Senate bill, S. 419, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, as Members recall, the House passed S. 419, the Birth Defects Prevention Act, on March 10, 1998. Since that time, we have become aware that certain corrections are required in the enrollment of the bill. This concurrent resolution directs the Secretary of the other body to make those changes. The concurrent resolution has been cleared with the Minority on the Commerce Committee, and I am not aware of any objection to its approval.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 87

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1 of the bill, strike "1997" and insert "1998".

(2) In section 2 of the bill:

(A) In subsection (d) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and insert "1999".

(B) In subsection (f) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and all that follows through "2001" and insert "1999, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just adopted.

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

There was no objection.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, during Rollcall Vote No. 82 on H.R. 34 I inadvertently recorded my vote as yes when I intended to vote no.

PERMISSION FOR COMMITTEE ON EDUCATION AND THE WORKFORCE TO HAVE UNTIL 5 P.M. APRIL 20, 1998, TO FILE REPORT ON H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce may have until 5 p.m., April 20, 1998, to file a report on the bill, H.R. 6, the Higher Education Amendments of 1998.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND THEIR REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that for today all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled extension of remarks.

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

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, April 21, 1998, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 22, 1998

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that the business

in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 22, 1998.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF H.R. 3627, BROWNFIELD COMMUNITY EMPOWERMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I am proud to stand here today to outline the Brownfield Community Empowerment Act, H.R. 3627, which I introduced today along with my colleague the gentlewoman from Oregon (Ms. FURSE).

The Brownfield Community Empowerment Act will provide financial assistance to local governments and citizen organizations. Grants will be given to local governments and local citizens' organizations in the amount of $100 million for fiscal years 1999 through 2003. Thirty percent of this money will be made directly available to local citizens' organizations.

In addition, my legislation will establish a revolving loan program which will allow local governments to provide money to persons or entities who wish to develop potential Brownfield sites. This revolving loan fund will insure that development continues into the future.

Public housing entities, which have been overlooked when it comes to economic development, will be able to apply for grants. Twenty-five million dollars will be made available for fiscal years 1999 through 2001. Public housing developments are ofttimes in the most dire need of economic development. As a representative of one of the highest concentrations of public housing residents in the Nation, I feel it is incumbent upon me to address the needs of those who have been overlooked.

Community involvement is also vital to sustaining any community. When it comes to economic development, the need for the input of those who would be most directly effected is even more vital. The Community Empowerment Act will give voice to the citizens of each and every community. It will ensure that meaningful public participation not merely perfunctory gestures will occur. Local citizens' organizations will be given full participation in assessment, remediation and cleanup.

The voices of the masses must not ever be quelled. It is my hope that this legislation will raise those voices to octaves never heard before. This legislation will guarantee the local citizens' organizations will receive 30 percent of the grants.

The reality of life, whether we want to acknowledge it or not, is that those who have the least are often left out in the cold. Environmental justice is yet another principle my legislation will address. Low-income and historically disenfranchised areas will be given priority when it comes to the awarding of grants. In addition, cleanup methods must be cognizant of the needs of certain populations such as the elderly, children and persons with AIDS. Quick fix approaches will not do when it comes to cleaning up our environment. We must invest in the long term. We must invest in everyone's future.

Empowerment zones were once thought to be the vehicle that would restore prosperity to economically stagnant areas. In many communities across this Nation, such has not been the case. I recognize the need for these economically thriving areas. That is why empowerment zones and enterprise communities will be given priority in the awarding of grants. A viable and effective Brownfield program can breathe life into economically wounded communities.

Winston Churchill once said, and I quote:

"Some people regard private enterprise as a predatory tiger to be shot. Others see it as a cow they can milk. Not enough people see it as a healthy horse, pulling a sturdy wagon."

I say let the Brownfield Community Empowerment Program be one of the reins which guides the healthy horse, and let economic revitalization and opportunities be the load of the sturdy wagon.

INTRODUCING THE TOBACCO PROGRAM ADMINISTRATIVE REFORM ACT OF 1998

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Kentucky. Mr. Speaker, over the past year, with all the talk about a global tobacco settlement, tobacco farm families are very worried about their future. Mr. Speaker, I cannot predict at this point whether efforts to craft a settlement will be successful, but if and when the House addresses comprehensive tobacco legislation I will stand ready to ensure that our tobacco farmers are protected. I will stand, and I have listened carefully to my farmers and worked hard to formulate proposals that are fair and reflect their wishes. That may very well mean that we look for ways to provide a transition away from the current way of doing things, provided farmers are compensated in a fair and equitable way.

In the meantime, though, we have a responsibility to ensure the continuation of the tobacco program that our farmers have relied on for so many years. Some have suggested that the taxpayer subsidizes the Federal tobacco program. I strongly disagree, because the budget deficit assessment paid by the tobacco growers and companies more than offsets the costs incurred by the USDA in the operation of the tobacco program, and we know what the tobacco taxes contribute to the coffers of the Federal Treasury.

However, Mr. Speaker, to address these arguments I am introducing the Tobacco Program Administrative Reform Act of 1998. My proposed legislation will require current Federal expenditures for tobacco crop insurance, extension services, and the administration of the price support and quota programs to be funded by additional assessments on tobacco product manufacturers and importers.

So let me be very clear, Mr. Speaker, we may very well need to think about a new direction for our tobacco farmers beyond the status quo. But there should be no confusion that the tobacco program has served our farmers ably, and for many rural counties it is the life blood of their economies. In the absence of comprehensive tobacco legislation, we must take every step to protect our farmers by maintaining the current tobacco program.

APPOINTMENT OF CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

The SPEAKER pro tempore. Without objection, and pursuant to the order of the House today, the Chair appoints the following conferees on H.R. 2400, effective upon receipt of the proper message from the Senate:

For consideration of the House bill (except title XI) and the Senate amendment (except title VI), and modifications committed to conference:

Messrs. SHUSTER,
YOUNG of Alaska,
PETRI,
BOEHLERT,
KIM,
HORN,
Mrs. FOWLER, and
Messrs. BAKER,
NEY,
METCALF,
OBERSTAR,
RAHALL,
BORSKI,
LIPINSKI,
WISE,
CLYBURN,
FILNER and
MCGOVERN.

There was no objection.

The SPEAKER pro tempore. The Chair will announce the appointment of additional conferees at a subsequent time.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 257. Concurrent Resolution providing for an Adjournment of both Houses.

HONORING KENTUCKY COACH ORLANDO "TUBBY" SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the University of Kentucky's men's basketball coach Orlando "Tubby" Smith. Let me first point out my allegiance continues to be to the Terrapins of the University of Maryland, as I am sure our Speaker pro tempore's does to the University of Kansas, Roy Williams. But I wanted to take this opportunity to comment on how proud I am of the accomplishments of Tubby Smith in taking the Wildcats of Kentucky to victory and winning Monday's NCAA National Championship in San Antonio, Texas.

Mr. Speaker, I want all of my colleagues to know, particularly the good gentleman from Kentucky, that Tubby Smith comes from my district, Scotland, Maryland, a rural area near Point Lookout where the Chesapeake Bay meets the Potomac River. This community, as you could imagine, now bursts with pride for its native son Tubby Smith, and I am proud to join them in saluting the accomplishments of this distinguished resident.

Tubby Smith was born to Mr. and Mrs. Guffrie and Parthenia Smith 46 years ago, as the 6th eldest child of 17 on a tenant farm in St. Mary's County, Maryland. Guffrie Smith, Sr. held 3 jobs, driving school buses, cutting hair, and firing boilers at the Patuxent River Naval Air Station, to support his family. He and his wife still live today in the five-bedroom home he built on five acres in St. Mary's County.

As to Tubby Smith, after scoring over 3,000 points for the Great Mills High School basketball team, Tubby attended High Point College in North Carolina on a scholarship.

□ 2215

He began his coaching career at his alma mater, Great Mills High School, in 1973, and then worked stints as an assistant coach at Virginia Commonwealth and South Carolina. Smith then served under the leadership of Coach Rick Pitino from 1989 to 1991 as an assistant coach at Kentucky University.

His first collegiate head coaching job was with Tulsa University, combining a record of 79–43, while making two NCAA appearances in the Sweet 16. From there, Mr. Speaker, he became the first Georgia State coach to record back-to-back 20 victory seasons.

Then, in May 1997, he was named to replace the legendary Rick Pitino as the head coach of one of the most successful NCAA basketball programs in the country at the University of Kentucky.

Kentucky's Athletic Director Newton learned what Tubby's family and friends also knew, that Tubby would be respected for his outstanding coaching rather than simply as the program's first African-American coach.

In Saint Mary's County, those who know the Smith family are not at all surprised by Tubby's extraordinary accomplishments. They will tell you a heartwarming story of an incredible mother and father who have raised 17 great citizens, who were taught hard work, discipline and the value of good education.

Tubby's accomplishments remind me of the words spoken by Booker T. Washington, who said, "I have learned that success is to be measured not so much by the position one reached in life as by the obstacles which he has overcome while trying to succeed."

Mr. Speaker, it is a privilege to share with you some of the pride that the Southern Maryland community has for Tubby Smith and for his family. It is important to learn Tubby's outlook on life, and I quote: "To never forget where you came from, never forget who you are, and never forget where you are heading."

I ask all of my colleagues to join with me in congratulating Coach Smith and the Kentucky men's basketball national championship.

REACHING A BALANCED AGREEMENT ON TOBACCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. HOYER) for those kind words of tribute to the Kentucky basketball coach, Tubby Smith. All of us from Kentucky are certainly quite proud of his accomplishments in his first year as the head coach of the University of Kentucky, and he certainly demonstrated the type of leadership and character that are so important to young men and women at the University of Kentucky. It makes us even more proud to know that he is from the State of Maryland.

I want to thank the gentleman for those kind remarks for our basketball coach at the University of Kentucky.

I also would like to point out that this afternoon I had the opportunity to visit with six high school students who came to my office to talk about some issues facing young men and women today. As we had our discussion, they pointed out that some of their greatest concerns on issues facing young people today were: One, teenage pregnancy; and two, the use of illegal drugs.

I found that quite informative, because over the last 6 or 7 months, our President of the United States, our Vice President, Mr. David Kessler and others have placed great emphasis and have drawn attention to the fact that tobacco and the use of tobacco products by young people may be one of the most serious issues facing young people. Yet, in my discussions with these young people today from Kentucky and other young people throughout my district, none of them really talk about the use of tobacco products as one of the major problems facing young people today.

As I listen to the debate on this tobacco issue and the universal tobacco settlement over on the Senate side, and as I have read the universal settlement agreement between the tobacco companies and the State Attorneys General, it has really caused me to do a lot of thinking about this issue. All of us recognize the importance of doing everything possible to prevent young people from using tobacco products, and that is why 50 States already prohibit the sale of tobacco products to young people throughout this country.

Yet in spite of that, the real issue in this universal tobacco settlement seems now to me to come down to be a matter of money. In the settlement agreement, the tobacco companies agreed that they would pay $368 billion every 25 years forever to reach this settlement, and, in exchange, they agreed that any individual would be able to bring a lawsuit against the tobacco companies to recover any damages suffered by using tobacco products; that those individuals would have that right to bring these lawsuits forever. The only immunity that the tobacco companies asked for in exchange for $368 billion every 25 years forever was to simply settle the class lawsuits and the lawsuits filed by the States in these innovative legal theories, that were filed by the States to reimburse the States for Medicaid costs that the States incurred by individuals who voluntarily used tobacco products.

But as I look into this more and more, it seems that this issue is much broader than simply teenage smoking, because there are hundreds of thousands of individuals and their children who depend upon the tobacco product for their livelihood, for the education of their children, to take care of their families. As a matter of fact, there are 140,000 farm families in the United States alone that grow this product.

This discussion talks only about teenage smoking, and yet we are not giving any consideration to the impact, the economic impact, that this settlement can have on these hundreds of

thousands of families who depend upon this product for their livelihood.

As I listen to the Senate debate, I am quite discouraged that more and more it seems to be a matter of wanting to punish an industry, to provide punitive damages against an industry that has grown and processed a legal crop, a crop that has been legal in America since Jamestown; a crop that, if you walk around the Capitol of the United States, you will see tobacco leaves at strategic points in this Capitol, a crop that has provided valuable economic interests to our Nation.

I would simply say as we continue our debate on the tobacco settlement, let us not forget the economic impact that this is going to have on farmers, workers, and many other people. I think we have a unique opportunity to reach a balanced agreement.

TRIBUTE TO THE LATE HONORABLE BELLA ABZUG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise with sadness to express my personal condolence to the family of the late Bella Abzug.

Bella Abzug came to Congress in 1970. I had been elected 5 years previously. We quickly became very close friends and collaborators. Despite the fact that we came from very different backgrounds and from opposite corners of this country, our concerns were the same. I had been fighting against the Vietnam War for 5 years. The few of us who opposed the war at that time had tried every parliamentary maneuver we could think of to end the war. Clearly, after 5 years we were exhausted and our struggles to turn the Nation's policies around needed help.

Bella's election to Congress gave us fresh vigor and new momentum. She was a tireless, relentless advocate for peace. From the moment she was sworn into office, she made her voice heard and fought with all her might and power to get this country out of the war in Vietnam.

She knew that she was effective and she knew that her voice made a difference.

Just as Bella fought for peace, she also fought for equality and justice. With all her heart and soul, she stood for the rights of the poor to be heard. She pushed her way to assure the poor a voice in the deliberations of the Congress. She was their voice, and they loved her for her commitment to their plight.

Justice was for Bella the right to earn a decent living and the right to be able to provide for your family. She fought against discrimination and championed the cause of equality for women. No one I know did more for women than Bella. Her life was given to that cause. No matter where she went, everyone knew by her presence that she was their voice for equality and for justice.

She challenged the conscience of America to prove its worth as a society by permitting women to claim their place as full and equal citizens. Bella's best efforts were in building networks and forging coalitions. She forced people to forget their turf wars and to work together for the greater good. Even after she left Congress, she continued in this work.

She organized huge demonstrations for abortion rights, for equal rights, for child care, for food for the hungry and for the AIDS programs. She led international conferences and taught women everywhere how their combined voices could make important changes in their lives.

When formal government conferences were convened, she called nongovernmental women together for massive counter-conferences. She angered Presidents by challenging them to do better for women, for the poor and the oppressed minorities. I counted Bella as one of my closest friends. We counseled together on many occasions, even after we both left Congress in 1976. We looked to each other for support and comfort in a world that seldom understood nor cared to understand women and politics. We knew that by joining together on many fronts, that we could double the volume of our voices so that no one could miss the message we wanted to convey.

Bella was a deeply caring and sensitive human being. She always asked about your family when she met you. She worried about my daughter when she was hurt in an automobile accident. She was always thoughtful and generous in her personal relationships.

She taught me chutzpah, an important tool to make sure you are not pushed to the back of the bus. She challenged regular order and paved the way for all women to be heard.

Women today who have a place at the table have Bella Abzug to thank. Without Bella, we would be years behind. When women's history is finally written, I am certain that Bella's life will be among the most celebrated.

Mr. Speaker, I include for the RECORD the following information about Bella Abzug.

BELLA ABZUG

b. 1920

American lawyer and politician

"Women have been trained to speak softly and carry a lipstick. Those days are over."

INTRODUCTION

Bella Abzug was elected to the U.S. House of Representatives after a long career as a labor lawyer, civil-liberties advocate, and peace activist. During the time she served in Congress she challenged congressional decorum by bluntly denouncing her male colleagues as a privileged elite of white, middle-aged men who were out of touch with the needs and aspirations of most Americans. Abzug was among the most vocal members of congress demanding an immediate withdrawal of American military forces from Indochina during the Vietnam conflict in the 1970s. She also took strong positions in favor of women's and minority rights and federal aid to cities.

Abzug was born Bella Savitsky on July 24, 1920, the daughter of Emanuel and Esther Savitsky. Her father was a butcher in New York City. In 1942 she graduated from Hunter College in New York with a bachelor of arts degree. Two years later she married Maurice Abzug, a stockbroker and novelist, with whom she had two daughters. After earning a law degree from Columbia University in New York in 1947, she practiced law privately for 23 years, until she was elected to the U.S. House of Representatives.

FLAMBOYANT CONGRESSWOMAN

During her two terms in Congress (1970–74) Abzug served on the committee on public works and transportation and was chair of the subcommittee on government information and individual rights. She was also assistant Democratic whip to Speaker Thomas P. O'Neill, Jr. Soon after Abzug reached the floor of Congress she became a highly visible, flamboyant figure, with her trademark wide-brimmed hats and feisty manner. While her strongly worded, forthright speeches had great popular appeal, her political allies often believed her personal style detracted from their cause. Abzug was criticized for preferring to make headlines on her own instead of negotiating and compromising to pass legislation. But the New York Democrat earned increasing respect from her colleagues over the years while remaining true to her political vision.

In her capacity as chair of the House subcommittee on government information and individual rights, Abzug conducted inquiries on covert and illegal activities by agencies of the federal government. She helped produce the "Government in the Sunshine" law, which gave the public greater access to government records. Abzug co-founded the National Women's Political Caucus in 1971 and authored numerous bills intended to prevent sex discrimination and improve the status of women. On local issues she devoted much of her time to securing federal funds for New York City during the city's fiscal crisis in the mid-1970s. In 1972 she wrote "Bella! Ms. Abzug Goes to Washington," an account of her experiences as a congresswoman.

RETURNS TO LAW PRACTICE

Abzug gave up her congressional seat in 1976 to seek the New York Democratic party nomination for the U.S. Senate, narrowly losing the race to Daniel Patrick Moynihan. She went on to run unsuccessfully for mayor of New York City in 1977 and for a congressional seat representing the East Side of Manhattan in 1978. Political analysts attributed these losses to her confrontational image and the conservative nature of the electorate. President Jimmy Carter appointed Abzug co-chair of the National Advisory Committee for Women. Carter dismissed her in 1979 after the committee issued a report criticizing the president's decision to cut funding for women's programs. She then returned to her legal practice. Abzug remained in the public eye, however, as a lecturer, television news commentator, and magazine columnist. She was also an executive for women's organizations, including Women-USA, a grass-roots political action

organization, and the Women's Foreign Policy Council.

WRITES BOOK ON "GENDER GAP"

Abzug drew on her decades-long leadership experience in the women's movement to write "Gender Gap: Abzug's Guide to Political Power for Women," which was published in 1984. With co-author Mim Kelber, Abzug examined the possible causes and political consequences of the "gender gap," the wide disparity in voting patterns between men and women noticed in some American elections. In the 1980 presidential election, for instance, many more women than men voted to reelect Carter, and the gender gap made the difference in a number of elections for state governors later in the decade. Although statisticians have had trouble identifying the specific political differences that may separate the sexes at the ballot box, Abzug credits the feminist movement for encouraging women's independence.

BECOMES ENVIRONMENTAL ADVOCATE

In her book Abzug also outlined a range of political, social, and economic issues on which women can have an impact. Among them is the environment, an area in which Abzug herself became active in the early 1990s. Appointed as special adviser to the Secretary-General of the United Nations Conference on Environment and Development (UNCED), she became a leading advocate of environmental security and a more economically just world. In 1991 she was an organizer of the Women's Congress for a healthy Planet as part of the Earth Summit sponsored by the United Nations in Rio de Janeiro, Brazil. The congress issued the "Action Agenda for the Twenty-first Century," which challenged men and women to work together for a "safe and sustainable future." Abzug identified a particular role—and a higher degree of freedom—for women in cleaning up "the mess" that has been made throughout the world: "I believe women will bring a new vision, with new perspectives as to how and what to change," she told an interviewed. "It's easier with women because they are not part of what has taken place. They aren't totally unshackled, not only by lack of ownership but by lack of involvement in decisions to date. They are freer and more independent."

HONORARY CHAIR BELLA ABZUG: A WOMAN OF STRENGTH

The 20th Anniversary Celebration of the Spirit of Houston will kick off amidst memories of the 1977 Houston Conference, which attracted 20,000 men and women, and visions of the 21st Century. The National Women's Conference has named the Honorable Bella S. Abzug, former Congresswoman, current President of the Women in Environment and Development (WEDO), guide and mentor to women worldwide, to serve as Honorary Chair of the 20th Anniversary Celebration. The Conference will be held in Washington, D.C. at the Georgetown University Conference Center November 20–23, 1997.

Ms. Abzug maintains an unwavering struggle for a world where women participate fully and equally in all aspects of life. She works tirelessly to give voice and visibility to women worldwide by forging links and partnerships at every level. Abzug encourages women to achieve equality through economic, social and political empowerment.

While serving in the United States Congress representing New York, Congresswoman Abzug introduced a bill in 1975 proposing that a national women's conference be held as part of the Bicentennial celebration and other women members of the House of Representatives united with her to work toward the adoption of the legislation. Under the onslaught of this determined group, Public Law 94–167 passed in the House on December 10, 1975 and by the Senate on December 23, 1975.

Public Law 94–167 directed a 42-member National Commission, presided over by Bella Abzug, to convene a National Women's Conference, preceded by state and regional meetings. The mandate read in part: ". . . The Conference shall . . . recognize the contributions of women to the development of our country . . . assess the role of women in economic, social, cultural and political development . . . identify barriers that prevent women from participating fully and equally in all aspects of national life and develop recommendations for means by which such barriers can be removed. . . ." Although it amounted to less than one nickel for each female in the country, Congress appropriated $5 million to carry forth the mandate of the Public Law. But women know how to "make do", and Bella Abzug led the nation's women in that effort.

After a year of hard work and devotion to the task, Presiding Officer Bella Abzug stood at the podium on November 19, 1977 and extended a welcome to three First Ladies, whose sheer presence was more moving than anyone would have imagined. First Ladies Rosalynn Carter, Betty Ford and Lady Bird Johnson expelled any notion that they were ceremonial wives. They said they were women who could speak for themselves. Lady Bird Johnson said she had come to believe that the women's movement belongs to women of all ages.

Ms. Abzug was a key organizer at the Fourth World Conference on Women held in Beijing in 1995. During the Conference, she received numerous awards and accolades that recognized her many contributions. Prior to the Beijing Conference, in 1994, she was inducted into the National Women's Hall of Fame in Seneca Falls, New York where the first women's rights meeting was held in 1848.

Bella Abzug is a civil rights attorney and has earned recognition as a leading women's rights advocate and public speaker. She is the founder of WEDO, an international network with consultative status at the United Nations. WEDO networks organize women's caucus meetings at major international conferences of particular concern to women.

Bella S. Abzug, one of the most admired women of America, honors the 20th Anniversary Celebration of the Spirit of Houston and the National Women's Conference by her presence and her acceptance of the role of Honorary Chair.

Information on the 20th Anniversary Celebration, including Conference and hotel registration forms, can be obtained at the NWC Web site.

CONTRACT WITH WOMEN OF THE USA

(By Bella Abzug)

The downsizing of women off the national political agenda is being challenged in a new and exciting campaign. The "Contract with Women of the USA" is gathering momentum across the country.

Even though we are a majority of the U.S. population, women are being attacked, trivialized and ignored in much of the current political debates. Modest gains that we have won in years of struggle are in jeopardy. The time has come to put women's needs and concerns up front, in actions as well as words.

Initiated by the Women's Environment and Development Organization, of which I am a co-founder, and the Center for Women Policy Studies, the Contract campaign is endorsed by growing numbers of women's organizations, women members of Congress, state legislators and others. Our target is a thousand endorsements by this fall. Even more important, the Contract provides a flexible organizing and advocacy vehicle for addressing state and local issues of importance to women.

Women state legislators are taking the lead in supporting the Contract and working with women and other public sector groups to develop their own state contracts. Kicking off the campaign on International Women's Day on March 7th were women legislators in Arizona, California, Iowa, Maryland, Minnesota and New York.

Newt Gingrich's "Contract with America" has run into stalemate and massive rejection by the American people. Our "Contract with Women of the USA" reflects the realities of American women's lives in all our family, economic, political, social, racial, age, religious and educational diversity. It offers an alternative and unifying vision in which women and men work together on an equal basis for our mutual benefit.

The 12 principles and action commitments in our Contract are based on the Platform for Action, approved by consensus last September at the U.N. Fourth World Conference on Women by the United States and 188 other governments, as well as by 30,000 nongovernmental women, including 7,000 from our country.

The dozen commitments outlined in the "Contract with Women of the USA" call for economic, social and political equality for women; access to affordable health care and reproductive rights; an end to discrimination and violence against women; continuation of social safety nets for poor women and children; inclusion of women in peace-making; educational opportunities for women; and mechanisms to monitor and further women's gains.

Women legislators in the six kickoff states have signed on to the Contract. Similar actions are being planned in other states. We welcome the support of women legislators and activists throughout the country and urge them to join us in this important effort.

NO-FEE POST OFFICE BOXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, after nearly 20 years of effort, I have a victory to announce: Since I came to the Congress in 1979, my constituents in small Nebraska communities and Americans like them throughout our Nation have sought relief from the injustice of having to pay Post Office box rental fees because the U.S. Postal Service did not provide delivery to their homes. They came to the post office to pick up their mail because they had no home delivery, and they paid box rent for the privilege of doing so.

Incredibly and unfairly, they paid box rent while saving the U.S. Postal Service the cost of providing home delivery, which is provided free to urban residents and those living in the countryside. Can you believe it?

Well, finally, Mr. Speaker, that has changed. This afternoon I was notified by the U.S. Postal Service that effective April 5, 1998, throughout the United States, eligibility for no-fee post office boxes finally will be extended to those citizens living in small towns without home delivery whose residences or businesses are within the immediate vicinity of the post office and who, therefore, are ineligible for delivery service.

□ 2230

See the Federal Register, March 27, 1998, page 14820, for the details.

In the parlance I have learned as a lonely Member fighting this inequity over the years for small town America, effective April 5, there is no more quarter mile rule. Those Americans will now have free box rent for a normal-sized box. The costs are gone at last.

I congratulate the U.S. Postal Service for making the right decision.

TRIBUTE TO THE FAMILY OF RON BROWN, AND IN RECOGNITION OF DR. MARTIN LUTHER KING

The SPEAKER pro tempore (Mr. NUSSLE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. This evening, Mr. Speaker, I will not take all of my time, but I wanted to pay tribute to the Ron Brown family, Alma, Tracey, and Michael. This evening Tracey Brown, the daughter of our former Secretary of Commerce, Ron Brown, had the book signing for her personal tribute to her father. I believe that there is no greater tribute than that a child can give to a parent.

Certainly as we reflect on what this government means and the idea of public service, we certainly recognize that former Secretary Ron Brown was that kind of public servant: a giant, gentle, strong, persevering.

As I looked around the room where the book signing occurred, I saw so many diverse faces, people from all walks of life; people who had no personal stake in their presence this evening, other than to pay particular tribute to a man who was unselfish in his giving, in his love of his country.

It was interesting to see my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), who indicated that he had attended college with Ron Brown and is noted in the book.

It is not often we have time to thank family members and to again say how sorry we are that we lost such a patriot, such a contributor to the process of government. But to Tracey Brown and her family, I would like to thank them so very much for persevering, staying steady, and continuing to love our country.

We are very privileged to have Mrs. Brown, who continues to stand as an example of a family that has given so much.

To Tracey, my hat is off to her for the singular purpose of this last year of writing about her father.

At the same time, Mr. Speaker, if I might, I will add my recognition and special feeling about the 30th anniversary or commemoration of the assassination of Dr. Martin Luther King. It is important in this time, when we spend so much time using and reusing the words and the beliefs of Dr. King.

Sometimes they are used in ways that I think are not befitting both his image, his message, and his leadership, for too often on the floor of this House I have heard so many cite Dr. King's message about a color-blind society, or being judged by your character, not the color of your skin, to raise legislation to eliminate opportunity for minorities and women.

Often when we are debating the question of totally eliminating affirmative action for women and minorities in this country, after acknowledging just recently that discrimination is still a very harsh part of American society, I will hear those rising to the floor, commentators and others, citing the words of Dr. Martin Luther King.

I would like to think of Dr. King as a gentle spirit, one who knew the importance of nonviolence as opposed to violence, but he was a serious, straightforward gentleman. He always spoke his mind. You never had to think about what he was saying.

I think in all instances he asked us as Americans to be truthful, to accept the truth, to acknowledge the truth, and not to run away from the truth. Racism does exist in this Nation, and it is for us, as Americans, to work together to live in harmony. I think Dr. King would want us to do that.

So the anniversary of his assassination is not a time of sadness, but commemoration and commitment to the fact that each of us will try to overcome the devastation of racism and the fact that we isolate ourselves from other groups. President Clinton's recent visit to Africa, now almost finished, should signal the importance of Americans reaching out to all diverse groups.

Dr. King would be smiling, and he would hope that as we debate issues of national prominence, as we speak around this country, Dr. King would want us to use his words in truth and to recognize that what he wants for this Nation is equal opportunity for all. Until that date comes, I can imagine Dr. King somewhere continuing his fight, his oration, his speech, his nonviolent way, but never giving up until there is racial harmony in this Nation.

COMMENDING DR. AND MRS. SHELTON H. SHORT, III, FOR ESTABLISHMENT OF SCHOLARSHIP FUND AT RANDOLPH-MACON COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, I rise this evening to commend Dr. and Mrs. Shelton H. Short, III, of Clarksville, Virginia, for establishing a $100,000 permanent scholarship fund at Randolph-Macon College in honor of Dr. Short's late father. The scholarship fund is designed to assist students from Boydton, Virginia, the first site of Randolph-Macon College, as well as students from surrounding communities.

Dr. Short and his wife Jean are distinguished citizens and active participants in their community in Mecklenburg, Virginia. Their families contributed in significant ways to that community, the Commonwealth of Virginia, and the Nation over the course of at least 2 centuries.

Indeed, Dr. Short is a descendent of the late Congressman William O. Goode, who served in the body from 1841 to 1843 and from 1853 to 1859. Although I am not privileged to be a relative of the former congressman, he was a prominent Virginian who served as Speaker of the Virginia House of Delegates and wrote the original charter of Randolph-Macon College.

Shelton and Jean Short are to be applauded for their generosity and their commitment to the education of young men and women at Randolph-Macon college, an institution of higher learning on which their family has had such a significant and tremendous impact.

Mr. Speaker, I include for the RECORD the article from the May 21 issue of the Mecklenburg Sun.

The article referred to follows:

SCHOLARSHIP EMPHASIZES R-MC TIES TO BOYDTON

BOYDTON.—A Clarksville couple has honored the memory of the late Shelton Hardaway Short, Jr. by establishing a $100,000 permanent scholarship fund to Randolph-Macon College in his honor.

As benefactors of the scholarship, Shelton H. Short, III and his Jean were center stage at a ceremony Wednesday night in Boydton announcing the fund. They were joined by Dr. Ladell Payne, president of Randolph-Macon College in Ashland, local elected officials and about 100 onlookers at the Mecklenburg County Courthouse.

The scholarship is designed to reward deserving college students from Boydton who will serve as ambassadors of the college's roots in Boydton. If no eligible students apply from the town, the scholarship will go to students in Mecklenburg, Brunswick and other surrounding counties. The gift is meant to underscore the historic ties between Randolph-Macon, which was founded in Boydton, and Southside Virginia.

In remarks to the audience, Short noted that his father "would be pleased that the scholarship given in his name would bring

closer the links between Randolph-Macon as it was in its founding home of Boydton in 1930, with Randolph-Macon of today and tomorrow in Hanover County, Virginia." Short also said his father would wish "that the recipient of the Boydton scholarship consider himself or herself as a goodwill ambassador representing Boydton, Southside Virginia" and surrounding areas.

According to Short, the criteria for winning the scholarship will go beyond academic and extracurricular achievements and address the character of potential applicants. The newly-endowed award is need based and will go to academically promising students in Boydton and surrounding areas.

Applicants "should consider making straight A's in good manners, a neat appearance and helpfulness to others as well as classwork," said Short. "To me straight A's in Greek or geometry are meaningless without good manners and a sincere desire to help others."

"We would ask the town fathers and town mothers of our area, and especially Boydton, to impress upon the winner the necessity of being a goodwill ambassador for Boydton, Randolph-Macon College's place of birth. What the student does will reflect back upon Boydton—good or otherwise."

Short said Boydton students would be the first choice for the scholarship, followed by students in the rest of Mecklenburg County and Brunswick County. Other areas included in the scholarship's territory are Granville, Halifax, Vance and Warren Counties in North Carolina, and Charlotte, Dinwiddie, Greensville, Halifax, Lunenburg and Nottoway Counties in Virginia. Students from the North Carolina counties of Mecklenburg and Brunswick will also be eligible, Short said.

Short described his father, Shelton Hardaway Short, III as a "modest gentleman" who loved Randolph-Macon College. "He loved the original town of Randolph-Macon's birthplace—Boydton—as well as Randolph-Macon's present and future locality, Ashland. Shelton H. Short, Jr. dedicated, designed and donated the official flag for Randolph-Macon in 1968 and used as a centerpiece for the College's ensign a photo of the central structure of Randolph-Macon as it stood in Boydton in the 1930s."

At age 16, Shelton H. Short, Jr. left home in Brunswick County, Va. to enroll at Randolph-Macon in Ashland. His education there was interrupted by World War I, and he volunteered for the U.S. Army infantry as a teenager. After being assigned to training school at Virginia Military Institute, Short went to Plattsburg, N.Y. and was commissioned as a second lieutenant. When the war ended, he returned to R-MC and graduated as a member of the Class of 1919 with a bachelor's of art degree.

After volunteering for the Army in World War I, Short returned to the military at the age of 43 to serve his country during World War II. He became a major in the U.S. Marine Corps and served in the reserves after the surrender of Germany and Japan in 1945.

At Randolph-Macon, his volunteer spirit and energy were readily apparent—he was President of the Cotillion Club, an officer in Kappa Alpha, and centerfielder for the Yellow Jackets baseball team, even playing the day Babe Ruth and the Boston Red Sox played the Yellow Jackets in an exhibition game. After completing his degree, he turned his attention to the local business community, serving as president of Jeffreys Motor Company in Chase City and chairman of the Board of Trustees of Jeffreys-Spaulding Manufacturing Company and of Jeffreys-McElrath Manufacturing.

He also owned and operated several farms and was a prominent tobacco and tree farmer. He was director of Jeffreys Lumber, Inc., Home Telegraph and Telephone and Virginia Forestry, among other companies. In addition, he served for 4 years as a director of Peoples Bank and Trust Co. and its successor, Fidelity American Bank and Central Fidelity, all in Chase City.

Short also worked to better the community by serving on the Mecklenburg School Board and the Town Council of Chase City. He served in the Virginia House of Delegates from Mecklenburg County and served on the Virginia Economic Development Commission under three governors. A life-long member of the Methodist Church, he served on the Chase City Centenary United Methodist Church Board of Stewards for much of his adult life. He was also a Trustee of the former Blackstone College for Women.

The first winner of the Honorable Shelton H. Short, Jr. Scholarship will be announced in the fall, said Dr. Payne, R-MC President. The scholarship will reinvigorate the ties between Boydton and the college, he noted.

INTRODUCTION OF THE CAPITAL GAINS TAX SIMPLIFICATION ACT OF 1998

Mr. COYNE. Mr. Speaker, I rise today to introduce the "Capital Gains Tax Simplification Act of 1998." This legislation would simplify the computation of capital gains taxes for all individual taxpayers. The bill would also provide modest capital gains tax reductions for millions of Americans.

I am sure that many of you have received complaints from a number of your constituents about the overly complex capital gains form—Schedule D—that they have to fill out as part of their 1997 Federal income tax returns. Their complaints are justified. Schedule D is long and complex—and it is very easy to make a mistake in filling out this form. Moreover, if nothing is done to fix this problem, Schedule D will get even more complex and burdensome in the coming years. The Capital Gains Tax Simplification Act of 1998 would solve the capital gains complexity problem once and for all.

The capital gains treatment provided in the Capital Gains Tax Simplification Act of 1998 is so simple that the substance of the bill can be stated in one short, easily understandable sentence: "If for any taxable year a taxpayer other than a corporation has a net capital gain, 40 percent of such gain shall be a deduction from gross income." In contrast, the Technical Corrections Act that passed the House last year contained 12 pages of detailed statutory language to describe the current complicated scheme for taxation of capital gains.

The time is long overdue for Congress to begin simplifying our tax laws. The capital gains provisions are a good place to start. The current capital gains schedule and the underlying rules for taxation of capital gains are unnecessarily complex. Regardless of one's views about capital gains taxes, I think that most of us would agree that a revenue-neutral simplification of the capital gains tax provisions is much-needed.

Current law imposes a significant burden on taxpayers who have capital gains. The IRS estimates that a typical taxpayer with a capital gain will spend 5 hours and 20 minutes filling out his or her capital gains tax form. This is two hours more than in 1994. Moreover, the chances of making an effort in filing out this complicated, 54-line form are fairly high.

As a member of the National Commission on Restructuring the Internal Revenue Service, I supported the Commission's recommendation to pursue simplification at every possible opportunity. As the Ranking Member on the Ways and Means Oversight Subcommittee, I am well aware of the need for tax simplification. We need to make the tax code less complex—and less burdensome—for the American taxpayer. The Capital Gains Tax Simplification Act of 1998 would go a long way toward meeting that goal.

This bill embodies simplification in the clearest and strongest sense of the word. The bill would replace a lengthy, complex provision with a simple, equitable solution. It would shorten and simplify the tax code, and—more importantly—it would shorten and simplify the process that millions of taxpayers must go through when filing out their annual income tax returns.

Now is the time to act, not next year or the next. Last year, in the House-passed IRS restructuring bill (H.R. 2676), the House and the Ways and Means Committee supported the IRS Restructuring Commission's view that the tax laws should be simplified wherever, and however, possible. My bill would do exactly that.

The IRS restructuring bill would also mandate that, for tax legislation considered by the tax-writing committees after January 1, 1998, a "tax complexity analysis" be provided by the Joint Committee on Taxation to ensure that tax provisions brought before the Congress enhance simplification and eliminate complexity. Had this "tax complexity analysis" law been in effect during consideration of the 1997 Taxpayer Relief Act, the capital gains provisions in that bill would have failed the test miserably. I believe that, in contrast, a "tax complexity analysis" of my bill would be extraordinarily positive. How could it be otherwise, when my bill would eliminate the requirement to fill out Schedule D for most capital gains recipients and replace it with a single line on the 1040 form?

What happened to make the current-law calculation of capital gains taxes so complex? The answer is simple. The 1997 taxpayer Relief Act created a confusing array of capital gains tax rates.

As a result, the law provides for five different rates that can apply to the capital gains of an individual—10 percent, 15 percent, 20 percent, 25 percent, and 28 percent. I have attached a copy of the new 1997 capital gains tax computation schedule—Schedule D—to my statement to demonstrate the capital gains tax provisions' extraordinary complexity.

An additional tax rate category is scheduled to take effect in the year 2001, and another tax rate category will take effect in 2006. The forms required to accommodate these additional rate categories will add significant additional complexity to the filing process for millions of taxpayers. After those provisions take effect, the 1997 Schedule D will look simple in comparison. Moreover, under current law, a growing number of taxpayers will have to fill out the capital gains form twice in the coming years—once for the regular tax, and once for the alternative minimum tax. If you think tax filers are angry and frustrated now, just wait a few years.

The worst aspect of current law is that its complexity falls hardest on low- and moderate-income taxpayers whose only capital investments are in mutual funds. They aren't wealthy people; they don't have their own accountants. They are the people who usually fill out their tax returns themselves. And they have to fill out that confusing, error-prone Schedule D themselves. Under the bill I am introducing today, those taxpayers would not have to fill out a separate capital gains tax form at all. They would simply include 60 percent of their total capital gains distributions on the appropriate line of their tax returns. Taxpayers with other sources of capital gains would still have to report these gains on Schedule D or its equivalent, but even they would no longer have to complete the roughly 35 lines of calculations on page 2 of Schedule D to figure out their taxes; they would simply figure out their net capital gains using Schedule D and then include 60 percent of that amount on the appropriate line of their tax return.

It has been said in recent days that much of the complexity associated with the capital gains tax could be eliminated by eliminating the new 18-month holding period requirement. This is just not true. Simply repealing the 18-month holding period requirement would not eliminate any part of the current complex capital gains schedule. The only way to get true simplification of the capital gains provisions enacted last year is to enact a simplification proposal like the one in my bill—that is, to provide a one-year holding period requirement for all capital assets, and to permit depreciation recapture gains on real estate to receive the full benefit of the capital gains tax reduction.

It is my understanding that the bill would be revenue neutral. The bill's simple 40-percent exclusion for capital gains can be substituted for the confusing array of capital gains tax rates under current law at no cost to the Federal Government. As I mentioned earlier, simplifying the computation of capital gains taxes for all individual taxpayers along these lines would also provide modest capital gains tax reductions for nearly all individuals with capital gains income. I have attached a chart which shows the impact of my legislation on the capital gains tax rates that individuals would pay. Most capital gains filers—over 11 million households—would see their capital gains rates drop by several percentage points. The bill is expected to impose modest capital gains tax increases on some of the 1½ million wealthiest taxpayers in the country—those households with incomes of more than $200,000 per year—but it is my understanding that even many of these taxpayers would receive modest tax reductions under this bill. This is not a big price to pay for eliminating some of the extraordinary complexity from the tax code.

Many of my Democratic colleagues on the Ways and Means Committee—including Representatives RANGEL, STARK, MATSUI, KENNELLY, MCDERMOTT, LEWIS, NEAL, and BECERRA—are original cosponsors of this legislation. I urge my other colleagues to join me in cosponsoring this capital gains simplification bill.

CHANGES IN CAPITAL GAINS TAX RATES UNDER THE CAPITAL GAIN TAX SIMPLIFICATION ACT OF 1998

Rate bracket (Number of taxpayers in bracket)	Rate under current law			Rate under proposed legislation
	Assets held more than 18 months and not collectibles or recapture gain	Real estate depreciation recapture gain	Collectibles and assets held at least 12 months but less than 18 months	All capital assets held more than 12 months
15 percent (61.58 million)	10	15	15	9.0
28 percent (24.0 million)	20	25	28	16.8
31 percent (2.3 million)	20	25	28	18.6
36 percent (1.0 million)	20	25	28	21.6
39.6 percent (0.5 million)	20	25	28	23.8

More than 100 million individual tax returns are filed each year.
Of those 100 million returns, 14 million include capital gains income.
Under this legislation: approximately 11.3 million of those individual filers with capital gains would get a tax reduction, approximately 2 million would see essentially no change in their taxes, and approximately 700,000 of those filers—filers with incomes over $200,000—would see modest increases.

THE WORLD LOST A GREAT LEADER ON THE PASSING OF BELLA ABZUG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, yesterday, on the last day of Women's History Month, the world lost a great leader in Bella Abzug. Tears are being shed today, not just in the United States but around the world, because Bella's vision was not confined to one issue or to one nation.

Bella Abzug was the original feminist, an icon in the women's movement here and around the world. But she worked for more than a constituency or an interest group, or even a movement. She will be remembered for her hats but, more importantly, for what was under her hat: her brains, her voice, and her heart.

I am deeply indebted to Bella, and I know many women who feel the same way. I also know that there are women today who may not feel that Bella's loss has any connection to them. But I want to remind them about the rights Bella fought for and won on their behalf, rights so many of us now take for granted, or forget that women ever had to fight for them in the first place.

Make no mistake, there is not an American woman alive who does not have more rights, commands more respect, or enjoys more opportunity as a result of Bella's work. Because of Bella Abzug, women today stand a little taller, walk a little prouder, and accept nothing less than they deserve.

Bella broke through barriers, shattered glass ceilings, and woke people up. Even in her final years, when she was confined to a wheelchair, no woman stood taller in the fight for women's rights than Bella Abzug. Bella was a pioneer in so many forums: as a legislator, peace activist, labor lawyer, lecturer, news commentator, civil liberties advocate, and the first person to be elected to Congress on a platform of women's rights and peace.

She cofounded the National Women's Political Caucus, coauthored the Freedom of Information and Privacy Acts, cast one of the first votes for the Equal Rights Amendment, presided over the Women's Congress for a Healthy Planet, and cofounded the Women's Environment and Development Organization.

But the whole of Bella's life was much more than the considerable sum of its parts. She was a historical figure in the women's movement, a cultural icon who transcended politics and policy. Bella did not just change the law, she changed how people thought, how they looked at the world, and how they lived their lives. She was a firebrand orator, a consummate organizer, and a living symbol of the limitless potential of what women can do.

Bella was motivated by a sense of outrage about the rampant inequality between men and women that still exists today. She took this outrage to her grave.

I know if Bella were alive today she would be telling us not to mourn, but to organize and to mobilize. Bella said just last year, we are building a women's movement, and we have been making it larger and larger. It is worldwide. It is where it has never been before.

Bella's effort to connect with younger women and to create a worldwide movement for women's rights has ensured the women's movement will continue well into the next millennium. It is my responsibility, the responsibility of other women in Congress, and the women of this Nation to keep that spirit alive.

As Bella herself said, women will change the nature of power, rather than power changing the nature of women.

A TRUE DIALOGUE ON TAX CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for half of the time until midnight, approximately 21 minutes after 11 p.m., as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, last week we were here on the floor of the House talking about the extreme tax proposals being offered by our Republican colleagues and the Democrats' record of providing tax relief to middle-class families.

Unfortunately, the CONGRESSIONAL RECORD incorrectly recorded my words. Here is what I said: "We shouldn't let Republicans get away with saying that Democrats are against tax cuts." It appeared in the CONGRESSIONAL RECORD that I said Democrats were against tax cuts. That is an error, and it has been corrected in the CONGRESSIONAL RECORD.

I know this was an innocent mistake on the part of the recordkeepers, and I want to say that I have the greatest respect for all of their hard work and the long hours, especially during Special Orders like this one. But the recorders are human, and in this case, the way my words were recorded changed the meaning of what I said to mean the exact opposite.

As I have said, this has been corrected. But what was interesting is that this misprint suddenly engaged our Republican colleagues in a dialogue on this issue. If this error is what it takes to engage Republicans in a debate on tax cuts, then it is a good thing.

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Because I want to debate tax cuts with my Republican colleagues. That is why we were up here last week talking on this issue and why we are here tonight.

I am happy to put the Democratic plan to provide real tax relief for working families up against these risky Republican tax schemes any night of the week. I understand why Republicans are nervous about the American people hearing the details of this plan, and I understand why they would rather divert attention and try to make political hay out of an obvious misprint. The Republican proposal to, quote, scrap the Tax Code and impose a 30 percent sales tax on the American people is a radical and extreme proposal.

Democrats are the mainstream party on tax cuts. President Clinton and the Democrats have passed targeted tax relief for middle-class families. The Republican party is proposing a 30 percent sales tax increase on American families. Just one example, one group that would be hit harder than others by the Republican sales tax: senior citizens.

Senior citizens would gain nothing from the elimination of income taxes, since most are retired and pay no income taxes. But a 30 percent sales tax would hit seniors on fixed incomes square between the eyes. One of the most burdensome expenses faced by senior citizens is the price of medication. We have taken a look at five of the most common medications used by seniors and looked at how the 30 percent Republican sales tax would impact those prices.

Mr. Speaker, let me just put up briefly this chart. These are five medications that seniors continually avail themselves of and how the 30 percent sales tax would hit them:

Blood pressure, arthritis, diabetes, heart disease and inhaler all would be increased between $24 and $37.50, to create prices that would make it incredibly difficult for seniors to have to pay for these basic medications.

The Republicans' other tax plan, the flat tax plan of the gentleman from Texas (Mr. ARMEY), would raise taxes on 90 percent of Americans and it would provide a tax cut for the wealthiest of Americans. It looks like the GOP is up to their old tricks, helping the very wealthy at the expense of ordinary Americans.

Democrats have more credibility on cutting taxes than Republicans. That is why the GOP is left resorting to misquotes to try and change the subject from their extreme proposal.

Mr. Speaker, I would now like to open up the dialogue with my colleagues to talk about the Democrats' record of providing real tax relief to working families, as well as these radical tax schemes being offered up by our Republican colleagues. Let me yield to my colleague, the gentleman from New Jersey (Mr. PALLONE), who was with us on the floor last week and who has been an outstanding proponent of providing tax relief to working middle-class families in this country.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Connecticut (Ms. DELAURO). I think it is sort of ironic, or maybe kind of scary, that the Republicans were so upset that they resorted to misquoting the gentlewoman. Anyone who was here that evening or listened to the debate, knows that one of the major points that the gentlewoman was making, and I think we all were making, is that Democrats have been out front on providing tax cuts and the targeted type of tax cuts that help families, families particularly with children, working families.

We actually, that evening, recited some of the tax cuts that the Democrats have put in place over the last few years that have actually made the situation where the tax burden on working class families has actually been reduced somewhat as a result of the Democratic efforts and as a result of the President's efforts.

I think what went on since that evening is that the Republicans, particularly those who have been advocating this crazy sales tax, this 30 percent sales tax, were so upset that some of us were really baring the truth and explaining how kooky it was, that they sort of overreacted I guess is the best way to say it.

Mr. Speaker, I noticed that when the gentlewoman from Connecticut was speaking, that the gentleman from Louisiana (Mr. TAUZIN), who is one of the authors of the 30 percent sales tax increase, was actually on the floor. So he certainly knew what the gentlewoman was saying. It was amazing to me, I guess it was the next day, that the gentleman from Texas (Mr. DELAY) came to the floor as well. They obviously knew what the gentlewoman really said. They knew that she was talking about the fact that Democrats have been successful in providing significant tax relief and tax cuts for the average American family.

Just to give an idea, this is basically what I said that evening. And in a way, I am glad that we have another opportunity to repeat it because April, and today is the first day of April, is certainly the time when most Americans think the most about taxes because April 15 is around the corner. Just some interesting statistics that come

from an analysis by the Treasury Department that says that the average Federal income tax rate for a median income family of four in 1998 will be only 7.8 percent, down from 10.3 percent in 1984. This is the lowest income tax burden for a median income family since 1966, and that is thanks in large part to Democratic efforts that this Federal tax burden has actually decreased.

Just to give an example again of some of the Democratic policies that have resulted in that decrease: Expansion of the Earned Income Tax Credit, which we have been championing for a number of years, beginning in 1993 that cut taxes for millions of families with children. My colleagues remember how many times Republicans came down to this floor and said that they wanted to eliminate the Earned Income Tax Credit when we were trying to expand it. The $500 per child credit that Democrats ensured would be available to moderate income families. In addition, the HOPE Educational Scholarship tax credit. These are the targeted education tax credits that we put in effect. And in 1998, this year, Democrats have proposed expansion of the child care tax credit to increase the amount of the credit from 30 percent to 50 percent of expenses and make it available to more families. Democrats also support efforts to reduce the marriage penalty.

So there is no question that what went on after our last opportunity to talk about this is that the Republicans became very scared about this 30 percent sales tax that was going to hit seniors, was going to be on homes, was going to be on cars, was going to be on almost everything that we buy, and they made it their business to basically pass out a lot of misinformation about what the gentlewoman and the rest of us said, because we were making it quite clear that Democrats were providing real tax relief.

Ms. DELAURO. Mr. Speaker, I think that the American public has every reason to be fearful of this kind of a tax scheme, if you will.

It now gives me pleasure to yield to the gentleman from Michigan (Mr. BONIOR), who is joining us again this evening.

Mr. BONIOR. Mr. Speaker, it is nice to be here at 5 of 11:00 on a Wednesday night.

Mr. Speaker, I thank my colleague from New Jersey and my friend and colleague from Connecticut for work on exposing the tax proposals that we talked about last week that the Republicans unveiled and which I think they are now, as the gentleman from New Jersey correctly stated, somewhat chagrined about the fact that people are actually focusing in on what they want to do.

The gentlewoman from Connecticut and my friend from New Jersey mentioned that we are the people, the party that has traditionally, historically helped middle income and working families in the tax area. And I think my friend from New Jersey has outlined very well this evening the recent issues which we have taken the lead on. The Earned Income Tax Credit, which has really lifted literally millions of Americans out of poverty, working Americans. The child tax credit, the $500 that people will be able to take per child when they do their forms this year. We fought for that for middle income working people in this last go round on the tax bill.

The HOPE scholarship, I mean, what a wonderful thing to have fought for and been at the vanguard of trying to provide higher education for working families' kids, working families' children in this country. And, of course, this year the child care tax credit that we are pushing very hard.

So we are very proud of the record that we have on trying to take care of the middle-class squeeze. That is where we come from. That is what we believe in. And without being too partisan, and I guess there is no way to be on the tax issue but partisan, my colleagues on this side of the aisle have historically and traditionally provided tax relief for those at the very top of the income scale in this country. That is who their constituency is. That is who supports them. That is what they are about. And they have the theory, though, that if you give to the top it will trickle down. Well, it may trickle down to the top 5 percent or the top 10 percent or maybe even the top 20 percent, but it does not go much beyond that.

Last week we were talking about the Republican tax cut plans to raise taxes on working families that they are proudly advocating around the country. They are on this tour, the gentleman from Louisiana (Mr. TAUZIN) who sat in the back there. I saw him. He was right in the back in that corner as we were talking last week. He was kind of hunched down and kind of had his feet up. I was watching him. He had his feet up against the back of the chair and he was taking a few notes and he was kind of looking over here.

The gentleman has got this plan that, I mean, I just cannot imagine him going out and talking about it. But I guess he is going to be on the road again during tax week and I think the American people ought to know what he is about.

The gentlewoman's chart I think indicates it very well. Thirty percent sales tax hits people on fixed incomes, i.e., senior citizens. If they have a medical problem and they have medication, those are the numbers. Their blood pressure medicine will increase by 30 percent from $110 a month by $33 up to $143 a month. If they have heart disease, they are going to pay an extra $27 a month. For prescriptions that normally would cost $90 a month, it is up to $117, and on and on and on.

If they have a grocery bill, that goes from $100 a month to $130 a month. If they are a middle income family and they want to buy a minivan, a wonderful car that is, by the way, designed and created in my district, they go out there and they want to buy a $25,000 mini van, forget it. Under their proposal they are talking at least $32,000.

So what we are talking about here is a tax shift to working and middle income people and a tax shift away from those at the very top who are doing the best in our society today.

Mr. Speaker, I want to show a chart here and take it out again. I had this chart available last week. This is their other proposal. They have two. They have this sales tax thing and then they have got this Armey flat tax proposal which will raise taxes on working families.

Now, this chart shows in the green what people are paying now who have incomes of $25,000, $50,000, $100,000, a quarter of a million dollars and a million dollars. Under the flat tax plan of the gentleman from Texas (Mr. Armey), this goes up from less than 4 percent to close to 12 percent for people making $25,000 a year. If they are at the $50,000 income level, their taxes again will go up. Not quite to 20 percent, but somewhere in the neighborhood of 17 and 18 percent from less than 13 percent.

If they are making $100,000 a year, they still go up about a percent. Now, if the taxpayer is making a quarter of a million a year, of course they are going to get a huge tax cut. That is what they are now. Under the flat tax offered by the gentleman from Texas, they go down. Their taxes are cut substantially. And for those who are making a million or more a year, they are cut even further.

There is no progressivity here. Those least able to pay will pay more. Those most able to pay will get a free ride. And nothing surprising there. That has typically been the historical reality of their plans.

In addition to that, Wall Street brokers will pay no, and I the repeat this, no taxes on their unearned income from stocks and bonds. Now, that is absolutely crazy.

□ 2300

Actually when you tell people that, they kind of look at you like you are making this stuff up. But it is what they are proposing under the Armey flat tax. Of course what they are proposing under the Tauzin scheme is just beyond reality.

During the debate last week, as the gentlewoman from Connecticut stated, there was a misprint in the CONGRESSIONAL RECORD. I think this kind of speaks to the problem that we have here. The Republican leadership has tried to take advantage of an innocent mistake to twist the words into the opposite of their meaning. I think that

shows how desperate they really are on the issue of taxes, and the lengths that they are going to go to. They are trying to distract attention from their own plans that are really loony and very indefensible.

There is no better champion of working men and women in this Congress than the gentlewoman from Connecticut (Ms. DELAURO). She has been at the forefront of the breaks, the tax breaks that the gentleman from New Jersey mentioned a little earlier, the HOPE scholarship, the child tax credit that we are discussing right now and, of course, the child tax credit and the EITC. So it is kind of sad actually when you really think about what they will resort to out here to distort the record, and the record speaks very clearly on what you have done in terms of providing middle-income people the relief they need from the squeeze that they are in and what those folks are trying to do in terms of fattening the wallets, feathering the nest, doing all that they can to take care of the top, with the hope, I guess, that some of it is going to trickle down.

We know historically that that has not happened. What has indeed happened is that the top 20 percent or 25 percent in this country have done extremely well. Folks in the middle, about 60 percent of the American wage earners today, their incomes have basically been frozen or they have fallen. Of course the bottom 25 percent of working Americans have had their incomes plummet about 25 or 30 percent over the last two decades. So it is that middle-income group, and it is those folks that are working that are trying to struggle at the bottom that we represent. That is what we are about. That is why we are here.

We thank you for your vigilance and for correcting the record, and we look forward to working with you to make sure that when they take offense to what we say, especially when it deals with a question as important as this, that we are here and we will continue to be here to correct the record to make the American people understand that there really is division in this place in terms of who people represent. And the clearer that becomes, the better off the American people are going to be in terms of making the right decision on who they want to represent them.

Ms. DELAURO. Let me say thank you to the gentleman from Michigan and the gentleman from New Jersey. I think as we did last week and this evening and I venture to say that if we were not leaving tomorrow, because the Republican leadership does not want this House in session to debate the real issues that people are concerned about, that we would be up on our feet every single night trying to expose what are two schemes that would seriously hurt working people in this country.

It is almost like a magical mystery tour that they are running about on here and trying just to create some smoke and mirrors, but we are going to be vigilant. Whatever it takes, we will stand up every single night and talk about what this means to seniors, what it means to working families and how in fact Democrats have provided tax relief for working families and how clear we stand in supporting tax cuts for working families in this country.

I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I just wanted to thank the gentlewoman again. I think you are absolutely right. The only regret I have is that we unfortunately are going home because I think that as we lead up to April 15th, if we had the opportunity over the next few weeks to get on the floor and really expose this GOP 30 percent sales tax and what it would mean for the average working person, we would really drive the point home. And the Republicans on the other side would be very nervous because the truth would come out.

One of the things that this whole incident with you, I think, points to is the fact that I think that many of our colleagues on the other side, on the Republican side think that if they keep saying something that is false over and over again and keep repeating it, that somehow the American people are going to believe it. Perhaps we as Democrats have not brought up enough times here on the floor or even out in our districts that, in fact, it has been the Democrats that have taken the lead on tax cuts for the average working person. I think it is unfortunate in a way.

Perhaps we should be talking more about it because maybe the word is not getting out. Maybe when some of these Republicans keep talking about the absurd 30 percent sales tax, people start thinking in their mind, oh, you know, they are for some kind of tax cut. And they do not necessarily pay attention to the specifics of it.

So I think it is incumbent upon us to point out how we, as Democrats, have been the backbone of these tax cuts that have benefited the average American over the last few years and that what the Republicans are proposing, whether it is the 30 percent sales tax or the flat tax proposal, that these things are not going to help working people; that they are basically giveaways, if you will, to the rich.

I just want to thank the gentlewoman again because I think you started something here, and when we come back after this break, we need to come to the floor and keep pointing out over, and over, and over again how crazy and what a lunatic proposal this sales tax is and that if there is going to be real tax relief, it has to be more of the targeted tax relief that the Democrats have provided that helps working families with kids, with education needs, with health care needs. This is, with child care needs. These are the kinds of things that we have to keep pushing for.

Ms. DELAURO. I thank the gentleman from New Jersey.

Mr. Speaker, I yield the balance of my time, which is until, as I understand it, 21 minutes after 11:00, to the gentleman from New Jersey.

ARMENIA CONCLUDES SUCCESSFUL PRESIDENTIAL ELECTIONS

Mr. PALLONE. Mr. Speaker, I would like to switch to another topic tonight, which is totally unrelated to the one that we discussed so far, but I think is very important for my constituents and a million and a half Armenian Americans around the country who I know are very pleased with the election that took place just this past Monday in Armenia for the new President.

The voters in Armenia have elected Robert Kocharian as the new President of Armenia. With 99 percent of the ballots from Monday's run-off election counted, Robert Kocharian, currently the prime minister, who has served as acting President since early February, has received approximately 59 percent of the vote and his opponent Karen Demirchian, who led Armenia when it was controlled by the Soviet Union, received about 41 percent of the vote. An estimated 55 percent of eligible voters participated in the run-off election.

Mr. Speaker, I think this is significant because this really was a free election in Armenia. President Kocharian, who I have met, and who has been here to the United States, is a free market advocate who has pledged to revitalize Armenia's industrial sector and to track more foreign investment. I believe he is a strong leader, a consensus builder and someone who is committed to democracy and economic development.

The election has been judged as peaceful, well-organized and legitimate by the Council of Europe, the Commonwealth of Independent States and other international observers. Even the organization for security and cooperation in Europe, the OSCE, which was harsh and, in my opinion, unfairly so, in its criticism of the first round election 2 weeks ago, even the OSCE has not questioned the outcome.

Mr. Speaker, allow me to read a quote from Lord Russel-Johnson, head of the Council of Europe's monitoring mission in Armenia. It says, "The second round of the Presidential voting was well organized; the elections were passed peacefully and in accordance with law. This is a steady step along the path toward Armenian accession to the Council of Europe."

Mr. Speaker, I am pleased to report this very positive endorsement of Armenia's democratic system by a respected and objective international

election observer. Unfortunately, the OSCE, of which the United States is a member Nation, has been somewhat more stingy in its praise for Armenia's tremendous progress under very difficult conditions.

Mr. Speaker, I must say that the OSCE has seemed to lean more heavily on Armenia, a democracy, than Azerbaijan, which is for all intents and purposes a dictatorship. The OSCE has thus far taken an unrealistic approach to solving one of the region's most important diplomatic and political challenges. That is the resolution of the conflict over Nagorno Karabagh, the Armenia ethnic enclave that Joseph Stalin gave to Azerbaijan, but which has been Armenian territory for centuries.

The people of Karabagh won their independence in a war with Azerbaijan. A cease-fire has been in place since 1994, but Azerbaijan still claims Karabagh as its own. And the international community, the OSCE, and, I am sorry to say, the United States continues to side with Azerbaijan over Karabagh.

I raise this issue of Karabagh because it has been an important backdrop to the elections just concluded in Armenia. Most observers believe that the decision of former President Levon Ter-Petrosian to resign was based on the widespread criticism he received within Armenia for accepting the OSCE peace plan for Nagorno Karabagh, which was based on unilateral concessions in favor of Azerbaijan without safeguards for Karabagh's security. Now that that has become clear that the OSCE plan is a nonstarter in Armenia, I hope the OSCE, with strong Armenian leadership, will work with the parties to the conflict to develop a serious plan for resolving the conflict.

Furthermore, President Kocharian is the former President of Nagorno Karabagh and he has been outspoken in his view that the OSCE Minsk Group negotiations must include the democratically elected government of Karabagh.

Mr. Speaker, the important thing for us to bear in mind now is that the voters of Armenia have elected Robert Kocharian to a 5-year term as their President. The entire process of the last 2 months, former President Ter-Petrosian's resignation, acting President Kocharian's interim service until elections and Mr. Kocharian's victory in the legitimate elections just completed, was conducted in the spirit of a civil society governed by the rule of law and democracy.

I want to congratulate Robert Kocharian on his election and I want to salute the people of Armenia for making amazing democratic progress despite tremendous obstacles.

25TH ANNIVERSARY OF THE AMERICAN BRAIN TUMOR ASSOCIATION

Mr. PALLONE. Mr. Speaker, I just wanted to mention one more thing. This is somewhat personal, but also I think important for the American public as well. That is that just this weekend, March 28, marked the 25th anniversary of the American Brain Tumor Association, an organization devoted to funding brain tumor research and providing information to patients and families about their health care options.

I know a number of Members of Congress died suffering from brain cancer and my own father-in-law, Andy Hospodor, passed away 3 years ago in March as a result of a brain tumor. I wanted to say that at the time when my father-in-law was suffering from a brain tumor, we received a lot of help from the American Brain Tumor Association. We received help in identifying physician specialists so that he received better treatment for his particular type of brain tumor.

After his death, they helped establish a memorial fund in his name. The association also provided a lot of information. Every question we had they were able to answer or find someone who had an answer. They have a network of support groups that work with the various relatives of brain tumor victims.

I know that since I have been in Congress at least two of my colleagues, who I considered very good friends, Paul Henry and also Mike Synar, unfortunately died from brain tumors. I just wanted to take a little time tonight to recognize the American Brain Tumor Association for the dedication and service to patients and families with brain tumors. They provide information to their members with the latest medical breakthroughs available on brain tumor treatments. In addition, they furnish information on support services to help families deal with the issues that they face when a loved one is found with a brain tumor.

While the association has done a lot, there is a lot more that can be done, Mr. Speaker. As Congress determines the fiscal year 1999 spending priorities, funding for research needs our continued support.

I am committed to the doubling of the National Institutes of Health funding increase for 1999 and urge every Member of Congress to do the same. Every dollar that we commit to life-saving treatment oriented and basic research is an investment that will have an enormous return in terms of saving and improving lives, as well as saving health care dollars in the future.

I just wanted to say tonight, in closing, to the American Brain Tumor Association, thank you for a job well done over the last 25 years. To my colleagues in Congress, I say, we still have a lot that we must do.

□ 2315

VALUES OF THE REPUBLICAN PARTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for the balance of the time until midnight as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I first want to compliment the previous speaker, the gentleman from New Jersey (Mr. PALLONE), on his thoughts and ideas about health care and the proposals that he has set forward. And we certainly look forward to learning about those proposals and possibly working to provide our opinions and thoughts and perhaps assistance in moving in a very similar direction of caring and compassion for those who are so afflicted.

But proposals seem to be few and far between here in Washington with respect to a number of issues that we have been dealing with in recent days and in recent weeks. And we, as the Republican party in Congress, have been fighting very passionately and forcefully about issues and proposals that are designed to help the American taxpayer, to help the American family to unleash our economy and allow for a greater prosperity throughout the country.

And with this in mind, let me yield a few moments to my colleague, the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. I thank my colleague from Colorado for yielding, Mr. Speaker, and I am pleased by the fact that he joins me in this Chamber tonight along another newcomer to Washington, the gentleman from Texas (Mr. BRADY).

Mr. Speaker, as I was listening to the earlier portion and presentation offered by our friend in the minority, I could not help but think of three dates, two occurring in this month and another that will come in October.

We should note for the calendar that this is the 1st of April. And while I doubt no one's sincerity, the absurdity of some of the comments which preceded us in the minority Special Order I guess should be tempered by the fact that this is, in fact, April Fool's Day. And we know that that is the second favorite holiday in the minority's calendar, because the minority party and those always tied to the culture of spend and spend and spend some more really have as their favorite holiday April 15, when everyone must send in their tax returns.

And for evidence, despite a frantic effort to get away from words that were read in the RECORD here last week, my friends, my colleagues and, Mr. Speaker, the citizens who join us beyond these walls via television should look

to this quote and understand all the frantic posturing and postmortems cannot change what was said on this floor. The Chief Deputy Whip, the gentlewoman from Connecticut, who stood opposite in the well, said this last week, quote, the fact is that Democrats are not for tax cuts.

Now, I could amend that statement because I know a lot of common-sense folks who offer party label second in the Sixth District of Arizona who are hard-working Americans who are pleased by the tax cuts they have this year, hanging on to more of their own money to save, spend, and invest as they see fit. And in the frantic way in which the minority, the congressional folks who are tax and spenders, tried to back paddle on this statement tonight, I could not help but note that the scenario they offered brings up a third date on the calendar, October 31.

Because, sadly, it seems that the minority, so bankrupt of ideas, so bereft of new energy at times, offers what is a rhetorical terrorism to victimize the most vulnerable in our society by setting up these scenarios that can only be described as part Orwellian, part Kevorkian. And so, we heard it again tonight.

There are many positive things to talk about and to report to the American people tonight, Mr. Speaker, as the new majority continues its quest for common-sense conservative government with the notion that the people of America should hang on to more of their own money and send less of it to Washington. And that is why I am so pleased to join my friend again from Colorado and my friend from Texas.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, reclaiming my time, I appreciate the gentleman from Arizona.

Wednesday night is freshmen night, typically. The freshman class is one that tries to reserve an hour every Wednesday to talk about the values of our Republican party. We are joined by many other Members from other classes, senior Members, as the gentleman from Arizona (Mr. HAYWORTH) is, who has been one that we look to for leadership and guidance, one who inspires us and who is a great colleague for us as new Members.

Our goal and objective in these Special Orders is to really draw the distinction between the two parties that are here in Washington, because it really does matter. People think that there are two parties that are somehow the same. And there are votes on occasion where our votes seem to be commingled. But, by and large, the philosophies that divide us and separate us are legitimate issues; they are legitimate cause for having two sides.

Thomas Jefferson observed 220-some-odd years ago that, in all political systems there really are two sides; there is the side that believes in more government, the side that believes that the government is the best way to organize our societies, and then there is the other side that believes that we should look to individuals and families and people as the definitive feature in establishing the character of a society or community.

Well, we, as Republicans, differ very greatly from our Democrat side, the Democrats being the side that does believe in more government and that government is the organizing factor in our society. And the quote that my colleague highlighted here is probably most indicative that I have seen in recent days about the difference between them and us.

They believe that there is no cause for tax cuts. In fact, they have worked routinely in this Congress to increase taxes to oppose every effort that we have made as the Republican party to turn more wealth away from Washington and back to the people of the country and to the States.

That philosophy of less government, more reliance on States and individuals, is something that we fight for all the time and routinely.

I want to yield, if I can, to the gentleman from Texas (Mr. BRADY), who is leading this Congress with a bold plan, a bold idea, a bold proposal to rein in the size of Federal Government, the scope of our government by a responsible mechanism that is used in several States called sunsetting.

So, with that, I yield to the gentleman from Texas.

Mr. BRADY. Mr. Speaker, I thank the gentleman for his leadership of the freshman Republican class in 1998.

The Fourth of July is one of my favorite holidays. And this past year Kathy, my wife, and I were watching fireworks over a lake in my community in Woodlands, Texas; and I thought as I watched the fireworks this year that it was ironic that Fourth of July has two meanings for America this year. It is not only in 1997, as usual, our day of independence, but this year it was the first day most Americans started working for themselves because July 3 was what we call cost-of-government day in America.

That means that, for most American families, we work from January 1 to July 3 just to pay tax, just to pay our State, local, Federal taxes; and the cost of regulation on most families now reach to July 3. That is over half the year. That means in a lot of families we have got one parent working just to pay the bills and the rent and put food on the table, and we have another parent working just to pay their taxes.

Like my colleague, I have had the opportunity to work in State government and in city government, and I can tell my colleagues now serving the Congress that it is at the Federal level where we waste far too many of the resources we have.

Our goal in the Republican Congress is to shrink the size of Federal Government, to give more power back to the communities and, more importantly, leave them their money and resources to solve the problems and make decisions themselves. Well, big government has a life of its own, especially in Washington.

Former President Ronald Reagan said, "There is nothing closer to immortality on earth than a Federal agency." And that really is true. Our government continues to grow. And I am convinced that we can never really shrink Washington just by slowing the growth of spending. We are going to tackle and address wasteful spending, abolish obsolete agencies, and really get into duplication to give power back to our communities and our families.

Sunsetting is a simple concept, and it is proven because it is used by more than 20 States. I want to set an expiration date on every Federal agency, every program, every department, every commission, every bureau, every council where they go out of existence unless they can prove their value to us. And not what they were worth a hundred years ago, as the board of tea examiners were when they were first created, or 40 years ago or 20 years ago, but do they deserve our tax dollars today and are they needed today?

Sunsetting puts every agency up for review to take away the sacred cows, and for the first time it shifts the burden of proof. Rather than Congress and taxpayers today having to convince America that there is not a single use for an agency, it shifts that burden to the agencies to prove to American taxpayers that they deserve our tax dollars today.

In Texas, we view sunsetting over the years and in that State we have eliminated 42 State agencies and saved $60 million for taxpayers. That is in the State. I am convinced at the Federal level we can do a hundredfold that.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. And, again, I think what the gentleman from Texas advocates, Mr. Speaker, points up the vitality of our system of federalism where we can look to the States for the examples proffered there.

Now, to be certain, what works in Austin may not be readily accepted in Boston; what is embraced in Harrisburg may not always be the case in Phoenix. And yet, taking a look at what States do in terms of seizing the initiative, I know, for example, right now the State of Arizona is coming to grips with the whole notion of school funding; and they are working in the House and Senate working on those ideas. Who knows what will come from those notions?

But, again, as we have seen with welfare reform, as we have seen with so many different issues and certainly those that lend a notion of fiscal responsibility and accountability, we

look to the States. And I cannot help but notice our friend from the Republic of Texas, known as the Lone Star State also, perhaps with a distinction as the sunset State, and I think he hit on something that is so vitally important because it should be our mission here; and while we do point out differences and while we celebrate differences in philosophies, the fact is that we also look for common ground across the board, across the aisle.

And we have been able to make some changes here in Washington based on those examples, perhaps not as formalized as the gentleman offers here tonight, perhaps the first halting few steps made in the 104th Congress, that historic Congress where the balance of power that the American people confer on this Chamber was changed to a common-sense conservative majority when we eliminated over 300 wasteful and duplicative programs and in the process reduced spending by some $54 billion.

Now, to be sure, Mr. Speaker, that was just a start. Much more remains to be done. And that is why I am so enthusiastic about our colleague from Texas (Mr. BRADY) bringing this idea to this Chamber, showing again the wisdom of the notion of transferring money, power, and influence out of Washington, where sadly those resources had been wasted, and making sure that the power rests preeminently in the States.

Because in most cases, there may be some exceptions, but in most cases power closer to home, the ideas coming from home to Washington can help reinvogorate our constitutional republic. And that is the essence of what is going on. Again, it just stands in stark contrast.

My colleague from Colorado and I were in the cloakroom watching the theatrics on the other side tonight, how instead of ideas they wanted to take something that was just simply a policy notion, not even articulated in the fashion that they would bring it to the floor, but yet to market fear, they take a legitimate proposal, twist it, change it to scare people.

I would just like to see their proposals. I would just like to see some new ideas from the other side. I think they, too, should look to the States and look to the people and listen for answers.

Mr. BOB SCHAFFER of Colorado. The gentleman hit the nail on the head. Because anybody who was observing the House floor just 20, 30 minutes ago when the left wing of the Democrat party was here speaking could see very clearly that they are in fear themselves of these ideas, these Republican ideas about changing government, lowering tax rates, constraining the size of the Federal Government. They are afraid of those ideas.

If they really do represent a philosophy, as they do, a philosophy that is constructed entirely upon the notion of power obtained through government, then any idea that threatens that power structure is a real threat to their way of life and changes life as they know it. That is a frightening notion to people who love big government. And I will tell my colleagues why. Because it does turn the tables and changes the dynamic.

Right now in Washington, as we have discovered as Members of Congress, a tremendous amount of the leverage belongs to the bureaucrats. They know they are going to stick around forever, these people in government, these bureaucrats, and my colleagues and I, we are going to come here and serve a few terms and do the work that the people have sent us here to do and then we are going to go back and live in a society that we have helped create and the laws that we have cast votes upon.

□ 2330

But those bureaucrats are going to be here forever. They know, as long as they can keep the rules rigged as they are today, that their life is going to go on and on unimpeded.

What really frightens these left-wingers over on the Democrat side of the aisle is that our ideas would really force the country to ask this question: If we were to start all over again today with this program or that program, would we create it to be what it is today? And pick an agency, any topic. There is not a single agency in the Federal Government, I would submit, that this Congress would ever establish just as it is now if we started all over again. We would not do it.

You take a look at the IRS. It is volumes and volumes of absolute nonsense. Nobody would sit down and invent that system. But the reason we have it is because the rules are always in favor of the government and the bureaucrats and these policies that are never ever challenged. And that is what sunsetting accomplishes.

Mr. BRADY. If I may continue on with that, I made a point about how good bureaucracies are playing the game up here. They are so much better than us citizen legislators will ever be. As you know, just in my first term, I have already observed the Washington Monument defense, which is, if you have a $100 million agency, and you propose to cut one-tenth of 1 percent of their budget, they will immediately state those were the funds that we were going to use to keep the Washington Monument open. If you cut our budget, I guess we will just have to shut down the Washington Monument to America's visitors, which you know is ludicrous, but they are able to scare the American people.

And sunsetting, what I like about that, is it, not only does it target obsolete agencies and prevent them from playing budget games, but it also targets duplication. We have today, just in Washington, we have 600 different programs to aid inner cities. We have 300 different programs for economic development. Just for children at risk is a good example. For children at risk, we have 116 different Federal programs administered by 13 different agencies.

What are the chances a tax dollar will ever get to a child who really needs it. More importantly, what about the family that sacrifices from their children to send tax dollars to Washington to have it wasted to that extent.

Sunsetting targets that type of duplication, insists on accountability. More importantly, the State, and the gentleman from Arizona pointed out, at the State level, we know, when you sunset an agency, for about 2 years before that agency's date is up, you cannot believe how responsive they get. They start answering their mail. They are quick to return phone calls. They start to understand that they have customers to serve.

Some of them think it is the legislature who are their customers, but, in fact, it is taxpayers. But the issue of accountability begins to creep in. The good agencies already know what customer service is about. But agencies that are wasting our dollars duplicating programs that are obsolete in their mission and refuse to understand who their bosses are, they struggle under sunset. Thankfully, they ought to.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will yield, in hearing his remarks and not only taking a look at what went on in real life down in the Republic of Texas, in the Lone Star State, in that legislature how those programs have worked, I could not help but be struck upon a couple of comments he made dealing with the realities that American families confront now, not only the burden of taxation, but the hidden cost of regulation.

And lest anyone misunderstand, because I have a funny feeling in view of what some folks in this chamber say distinctly and want to come back and amend, and certain ad campaigns that have existed in the past to take legitimate comments out of context, lest anyone misunderstand, we are not talking about the abolition of regulation. We understand a modicum of regulation, Mr. Speaker, is reasonable, rational to make sure that infrastructure and systems exist.

But what is worth noting is the fact that, when our Founders wrote the Constitution, the first three words in the beautiful preamble are "We the people". They did not write we the government.

What is unique about our system is the fact that it was, as Catherine Drinker Bowen wrote, the Miracle at Philadelphia, because our Founders devised a system, a notion that was, dare

we say, at that time in history, considered by the Europeans and others, extreme for our system, was based on the notion, our constitutional republic was founded on the notion that rights are conferred upon the people by God and, in turn, the people confer rights upon the government.

So as I hear the plans that my friend from Texas brings up, it calls to mind and brings to mind a piece of legislation that my colleague the gentleman from Colorado and I cosponsor here in the House, sponsored in the other body by a former colleague in this chamber, now Senator BROWNBACK of Kansas, the Congressional Responsibility Act, another tool to use to reign in runaway regulation.

Because following the beautiful preamble to the Constitution, Mr. Speaker, in Article 1, section 1 of this great document, it reads, and I quote, "All legislative powers herein granted shall be vested in a Congress of the United States," all legislative powers.

Yet, what we have done for the better part of this century, initially with the best of intentions, is to empower the unelected. Congress gradually in ceding that control and that authority to the executive branch has essentially, and pardon me, Mr. Speaker, and those at home, turned its back, turned its back on the American people, turned its back on the responsibilities.

So now seemingly daily in the Federal Register you have Washington bureaucrats drafting regulation, and these regulations, if they are not strictly adhered to, carry with them sanctions. Sometimes those sanctions can include fines or imprisonment, sometimes both.

Now, Mr. Speaker, I am not an attorney. J.D. does not stand for jurist doctorate. I think that is an asset. But you do not have to be a lawyer to realize that, in essence, what has happened is that Congress has placed lawmaking authority in the hands of the unelected.

I know my colleague from Colorado had a very interesting experience. One of his committees, he was explaining it to us, his epiphany, if you will, for the way Washington has come to work when we are talking about the regulation railroad, and we are not talking about locomotion so much as bureaucratic inertia.

Could you share your experience on committee? Do you recall? You spoke so eloquently at our press conference about your days sitting with the ag folks, and someone came I believe from the Department of Agriculture. And it is a great, great story that stuck in my mind because you said that you leaned over to a more senior member of the committee and you said, "Wait a minute. This guy is making law. He is bringing up law."

Mr. BOB SCHAFFER of Colorado. That is right. We were in the Committee on Agriculture talking with people from the Department of Agriculture, the regulatory bureaucrats who preside over the daily lives of farmers and ranchers and the hard-working people of America who produce our food. These bureaucrats were explaining their program, hearing Member by Member around the committee table talk about their frustration with these rules and regulations and our desire to see them change.

I leaned over to the senior Member sitting to my right at the time, and after I had finished asking some questions and speaking and raising some pointed issues with these bureaucrats, I leaned over after it was all over, and I said, you know, I said I am starting to get the feeling they do not care all that much what we have to say or think.

I remember his comment back, and he said just basically what I said before. He said that is because, after you are long gone, Mr. SCHAFFER, those bureaucrats are still going to be sitting in those chairs answering to some other people, who it is going to take them a few years to figure out that nobody cares what they have to say either. That really needs to change.

The amazing thing is, our Founders were brilliant, wise leaders who had the perception to look years out in the future. Drawing upon their learned experience and knowledge about government systems, they were able to look out and realize that we needed a system of government where the people really are in charge and acknowledging certain inalienable rights, as they said right in our Declaration, that we have these rights, life, liberty, and pursuit of happiness. God gives us those rights. They are not invented by the government. We loan those rights to politicians at election time.

In America the people really are in charge. And 220 years ago when these guys cooked up this idea in Philadelphia, it was a radical idea throughout the world, a world at the time that was governed by kings and dictators and oligarchies of sorts. To actually put the people in charge was something that, 220 years ago, was thought to never last very long.

But over time this Congress has given more and more and more authority over to the bureaucracy. Those individuals on the other side of the aisle that we heard just a half hour ago are, in fact they represent the party that has been struggling and fighting this Declaration and Constitution, those documents which are an obstacle to their ideas about governing.

They have given authority away from the people, taken it away from people, given it to the government. They have created a huge welfare state. They refuse to consider any efforts to reduce the tax burden on the American people. I say this, the Democratic party has become the tax collectors for the welfare state.

We are here, and we frighten them. We frighten those folks because we are talking about giving authority back to the people. We are talking about lowering the burden of government when it comes to taxes. We are talking about sunsetting all regulatory functions of the Federal Government, in fact, putting a termination date which at some point in time will force every single bureaucrat to account for their actions, to account for their necessity and, in the end, prove their merit and usefulness in order to continue in existence, a huge departure between what they represent on the left hand, what we represent here in the center of American political thought in the conservative Republican Party.

It is the reason they come here and yell and scream and are frightened every night, because we are winning on the street. The American people realize that our pro-freedom, pro-liberty message is resonating with every single American across this country who are fed up with this liberal social way of life. They are looking for liberty and freedom, and that is what we are here to talk about tonight as a Republican Party.

Mr. BRADY. To follow on what the gentleman said, we have been fighting big government since the very beginning. Our Founding Fathers and mothers did know there would be a struggle.

The other day in reading a book on Thomas Jefferson, I stumbled across a letter that he had written during his first term stating that he was hard at work trying to abolish agencies that were no longer needed in our Federal Government. That was at the very infancy. Already the bureaucracy was starting to take hold.

Two of the things I like, I think, also about sunset is that in real life at the State level, when an agency knows that they are coming up for sunset, they are also less likely to write regulations that are so far afield from what Congress or the legislature intended.

As you know, we write a bill that is 10 pages long. An agency writes regulations that fill a thousand pages. The mayor may not have to do what the original intent of Congress or the legislature intended.

But under sunset, when they know they are coming, every agency knows they are coming back routinely in front of taxpayers, the customers and users of their agencies, and Members of Congress to justify their responsiveness and their service and their quality, it changes things.

Also, under sunset, because we do not just single out the Department of Education or the Department of Commerce or any other program, every agency is held accountable. It puts American taxpayers back into the driver's seat. They have an opportunity when we set

these dates to come, not just before Congress to give us their opinion on the quality of service and whether we need them, but through the Internet, through meetings held in their communities, through talking with us, give us a real life value to whether that agency is worth our dollars today or not. As a result, good agencies get better in service, and bad agencies go away as they should.

Mr. HAYWORTH. If the gentleman will yield, to hear this, and again, knowing the deliberate distortion that may be inevitable from those who fear most returning power to the hands of the citizens, I think we need to make this point, again, just to say this: When our friend steps to this floor and advocates the notion of sunset, he does not imply that every bit of government will sunset. He simply asks for increased accountability. That is important. That is one of the notions behind our Congressional Responsibility Act that I would like to outline, Mr. Speaker, for those who join us during this time this evening, and that is also something that I think we can make manifest in rules as we reevaluate our budgetary process.

I am pleased tonight that our Speaker pro tempore is the gentleman from Iowa who joins me with service on the Committee on Ways and Means and also is one of our delegates, if you will, to the Committee on Budget where he does that work. That is one of his other committee assignments, almost a liaison, if you will, between the Committee on Ways and Means and the Committee on Budget.

We have been engaged in some discussions born of my first experience, an epiphany that I had based on experience here during my first term when I served on the Committee on Resources and on one of the subcommittees responsible for national parks. We called in the director of the National Park Service. And sitting next to him was, in essence, the agency's accountant.

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Of course here we use a fancy title for accountant. It would be the Inspector General, the person who goes over the receipts, takes a look at the tax dollars that come into the agency.

And I will never forget what transpired on that day. The Inspector General who had the responsibility for the Park Service with the Director of the Park Service sitting alongside told a congressional subcommittee in essence that the National Park Service could not account for some $73 million of taxpayer money.

Now I know some folks around here talk about billions and trillions; 73 trillion may not be too much. But I tell you what, to an American family, to the hard-working people in the Sixth District of Arizona and, I submit, to the people in Texas and Colorado and people from coast to coast in Alaska and Hawaii $73 million is real money. And I suppose for the television cameras it made for great television to have folks kind of rhetorically beat up on the Director of the Park Service, but there was no recourse.

And so what I think we ought to do, and I have talked with our Speaker Pro Tempore this evening, the gentleman from Iowa, and others on the Committee on the Budget, I think we ought to consider a rule that henceforth, when governmental agencies cannot account for taxpayers' funds, as the audits and reports come from their respective inspectors general, then automatically for the next year that amount of money be automatically impounded from that particular agency's administrative account because, as one of my colleagues said on that day to the Director of the Park Service, were he a director of a business, were he chairman of the board of the corporation, what he had done that day would be tantamount to a criminal offense that would land him behind bars. But instead all he endured was the wrath of a few congressional subcommittee members and, I am sure, the disdain of those who joined via videotape that discussion on C-Span.

There must be ways for us to seek accountability.

And so I hope that as we review the budget process with the gentleman from Ohio, the chairman of the Committee on the Budget, as many of us take a look at this, that we take a look at restoring accountability whether it is through sunsetting or through more budgetary rules that require accountability to the citizens of this country or through the Congressional Responsibility Act which says simply this, Mr. Speaker:

That henceforth, when the regulators formulate their regulations, those proposed regulations would not be printed pell-mell in the Federal Register after a certain amount of time for public comment. No, instead those proposed regulations should be returned here to Capitol Hill, to this Chamber and to the Senate, and voted on by the duly elected constitutional representatives so that in that way, Mr. Speaker, those of us who are sent here to represent the people can be held truly accountable.

Now it may come as no great surprise that that notion is fought by a lot of folks, and let us be candid about it, my colleagues. A lot of folks on both sides of the aisle, be they liberal or conservative, do not like that idea because they do not want to take that responsibility. Some folks who are into the notion of careers in Congress would rather not have that responsibility. But I would submit to you that that is the responsibility we should have.

And to those who say, oh, with a raft of regulations there is too much for Congress to ever cover, you could not do it, I would simply point out it has been my experience in this Chamber, both in this session and certainly in the 104th Congress even with that incredibly ambitious schedule we had some days where we would have ceremonial debate followed by ceremonial votes to name Federal installations after noteworthy Americans, I do not criticize that practice. I simply say this:

If we have the time in the Congress of the United States to engage in those largely ceremonial votes, do we not have time to live up to Article I, Section 1, of the Constitution? Should we not take the time or make the time to do that? And that is what this is about. Despite all the rhetoric and what we can expect, the intentional distortions sadly that will emanate, which I guess is part of the theater of the absurd that often encumbrances Washington, what we are about here, Mr. Speaker, is not a revolution, nor is some on that side who curiously do not believe there is any controlling legal authority would call it a reinvention. We are not about that. Instead what we are about is a restoration, a restoration of constitutional obligations taken on by those to whom power is conferred, a restoration of power in the hands of the citizenry and an acknowledgment that, whether it is regulation or taxation, that the American people work hard for the money they earn. They should be able to hang onto more of it, send less of it here to this city, because, as my colleagues have both pointed out, when the money remains in the hands of Washington, the money is spent.

Mr. BOB SCHAFFER of Colorado. You know there are some people here in Washington who really hang their hat on and pretend that they are somehow holding government accountable through the reauthorization process. You know, we talk about that a lot in Washington to a lot of folks back in our districts; they do not know what reauthorization means, but this is when agencies come up for reauthorization or review. It is not a sunset, it is just when the Congress feels like it getting around to looking at an agency again from A to Z, and there is no compelling need to make any meaningful reform. The Congress could decide to do nothing, and the agency will go right on as if no one was looking.

You know that is what many people here celebrate as holding government accountable, but the reauthorization process does not work. And you know you hear about this all the time. The Higher Education Reauthorization Act is going to be coming to the floor here soon, just program after program. We are reauthorizing programs, and that is the only time when this Congress makes any kind of an attempt to evaluate or review these agencies, but again it does not have the real teeth of sunsetting or termination dates on

these regulatory programs. No bureaucrat is ever forced to come and prove the worth or merit of their program or their job or their function of government to this Congress, and it takes a majority vote voting in the affirmative to repeal a program rather than what ought to occur here is that it takes a majority of votes, majority vote in an affirmative way, to keep a program. And that is what we are trying to turn around and really turn the tables on government to give the leverage to the people of America to pry bad programs out of the system and to strengthen, retain and in fact improve those programs that can be improved and that are worth keeping.

Mr. BRADY. And to follow that point just a little farther we have now, we are entering the 21st century, and every part of our life it seems is changing. Every industry, every profession, every small business has undergone a great deal of change, but government has not; the same programs, the same nonaccountability. In sunset, which is the bill number by the way is H.R. 2939, it is the Federal Sunset Act of 1998, and it has 80 cosponsors on that bill, changes government, gives back control to taxpayers, just demands accountability. And, more importantly, it insists that our agencies serve our taxpayers and their customers.

And people will say, well, wait a minute now. You cannot sunset the EPA.

Well we are not picking winners and losers. Every agency is up for review. But frankly, and I do not agree with a lot that the EPA does, but if we spend money to preserve the environment, I want that money to actually work to clean up a dirty area or a pile of tires.

And people say, well, you cannot sunset the Social Security Administration.

Well, we are not sunsetting the benefit, we are sunsetting who delivers it. And frankly my seniors, many of whom we have a lot of trouble trying to get their benefits to them, frankly they live month to month depending upon those dollars. And their attitude is, if the administration is not going to to get their benefits to them on time to those who have earned it, then find someone who will.

□ 2355

Find someone who will get it to them effectively, because the goal here I think in government is not to make ourselves bigger and create more agencies. It is to deliver our services the most cost effective way, to people who need them, and to make sure that a dollar that we spend, that when we take in people's hard-earned tax dollars, actually gets to the people who need them.

Mr. HAYWORTH. Since my colleague from Texas raises the specter of Social Security by example, I think it is important to reiterate, Mr. Speaker, what transpired here on the Hill today as we take a look at preserving and protecting Social Security for today's seniors and then making that system stronger through innovation and personalization in the days ahead.

It brings to mind the fact that, mindful as we are of the time and the few minutes, about 5 minutes that remain, for us to share with the American people tonight Mr. Speaker, it reminds me of the fact that during this recess I will be back in the 6th District of Arizona with town halls talking to seniors about how best to preserve Social Security, how best to preserve that trust fund, and then looking to the baby-boom generation and those of the third millennium, or the Generation Next-Agers, or beyond, to see how best to deal with the problem.

I must tell you, Mr. Speaker, I am very pleased about the Social Security task force that we have assembled in the 6th Congressional District of Arizona with people who are very, very interested, who have a stake in this, as today's seniors on today's program, as soon to be seniors, as baby-boomers, and as Generation Nexters, or third millennia children. They are working together to try and take a look at this system. I eagerly await their report and to hear from the people as we return back to listen to our constituents to decide how best to solve problems.

Again, I cannot help but comment on the irony of those who preceded us in this chamber, who had invented almost out of whole cloth, but instead out of deliberate distortion, scare tactics about a legitimate question of tax reform. And I think, Mr. Speaker, to couch that properly, we should say this: I could not help but note the irony that the three who stood here in this chamber had embraced just a few years before a soup-to-nuts plan for socialized medicine that was derived in a back room behind closed doors down at the other end of Pennsylvania Avenue, a program that was doomed to failure because it was never debated by the American people, nor shared.

So we do not shrink from the notion of debate; we welcome it. Whether on Social Security or tax policy, or overregulation or overtaxation, we welcome debate and decisions. But we want to hear from all the people, not lock people away and sequester them behind closed doors and then emerge with some Rube Goldbergesque scheme. Instead, it is the basic goodness and wisdom of the people which will prevail and which I look forward to hearing in my town hall meetings when I return home.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I want to wrap-up by summarizing a number of things we have discussed in a very quick way, and that is we really are talking about a great number of ideas to shrink the size of the Federal Government, to return authority and wealth and power back to the people, and basically to give more freedom and liberty to Americans throughout the country wherever they may be.

But the reality is, there is about two minutes left until the end of April Fool's Day here in Washington, D.C. in the eastern time zone, which means that in 14 days, a little over 14 days now, at about this time, American taxpayers throughout the country are going to be lining up to get to their Post Office to file their tax returns in time in order to stay within the law of the Internal Revenue Service Tax Code.

I hope they will be thinking about this conversation tonight, and maybe contrasting the difference between our Republican message of freedom and liberty and lower taxes and the Democrat message of more government and no tax cuts, no tax cuts.

The tax collectors for the welfare State, as you have pointed out in the quote you brought here tonight, have stated right here on this floor just a few weeks ago that the fact is that Democrats are not for tax cuts. That is the real difference between the two parties. We really are looking for ways to liberate the American people, to lower tax rates.

Here is something I want to point out. Families paid 5 percent of their income in Federal taxes in 1934. Today, the average family pays 20 percent of its annual income to the Federal Government, the highest since World War II. That is no April Fool's Day joke.

Right now the average American family pays about 40 percent of their total income in State, Federal and local taxes; 40 percent. That is no April fool's Day joke either.

Our goal and our vision in general terms and over a broader context is to lower the effective tax rate on the American family to no more than 25 percent. That is something we are not joking about either. We are quite serious about it.

We will be back at this microphone time and time again talking about this vision of freedom and liberty, lower taxes and less government. I thank the Speaker for recognizing us today, and allowing us to participate in this special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for today after 8:15 p.m. on account of physical reasons.

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. ABERCROMBIE) to revise and extend their remarks and include extraneous material:

Mr. RUSH, for 5 minutes, today.

Mr. MASCARA, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mr. GOODE, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. BONIOR, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:

Mr. GOSS, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. LEWIS of Kentucky, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 750. An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. NUSSLE). Pursuant to the provisions of House Concurrent Resolution 257, 105th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, April 21, 1998, for morning hour debates.

Thereupon (at 11 o'clock and 59 minutes p.m.), pursuant to House Concurrent Resolution 257, the House adjourned until Tuesday, April 21, 1998, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8341. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Specifically Approved States Authorized to Receive Mares and Stallions Imported from Regions Where CEM Exists [Docket No. 97-104-1] received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8342. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a report on the medical condition of members of the Armed Forces who are deployed outside the United States as part of a contingency or combat operation, pursuant to Public Law 105—85; to the Committee on National Security.

8343. A letter from the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule—Community Development Financial Institutions Fund; Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program—Core Component [No. 981-0154] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8344. A letter from the Deputy Director for Policy and Program, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule—Community Development Financial Institutions Fund; Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program Technical Assistance—Technical Assistance Component [No. 982-0154] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8345. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Odometer Disclosure Requirements; Exemptions [Docket No. 87-09, Notice 16] (RIN: 2127-AG83) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8346. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA-97-3191; Notice 2] (RIN: 2127-AF66) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8347. A letter from the Acting Director, Minority Business Development Agency, transmitting the Agency's final rule—Solicitation of Minority Business Development Center Applications for Miami/Ft. Lauderdale, Raleigh/Durham, San Antonio, El Paso, Statewide New Mexico, Philadelphia, Williamsburg, Seattle, Honolulu and San Jose [Docket No. 980320072-8072-01] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8348. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Statement of the Commission Regarding Use of Internet Web Sites to Offer Securities, Solicit Securities Transactions or Advertise Investment Services Offshore [Release Nos. 33-7516, 34-39779, IA-1710, IC-23071] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8349. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendments to the International Traffic in Arms Regulations [22 CFR Part 121] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8350. A letter from the Director, United States Information Agency, transmitting the 1996 annual report entitled "International Exchange and Training Activities of the United States Government"; to the Committee on International Relations.

8351. A letter from the Chief Financial Officer, Department of Commerce, transmitting the final version of the Department's FY 1999 Annual Performance Plan (APP), pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

8352. A letter from the Deputy Director, Office of Government Ethics, transmitting the Office's final rule—Amendment to Clarify Regulatory Intent on Finality of Review for Complaints Regarding Designation of Positions for Employee Confidential Financial Disclosure Reporting (RIN: 3209-AA00) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8353. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Processing Garnishment Orders for Child Support and Alimony and Commercial Garnishment of Federal Employees' Pay (RIN: 3206-AH43) received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8354. A letter from the Director, Financial Services, Library of Congress, transmitting a copy of the financial statements of the Capitol Preservation Fund for the first three months of fiscal year 1998 which ended on December 31, 1997, and comparable data for the same period of the previous fiscal year; to the Committee on House Oversight.

8355. A letter from the Deputy General Counsel, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule— Civil Enforcement Proceedings: Opportunity for an In-Person Hearing [Docket No. 961004279-6279-01; I.D 111695A] (RIN: 0648-AI53) received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8356. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to provide for Drug Testing of and Interventions With Incarcerated Offenders and Reduce Drug Trafficking and Related Crime in Correctional Facilities; to the Committee on the Judiciary.

8357. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drug and Alcohol Testing: Substance Abuse Professional Evaluation For Drug Use [RSPA Docket PS-128; Amendment 199-15] (RIN: 2137-AC84] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8358. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations [Docket No. PS-102; Amendment 199-16] (RIN: 2137-AC67) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8359. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Periodic Updates to Pipeline Safety Regulations (1997) [Docket No. RSPA-97-2251; Amdt. Nos. 190-7; 191-13; 192-83; 193-15; 194-2; 195-61; 198-3; 199-17] (RIN: 2137-AD03) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8360. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Pipeline Safety: Change in Response Plan Review Cycle [Docket No. PS–130; Amdt. 194–1] (RIN: 2137–AD12) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8361. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Annual Air & Sea Show, Fort Lauderdale, Florida [CGD07–98–004] (RIN: 2115–AE46) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8362. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alternate Compliance via Recognized Classification Society and U.S. Supplement to Rules [CGD 95–010] (RIN: 2115–AF11) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8363. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Whitbread Chesapeake, Chesapeake Bay, Maryland [CGD 05–98–013] (RIN: 2115–AE46) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8364. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Intracoastal Waterway, St. Augustine, FL [CGD07–98–014] (RIN: 2115–AE46) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8365. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Miami Beach, Florida [CGD07–98–003] (RIN: 2115–AE46) received March 27, 1998, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8366. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, Maryland [CGD 05–98–016] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8367. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Dignitary Arrival/Departure Logan International Airport, Boston, MA [CGD01–97–004] (RIN: 2115–AA97) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8368. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Fort Lauderdale, FL [CGD7–98–017] (RIN: 2115–AE46) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8369. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—San Diego Bay and Adjacent Waters, San Diego, CA [COTP San Diego; 98–007] (RIN: 2115–AA97) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8370. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety zone; Summer Bay, Unalaska Island, AK [COTP Western Alaska 98–002] (RIN: 2115–AA97) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8371. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Standards; Rain and Hail Ingestion Standards [Docket No. 28652; Amendment Nos. 23–53, 25–95, and 33–19] (RIN: 2120–AF75) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8372. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA–366G1 Helicopters [Docket No. 97–SW–31–AD; Amendment 39–10414; AD 98–06–35] (RIN: 2120–AA64] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8373. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASK–21 Sailplanes [Docket No. 97–CE–109–AD; Amendment 39–10417; AD 98–06–38] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8374. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASK–21 Sailplanes [Docket No. 97–CE–107–AD; Amendment 39–10416; AD 98–06–37] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8375. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 31 and 35A Airplanes [Docket No. 96–NM–202–AD; Amendment 39–10406; AD 98–06–28] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8376. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332C, L, L1, and L2 Helicopters [Docket No. 97–SW–66–AD; Amendment 39–10418; AD 98–06–39] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8377. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 94–NM–212–AD; Amendment 39–10419; AD 98–07–01] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8378. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412 Helicopters and Agusta S.p.A. Model AB412 Helicopters [Docket No. 97–SW–58–AD; Amendment 39–10421; AD 98–07–03] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8379. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 97–NM–230–AD; Amendment 39–10409; AD 98–06–31] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8380. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA341G and SA342J Helicopters [Docket No. 97–SW–51–AD; Amendment 39–10415; AD 98–06–36] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8381. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 1000 through 4000 Series Airplanes [Docket No. 96–NM–176–AD; Amendment 39–10412; AD 98–06–33] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8382. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 97–NM–324–AD; Amendment 39–10402; AD 98–06–24] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8383. A letter from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Capital Construction Fund; Interim Fishing Vessel Capital Construction Fund Procedures [Docket No.961122326–6326–01; I.D. 081092G] (RIN: 0648–AF22) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8384. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation that would change the interest rate on disaster loans, establish a disaster mitigation pilot program, and increase the authorization for funding for the women's business centers; to the Committee on Small Business.

8385. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Veterans Education: Reduction in Required Reports (RIN: 2900–AI58) received March 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8386. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Revocation of Regulations Under the Tea Importation Act [Docket No. 98N–0135] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8387. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gross Income Defined [Rev. Rul. 98–19] received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8388. A letter from the Director, Office of Management and Budget, transmitting a report on government-wide spending to combat terrorism, pursuant to Public Law 105—85; jointly to the Committees on National Security and the Judiciary.

8389. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting the FY 1997 Annual Report of the Christopher Columbus Fellowship Foundation,

pursuant to Public Law 102—281, section 429(b) (106 Stat. 145); jointly to the Committees on Banking and Financial Services and Science.

8390. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to make technical corrections to the Community Development Banking and Financial Institutions Act of 1994; jointly to the Committees on Banking and Financial Services and Government Reform and Oversight.

8391. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on Export Control Assistance Nonproliferation, Antiterrorism, Demining and Related Activities, pursuant to Public Law 105—118; jointly to the Committees on International Relations and Appropriations.

8392. A letter from the Chairman, Federal Prison Industries, Inc., Department of Justice, transmitting the 1997 Annual Report of the Federal Prison Industries, Inc. (FPI), pursuant to 18 U.S.C. 4127; jointly to the Committees on the Judiciary and Government Reform and Oversight.

8393. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for Fiscal Years 1999 and 2000 for certain maritime programs of the Department of Transportation, and for other purposes, pursuant to 31 U.S.C. 1110; jointly to the Committees on Transportation and Infrastructure and National Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2691. A bill to reauthorize and improve the operations of the National Highway Traffic Safety Administration; with an amendment (Rept. 105–477). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 1252. A bill to modify the procedures of the Federal courts in certain matters, and for other purposes; with an amendment (Rept. 105–478). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 2431. A bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes; with an amendment (Rept. 105–480, Pt. 1). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2729. A bill for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity (Rept. 105–479). Referred to the Committee of the Whole House.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1778. Referral to the Committees on Commerce, Transportation and Infrastructure, and Government Reform and Oversight extended for a period ending not later than April 30, 1998.

H.R. 2431. Referral to the Committees on Ways and Means, the Judiciary, Banking and Financial Services, and Rules extended for a period ending not later than May 8, 1998.

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. HALL of Ohio (for himself, Mr. OBERSTAR, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. WOLF, Mr. OLVER, Mr. FILNER, Mr. LANTOS, Mr. FRANK of Massachusetts, Mr. FROST, Mr. RAHALL, Mr. KENNEDY of Rhode Island, Ms. LOFGREN, Mr. LEWIS of Georgia, Mrs. EMERSON, Mr. STRICKLAND, Ms. FURSE, Mr. FALEOMAVAEGA, Mr. SAWYER, Mr. GONZALEZ, Ms. KAPTUR, and Mr. KUCINICH):

H.R. 3615. A bill to amend the Emergency Food Assistance Act of 1983 to authorize appropriations to purchase and to make available to emergency feeding organizations additional commodities for distribution to needy persons; to the Committee on Agriculture.

By Mr. SPENCE (for himself and Mr. SKELTON) (both by request):

H.R. 3616. A bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes; to the Committee on National Security.

By Mr. VENTO (for himself and Mrs. ROUKEMA) (both by request):

H.R. 3617. A bill to make technical corrections to the Community Development Banking and Financial Institutions Act of 1994 to reflect the status of the Community Development Financial Institutions Fund within the Treasury Department, to extend the authorization for the Fund, and to make other amendments to the Community Development Financial Institutions Fund, the community development financial institutions program, the Bank Enterprise Act awards program, and the small business capital enhancement program in order to more efficiently and effectively promote economic revitalization, community development, and community development financial institutions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. EVANS (for himself, Mr. KENNEDY of Massachusetts, Mr. FILNER, Mr. GUTIERREZ, Mr. CLYBURN, Mr. MASCARA, Ms. CARSON, Mr. REYES, Mr. RODRIGUEZ, Ms. WATERS, Mr. OLVER, Mr. PETERSON of Minnesota, Ms. BROWN of Florida, and Mr. DOYLE):

H.R. 3618. A bill to amend title 38, United States Code, to increase the amount of assistance for providing automobiles to certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. KENNEDY of Massachusetts, Mr. FILNER, Mr. GUTIERREZ, Mr. CLYBURN, Mr. MASCARA, Ms. CARSON, Mr. REYES, Mr. RODRIGUEZ, Ms. WATERS, Mr. OLVER, Mr. PETERSON of Minnesota, Ms. BROWN of Florida, and Mr. DOYLE):

H.R. 3619. A bill to amend title 38, United States Code, to increase the amount of assistance for specially adapted housing for disabled veterans; to the Committee on Veterans' Affairs.

By Mr. GEPHARDT:

H.R. 3620. A bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates, simplify the tax code, eliminate the marriage penalty, provide for return-free filing of income taxes, prohibit income tax rates from increasing without a national referendum, eliminate corporate welfare, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Rules, Government Reform and Oversight, and House Oversight, 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. MENENDEZ (for himself, Mr. YATES, Ms. FURSE, and Mr. GUTIERREZ):

H.R. 3621. A bill to eliminate the National Forest Foundation; to the Committee on Agriculture.

By Mr. RANGEL:

H.R. 3622. A bill to amend section 2007 of the Social Security Act to provide grant funding for 20 additional empowerment zones, and for other purposes; to the Committee on Ways and Means.

By Mr. COYNE (for himself, Mr. RANGEL, Mr. STARK, Mr. MATSUI, Mrs. KENNELLY of Connecticut, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, and Mr. BECERRA):

H.R. 3623. A bill to amend the Internal Revenue Code of 1986 to simplify the individual capital gains tax for all individuals and to provide modest reductions in the capital gains tax for most individuals; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself and Mr. CASTLE):

H.R. 3624. A bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, the Public Health Service Act, and the Right to Financial Privacy Act of 1978 to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Commerce, and Banking and Financial Services, 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. CANNON:

H.R. 3625. A bill to establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, and for other purposes; to the Committee on Resources.

By Mr. PAUL:

H.R. 3626. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Mr. RUSH (for himself and Ms. FURSE):

H.R. 3627. A bill to assist local governments and local citizens' organizations in the assessment and remediation of brownfield sites, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, and Banking and Financial Services, 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. GREEN:

H.R. 3628. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for amounts paid for insurance for medical care; to the Committee on Ways and Means.

By Mr. WELDON of Florida:

H.R. 3629. A bill to prohibit the Secretary of Health and Human Services from promulgating any regulation, rule, or other order if the effect of such regulation, rule, or order is to eliminate or modify any requirement under the Medicare Program under title XVIII of the Social Security Act for physician supervision of anesthesia services, as such requirement was in effect on December 31, 1997; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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. BURTON of Indiana (for himself, Mr. REDMOND, and Mr. SKEEN):

H.R. 3630. A bill to redesignate the facility of the United States Postal Service located at 9719 Candelaria Road NE. in Albuquerque, New Mexico, as the "Steven Schiff Post Office"; to the Committee on Government Reform and Oversight.

By Mr. BILBRAY:

H.R. 3631. A bill to require the Secretary of the Navy to conduct a study on ordinance and munitions waste in San Diego Bay; to the Committee on National Security.

By Mr. WELLER (for himself, Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. QUINN, and Mr. FOX of Pennsylvania):

H.R. 3632. A bill to amend the Internal Revenue Code of 1986 to grant relief to participants in multiemployer plans from certain section 415 limits on defined benefit pensions; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. MCCOLLUM, Mr. GEKAS, Mr. GRAHAM, Mr. HUTCHINSON, Mr. PORTMAN, Mr. BOEHNER, Mr. SESSIONS, Mr. HUNTER, and Mr. SCHUMER):

H.R. 3633. A bill to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States from Mexico; to the Committee on the Judiciary, and in addition to the Committee on Commerce, 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. LAZIO of New York (for himself, Ms. HOOLEY of Oregon, Mr. CALVERT, Mr. ETHERIDGE, Mr. MCINTOSH, Mr. NEY, Mr. ROYCE, Mrs. KELLY, Mr. DOOLEY of California, Mr. BOSWELL, Mr. WELLER, Mr. GOODE, and Mr. MINGE):

H.R. 3634. A bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes; to the Committee on Banking and Financial Services.

By Mr. LAZIO of New York (for himself, Mr. LEACH, Mr. KENNEDY of Massachusetts, Mr. HAYWORTH, Mr. BEREUTER, Mr. SESSIONS, Mr. TRAFICANT, Mr. ENSIGN, Mr. EHRLICH, Mr. NEY, Mr. FOX of Pennsylvania, Mrs. KELLY, Mr. PORTMAN, Mr. JACKSON, Mr. JONES, Mr. COOK, Mr. ENGLISH of Pennsylvania, and Mr. METCALF):

H.R. 3635. A bill to provide for the conversion of housing projects for elderly persons financed by direct loans to financing under project rental assistance contracts; to the Committee on Banking and Financial Services.

By Mr. BEREUTER (for himself, Mr. HAMILTON, Ms. MCKINNEY, Mrs. CLAYTON, Mr. HALL of Ohio, and Mr. LEACH):

H.R. 3636. A bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Agriculture, 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 Mrs. MALONEY of New York (for herself, Mr. BAKER, Mr. KANJORSKI, Mr. JACKSON, Mrs. MEEK of Florida, Mr. MANTON, Mr. ALLEN, Ms. VELÁZQUEZ, Ms. WOOLSEY, and Mrs. TAUSCHER):

H.R. 3637. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to insure mortgages for the acquisition, construction, or substantial rehabilitation of child care and development facilities and to establish the Children's Development Commission to certify such facilities for such insurance, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. ANDREWS:

H.R. 3638. A bill to require a preference for Federal contractors that hire welfare recipients, to require the Secretary of Transportation to make grants to assist States and other entities in financing transportation services for welfare recipients, and to allow the Secretary of Health and Human Services to provide guarantees of State loans to current or recent welfare recipients; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Government Reform and Oversight, 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. BARTON of Texas (for himself, Mrs. MYRICK, and Mr. CALVERT):

H.R. 3639. A bill to establish the Drug Abuse Prevention and Treatment Administration, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Banking and Financial Services, 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. BENTSEN:

H.R. 3640. A bill to amend title XIX of the Social Security Act to permit public schools and certain other entities to determine presumptive eligibility for children under the Medicaid Program; to the Committee on Commerce.

By Mr. BUNNING of Kentucky (for himself, Mr. HOUGHTON, and Mr. ENGLISH of Pennsylvania):

H.R. 3641. A bill to amend the Internal Revenue Code of 1986 to allow capital gain treatment on the transfer of a franchise in connection with the transfer of an existing business, and for other purposes; to the Committee on Ways and Means.

By Ms. CHRISTIAN-GREEN:

H.R. 3642. A bill to establish the District Court of the Virgin Islands as a court under article III of the United States Constitution; to the Committee on the Judiciary.

By Ms. CHRISTIAN-GREEN (for herself and Mr. UNDERWOOD):

H.R. 3643. A bill to amend the Internal Revenue Code of 1986 to increase job creation and small business expansion and formation in economically distressed United States insular areas; to the Committee on Ways and Means.

By Mr. CRANE (for himself and Mr. RAMSTAD):

H.R. 3644. A bill to amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide for the use of customs user fees for additional preclearance activities of the Customs Services, and for other purposes; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself, Mr. SOLOMON, Mr. STUMP, Mr. HALL of Texas, Mr. HUNTER, Mr. CALLAHAN, Mr. LARGENT, Mr. JONES, Mr. EVERETT, Mr. HAYWORTH, Mr. SHIMKUS, and Mr. GIBBONS):

H.R. 3645. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization of law; to the Committee on International Relations, and in addition to the Committee on Veterans' Affairs, 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 Ms. DEGETTE (for herself, Mrs. MORELLA, Mr. TOWNS, Mr. BLAGOJEVICH, Mr. PASCRELL, Mr. DAVIS of Illinois, Mr. SHAYS, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mr. TIERNEY, Ms. CARSON, Mr. STOKES, Mr. BLUMENAUER, and Mr. ENGEL):

H.R. 3646. A bill to ban the importation of large capacity ammunition feeding devices, and to extend the ban on transferring such devices to those that were manufactured before the ban became law; to the Committee on the Judiciary.

By Mr. DEUTSCH:

H.R. 3647. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Ms. DUNN of Washington (for herself and Mr. TAUZIN):

H.R. 3648. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Ms. DUNN of Washington:

H.R. 3649. A bill to amend part A of title XI of the Social Security Act to include retirees among recipients of annual Social Security account statements; to the Committee on Ways and Means.

By Mr. EHRLICH:

H.R. 3650. A bill to amend the Internal Revenue Code of 1986 to repeal joint and several

liability of spouses on joint returns of Federal income tax, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. LAZIO of New York, Mr. KING of New York, and Mrs. MCCARTHY of New York):

H.R. 3651. A bill to amend title XVIII of the Social Security Act to provide for a standard of efficiency in the provision of home health services to Medicare beneficiaries and to reward those home health agencies who meet or exceed the standard, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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. ETHERIDGE (for himself, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. MCINTYRE, Mr. FROST, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. DOOLEY of California, Mr. MCGOVERN, Mrs. THURMAN, Mr. FAZIO of California, Mr. PALLONE, Mr. HEFNER, Mrs. MEEK of Florida, Ms. SANCHEZ, Mr. MATSUI, Mrs. CLAYTON, Ms. CARSON, Mrs. TAUSCHER, Mr. WATT of North Carolina, Mr. BROWN of California, Mr. DELAHUNT, Ms. PELOSI, Mr. STENHOLM, and Mr. MORAN of Virginia):

H.R. 3652. A bill to amend the Internal Revenue Code of 1986 to provide a source of interest-free capital, in addition to that recommended in the President's budget proposal, for the construction and renovation of public schools in States experiencing large increases in public school enrollment; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mrs. KELLY):

H.R. 3653. A bill to amend title 10, United States Code, to require that the Secretaries of the military departments provide honor guard details for the funerals of veterans, and for other purposes; to the Committee on National Security.

By Mr. EWING (for himself, Mr. CONDIT, Mr. SHIMKUS, Mr. WATTS of Oklahoma, Mr. BEREUTER, Mr. LAHOOD, Mr. MINGE, Mr. MANZULLO, Mr. MORAN of Kansas, and Mr. KOLBE):

H.R. 3654. A bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes; to the Committee on Agriculture.

By Mr. GREEN:

H.R. 3655. A bill to encourage States to enact laws to prohibit the sale of tobacco products to individuals under the age of 18; to the Committee on Commerce.

By Mr. GREENWOOD (for himself and Mr. MCHALE):

H.R. 3656. A bill to amend the Internal Revenue Code of 1986 to provide an election of deduction in lieu of a basis increase where indebtedness secured by property has original issue discount and is held by a cash method taxpayer; to the Committee on Ways and Means.

By Mr. GUTKNECHT:

H.R. 3657. A bill to suspend the duty on oxidized polyacrylonitrile fibers until January 1, 2002; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 3658. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes; to the Committee on Resources.

By Mr. HULSHOF (for himself, Mrs. THURMAN, Mr. SMITH of Oregon, Mr. COMBEST, Mr. BUNNING of Kentucky, Mr. LEWIS of Georgia, Mr. EWING, Mr. DOOLEY of California, Mr. HOUGHTON, Mr. HERGER, Mr. CHRISTENSEN, Mr. POMBO, Mrs. CLAYTON, Mr. HOSTETTLER, Mr. HOLDEN, Mr. ENGLISH of Pennsylvania, Mr. WATKINS, Mr. WELLER, Mr. BISHOP, Mr. BLUNT, Mrs. EMERSON, Mr. BALDACCI, Mr. THUNE, Mr. CHAMBLISS, Mr. BOYD, Mr. FOLEY, Mr. CLYBURN, Mr. MCDADE, Mr. KANJORSKI, Mr. EDWARDS, Mr. SOUDER, Mr. MARTINEZ, Mr. SCARBOROUGH, and Mr. HUTCHINSON):

H.R. 3659. A bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mrs. TAUSCHER, Mr. NEAL of Massachusetts, Mr. FILNER, Mr. KUCINICH, Mr. MCGOVERN, Mr. ROMERO-BARCELO, Mr. GEJDENSON, Ms. RIVERS, Ms. WOOLSEY, Mr. FROST, Mrs. MCCARTHY of New York, Mr. MORAN of Virginia, Mr. SNYDER, Mr. FALEOMAVAEGA, Mr. LATOURETTE, Mr. HOUGHTON, and Mr. DAVIS of Virginia):

H.R. 3660. A bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research; to the Committee on Science, and in addition to the Committees on Commerce, and Agriculture, 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. KENNEDY of Massachusetts (for himself, Mr. SHAYS, Mr. FILNER, Mr. QUINN, Mr. MOAKLEY, Mr. SANDERS, Mr. GUTIERREZ, Mr. PETERSON of Minnesota, Ms. BROWN of Florida, Ms. CARSON, Mr. OLVER, Ms. RIVERS, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. NEAL of Massachusetts, Mr. WAXMAN, Mr. MCGOVERN, Mr. BURTON of Indiana, Mr. TIERNEY, Mrs. MALONEY of New York, Mr. DELAHUNT, Mr. LANTOS, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Mr. CLEMENT, Mr. FROST, Ms. SLAUGHTER, Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Mr. MCINTOSH, Mr. MEEHAN, Mr. RODRIGUEZ, Mr. DAVIS of Illinois, and Ms. VELÁZQUEZ):

H.R. 3661. A bill to require the Secretary of Veterans Affairs and the Secretary of Defense to give greater priority to research on the exposure of veterans of Operation Desert Shield and Operation Desert Storm to biological agents or chemical weapons, other toxic agents such as depleted uranium and organophosphates, pyridostigmine bromide, vaccines, oil well fire pollution, and other potentially hazardous substances, to require the Director of the National Institutes of Health to monitor, through a comprehensive database, the resulting effects of such exposure on those veterans' health and their clinical progress in order to identify and provide appropriate and effective medical treatment, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on National Security, and Commerce, 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. LEACH (for himself, Mr. GILMAN, Mr. GEJDENSON, Mr. LANTOS, Mr. FOX of Pennsylvania, and Mr. SHERMAN):

H.R. 3662. A bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LEACH:

H.R. 3663. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to defined contribution pension plans; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mr. BUNNING of Kentucky, Mr. WHITFIELD, Mr. CHAMBLISS, and Mr. ROGERS):

H.R. 3664. A bill to provide crop insurance coverage for tobacco crops, to provide extension services related to tobacco, and to provide for the administration of the Federal tobacco price support and quota programs at no expense to the Department of Agriculture; to the Committee on Agriculture.

By Mrs. LOWEY:

H.R. 3665. A bill to amend the Family Violence Prevention and Services Act to improve and strengthen certain provisions; to the Committee on Education and the Workforce.

By Mr. MARTINEZ (for himself, Mr. CLAY, Mr. KILDEE, Mr. ANDREWS, Ms. WOOLSEY, Mr. HINOJOSA, Ms. SANCHEZ, Mr. FORD, Mr. KUCINICH, Mr. KENNEDY of Massachusetts, Mr. BLAGOJEVICH, Ms. KILPATRICK, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. SERRANO, Mr. LANTOS, Mr. LAFALCE, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LAMPSON, Mr. HALL of Ohio, Ms. STABENOW, Mr. FROST, Mr. TORRES, Mr. SAWYER, Ms. DEGETTE, Mr. NEAL of Massachusetts, and Mrs. MORELLA):

H.R. 3666. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in such Acts through fiscal year 2002, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCCRERY (for himself, Mr. TANNER, Mr. FARR of California, Mr. FOLEY, Mr. ABERCROMBIE, Mr. JEFFERSON, Mr. ENSIGN, Mr. CHRISTENSEN, Mrs. EMERSON, Mr. WELLER, Mr. HOUGHTON, and Mr. SAM JOHNSON):

H.R. 3667. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Ways and Means.

By Mr. MCHALE (for himself and Mr. BUYER):

H.R. 3668. A bill to amend title 38, United States Code, to provide for the furnishing by the Secretary of Veterans Affairs of burial flags for deceased members and former members of the Selected Reserve; to the Committee on Veterans' Affairs.

By Mr. McINNIS:

H.R. 3669. A bill to authorize the Secretary of the Interior to provide funding for the implementation of the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; to the Committee on Resources.

By Mr. MENENDEZ:

H.R. 3670. A bill to amend the Food Stamp Act of 1977 to require States to check law enforcement records to verify whether adult applicants for food stamp benefits are ineligible to receive such benefits because they are detainees in law enforcement facilities or are fugitives from justice; to the Committee on Agriculture.

By Mr. MICA (for himself, Mr. SOLOMON, Mr. HASTERT, Mr. GOODE, and Mrs. MYRICK):

H.R. 3671. A bill to amend title 18, United States Code, to provide the death penalty for smuggling certain drugs into the United States; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts (for himself, Mr. RANGEL, Mr. COYNE, Mr. MATSUI, Mr. LEVIN, Mr. McDERMOTT, Mr. GEJDENSON, Mr. POMEROY, and Ms. STABENOW):

H.R. 3672. A bill to amend the Internal Revenue Code of 1986 to promote expanded retirement savings; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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 Ms. NORTON (for herself, Mr. CASTLE, Ms. CHRISTIAN-GREEN, Mr. FALEOMAVAEGA, Mr. UNDERWOOD, and Mr. ROMERO-BARCELO):

H.R. 3673. A bill to amend the 50 States Commemorative Coin Program Act to extend the program by an additional year for the purpose of including the District of Columbia, American Samoa, Guam, Puerto Rico, and the United States Virgin Islands within the scope of the program; to the Committee on Banking and Financial Services.

By Mr. OBERSTAR (for himself and Mr. CLEMENT):

H.R. 3674. A bill to amend title 46, United States Code, to clarify that the Secretary of Transportation does not have authority to collect user fees for navigational assistance services, including icebreaking; to the Committee on Transportation and Infrastructure.

By Mr. ORTIZ:

H.R. 3675. A bill to designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza - Filemon B. Vela, Sr. United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself, Mr. BONIOR, Mr. GREEN, Ms. DELAURO, Mr. WYNN, Mr. FROST, Mr. LEWIS of Georgia, Ms. FURSE, Mr. KENNEDY of Rhode Island, Mr. ROTHMAN, Ms. McCARTHY of Missouri, Mr. PASCRELL, Mr. MARTINEZ, Ms. JACKSON-LEE, Ms. CARSON, Mr. SERRANO, Mr. RUSH, Mr. ENGEL, Mr. ANDREWS, Mr. SAWYER, Ms. KAPTUR, Mr. CUMMINGS, Mr. WAXMAN, Mrs. LOWEY, Mr. McGOVERN, Mr. MANTON, Ms. ESHOO, Mr. SANDERS, Mr. MARKEY, and Mr. MENENDEZ):

H.R. 3676. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption which are regulated by the Food and Drug Administration; to the Committee on Commerce.

By Mr. PASTOR:

H.R. 3677. A bill to authorize and direct the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and Designated Lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes; to the Committee on Resources.

By Mr. PETERSON of Minnesota (for himself and Mr. POMEROY):

H.R. 3678. A bill to provide crop insurance, marketing loan, and emergency operating loan relief for agricultural producers in certain counties in the States of North Dakota and Minnesota that have been repeatedly designated as Federal disaster areas; to the Committee on Agriculture.

By Mr. REYES (for himself and Mr. GEPHARDT):

H.R. 3679. A bill to authorize additional appropriations for personnel and technology for the United States Customs Service and the Immigration and Naturalization Service, which have joint responsibility at ports of entry, in order to increase inspection and enforcement at ports of entry and to expedite and facilitate the flow of legal commercial and passenger traffic at United States borders and interior checkpoints; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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. RIGGS:

H.R. 3680. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RILEY:

H.R. 3681. A bill to direct the Administrator of the Small Business Administration to review and adjust the size standards used to determine whether or not enterprises in certain industry categories are small business concerns for the purposes of competing for Federal contracting opportunities; to the Committee on Small Business.

By Ms. ROS-LEHTINEN (for herself, Mr. BARCIA of Michigan, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. HASTERT, Mr. DIAZ-BALART, Mr. CANADY of Florida, Mr. GOSS, Mr. STEARNS, Mr. McCOLLUM, Mr. MICA, Mr. YOUNG of Florida, Mr. WELDON of Florida, Mr. GOODE, Mr. HALL of Texas, Mr. HEFNER, Mr. JOHN, Mr. MINGE, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. STENHOLM, Mr. BACHUS, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BATEMAN, Mr. BLILEY, Mr. BLUNT, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CHABOT, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. CRANE, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EHLERS, Mrs. EMERSON, Mr. ENSIGN, Mr. GOODLATTE, Mr. GOODLING, Mr. GUTKNECHT, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HUNTER, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. KING of New York, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mr. McCRERY, Mr. McDADE, Mr. McINTOSH, Mr. McKEON, Mr. MANZULLO, Mr. METCALF, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. PAPPAS, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PORTMAN, Mr. QUINN, Mr. RYUN, Mr. DAN SCHAEFER of Colorado, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SOUDER, Mr. TALENT, Mr. TIAHRT, Mr. THUNE, Mr. WALSH, Mr. WATTS of Oklahoma, and Mr. WHITFIELD):

H.R. 3682. A bill to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. SESSIONS:

H.R. 3683. A bill to provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform and Oversight, 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. SHAW (for himself, Mr. COLLINS, Mr. SUNUNU, and Mr. PORTMAN):

H.R. 3684. A bill to amend the Internal Revenue Code of 1986, the Social Security Act, the Wagner-Peyser Act, and the Federal-State Extended Unemployment Compensation Act of 1970 to improve the method by which Federal unemployment taxes are collected; to improve the method by which funds are provided from Federal unemployment tax revenue for employment security administration, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. SHAYS (for himself and Mr. FRANK of Massachusetts):

H.R. 3685. A bill to provide that the amount authorized to be appropriated for national defense functions of the Government for fiscal year 1999 may not exceed the amount authorized to be appropriated for national defense functions for fiscal year 1998; to the Committee on National Security.

By Mrs. TAUSCHER (for herself, Mr. ALLEN, Mr. MORAN of Virginia, Mrs. CLAYTON, Mr. CONDIT, Ms. DELAURO, Mr. FROST, Ms. HARMAN, Mr. KENNEDY of Massachusetts, Ms. LOFGREN, Mr. MILLER of California, Mr. TANNER, Mr. TORRES, and Ms. WOOLSEY):

H.R. 3686. A bill to authorize the Secretary of Health and Human Services to make block grants to States for purposes of improving the quality of child care services and making grants to business consortia to provide quality child care services, and for other purposes; to the Committee on Education and the Workforce.

By Mr. THORNBERRY:

H.R. 3687. A bill to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas; to the Committee on Resources.

By Mr. WATKINS (for himself and Mr. ISTOOK):

H.R. 3688. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for marginal oil and natural gas well production; to the Committee on Ways and Means.

By Mr. WHITFIELD:

H.R. 3689. A bill to transfer administrative jurisdiction over the Land Between the Lakes National Recreation Area to the Secretary of Agriculture; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, and Agriculture, 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. WISE (for himself, Mr. NEY, Mr. OXLEY, Mr. RAHALL, Mr. MOLLOHAN, Mr. GOODE, Mr. STRICKLAND, Mr. BAESLER, and Mr. BOUCHER):

H.R. 3690. A bill to establish provisions regarding a proposed rulemaking under the Clean Air Act with respect to the transport, in the eastern portion of the United States, of ozone pollution and oxides of nitrogen; to the Committee on Commerce.

By Mrs. LOWEY (for herself, Mr. PORTER, Mr. LANTOS, and Mr. SMITH of New Jersey):

H. Con. Res. 258. Concurrent resolution encouraging international resolution of the political status of East Timor; to the Committee on International Relations.

By Mr. MANTON (for himself, Mrs. MALONEY of New York, and Mr. BILIRAKIS):

H. Con. Res. 259. Concurrent resolution recognizing and honoring the people of the Dodecanesian Islands for their stance in fighting fascism and preserving democratic values and beliefs; to the Committee on International Relations.

By Mr. RUSH (for himself and Mr. PALLONE):

H. Con. Res. 260. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Paul Leroy Robeson, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General in 1998, during which occurs the 100th anniversary of Paul Robeson's birth, that such a stamp be issued; to the Committee on Government Reform and Oversight.

By Mr. CONDIT (for himself, Mr. RADANOVICH, Mr. HERGER, Mr. MATSUI, Mr. FAZIO of California, Mr. DOOLITTLE, and Mr. POMBO):

H. Res. 406. A resolution expressing the sense of the House of Representatives that the canned fruit subsidy regime of the European Union is a bilateral trade concern of high priority, for which prompt corrective action is needed; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

273. The SPEAKER presented a memorial of the Legislature of the State of Pennsylvania, relative to House Resolution No. 330 memorializing the President of the United States and Congress to maintain and increase funding for the Pennsylvania National Guard Counterdrug Program; to the Committee on National Security.

274. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4039 urging the Federal Communications Commission to review and amend its ruling barring direct reimbursement to state agencies that provide telecommunications services; to the Committee on Commerce.

275. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No.155 memorializing the President of the United States and the Congress of the United States to take immediate and necessary action to provide for United States citizenship for Wojtek Tokarcyzk; to the Committee on the Judiciary.

276. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 220 expressing the sense of the Virginia General Assembly in support of the retention of the 1,250-mile perimeter rule at Ronald Reagan Washington National Airport; to the Committee on Transportation and Infrastructure.

277. Also, a memorial of the House of Representatives of the State of Pennsylvania, relative to House Resolution 358 memorializing the Congress of the United States to urge the United States Department of Commerce to continue in a timely fashion the ongoing investigation relating to the dumping of certain stainless steel products into the American marketplace; to the Committee on Ways and Means.

278. Also, a memorial of the Senate of the State of Washington, relative to Senate Joint Memorial No. 8019 requesting federal funds for housing finance; to the Committee on Ways and Means.

279. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 147 memorializing the Congress of the United States to provide full funding for harbor maintenance and lamprey control in the Great Lakes and to urge other Great Lake states to join in this effort; jointly to the Committees on Transportation and Infrastructure and Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCINTYRE:

H.R. 3691. A bill for the relief of Augusto Ernesto Segovia, Maria Isabel Segovia, Edelmira Isabel Segovia, Perla Franccesca Segovia, and Augusto Thomas Segovia; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota:

H.R. 3692. A bill for the relief of Anne M. Nagel; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. DAN SCHAEFER of Colorado.

H.R. 59: Mr. FOX of Pennsylvania and Mr. TAUZIN.

H.R. 74: Mr. SKAGGS and Mr. RANGEL. .

H.R. 96: Mr. PITTS.

H.R. 123: Mr. BASS.

H.R. 135: Mrs. CAPPS.

H.R. 165: Ms. STABENOW.

H.R. 218: Mr. UPTON.

H.R. 303: Ms. HOOLEY of Oregon.

H.R. 306: Mr. LUTHER.

H.R. 371: Ms. KILPATRICK.

H.R. 452: Ms. SANCHEZ.

H.R. 453: Mr. BERMAN and Mr. SHERMAN.

H.R. 457: Mr. HALL of Texas.

H.R. 465: Mr. PICKETT.

H.R. 536: Mr. MENENDEZ.

H.R. 603: Mr. LUTHER.

H.R. 612: Mr. TORRES.

H.R. 715: Ms. LOFGREN.

H.R. 864: Ms. ESHOO, Ms. ROYBAL-ALLARD, and Mr. KENNEDY of Rhode Island.

H.R. 900: Mr. JACKSON and Mrs. MCCARTHY of New York.

H.R. 915: Mrs. ROUKEMA, Mr. WATT of North Carolina, Mr. METCALF, Mr. BOSWELL, and Mr. FOX of Pennsylvania.

H.R. 923: Mr. HOSTETTLER and Mr. LOBIONDO.

H.R. 939: Mr. MCDADE.

H.R. 981: Mr. WYNN.

H.R. 1061: Mr. GILCHREST and Mr. DEFAZIO.

H.R. 1111: Mr. BOEHLERT, Mrs. JOHNSON of Connecticut, Mr. BROWN of California, Mr. UPTON, and Mr. ENSIGN.

H.R. 1126: Mr. KINGSTON.

H.R. 1173: Mr. CLYBURN and Mrs. CAPPS.

H.R. 1176: Mr. FALEOMAVAEGA and Mr. OBERSTAR.

H.R. 1215: Mr. WAXMAN.

H.R. 1231: Mr. NEAL of Massachusetts and Mr. BONIOR.

H.R. 1232: Mr. REGULA, Mr. GUTIERREZ, Mrs. MINK of Hawaii, and Mr. STARK.

H.R. 1234: Mr. HILLIARD.

H.R. 1280: Mr. SCARBOROUGH.

H.R. 1290: Mr. CLEMENT and Mr. JOHN.

H.R. 1334: Mr. GILCHREST and Mr. STARK.

H.R. 1362: Ms. GRANGER.

H.R. 1401: Mr. SCOTT and Mr. RAMSTAD.

H.R. 1404: Mr. WEXLER, Mr. CLYBURN, Mr. ENGEL, Mr. HASTINGS of Florida, and Mr. KLECZKA.

H.R. 1415: Mrs. CAPPS.

H.R. 1427: Ms. ESHOO and Mr. BILBRAY.

H.R. 1521: Mr. DICKEY, Mr. FOLEY, Mrs. THURMAN, and Mr. WELDON of Florida.

H.R. 1522: Mr. FALEOMAVAEGA and Mr. SNYDER.

H.R. 1525: Mr. NETHERCUTT.

H.R. 1571: Mr. LAMPSON and Mr. NADLER.

H.R. 1624: Mr. BARRETT of Wisconsin.

H.R. 1635: Mr. BOSWELL, Mr. MCHALE, Mr. SHAYS, Mr. OLVER, Mr. LANTOS, Mr. ENGLISH of Pennsylvania, Mr. GEJDENSON, Ms. WOOLSEY, and Ms. LOFGREN.

H.R. 1636: Mr. MATSUI, Mr. LEACH, Ms. SANCHEZ, and Mr. FAZIO of California.

H.R. 1711: Mr. MINGE, Mr. TAYLOR of North Carolina, and Mr. KNOLLENBERG.

H.R. 1715: Mr. ENSIGN and Mr. DAVIS of Florida.

H.R. 1736: Mr. BARRETT of Wisconsin.

H.R. 1766: Mr. BERRY, Mr. DICKEY, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. EVERETT, Mr. KILDEE, Mr. KING of New York, Mr. LAMPSON, Mr. LARGENT, Mr. TAUZIN, and Mrs. JOHNSON of Connecticut.

H.R. 1773: Mr. ROMERO-BARCELÓ.

H.R. 1786: Mr. MARKEY, Mr. PALLONE, Mr. MEEKS of New York, and Mr. PASCRELL.

H.R. 1788: Mr. KLECZKA.

H.R. 1800: Mr. GOODLING, Mr. GREENWOOD, Mr. MCDADE, Mr. PETERSON of Pennsylvania, and Mr. GOODE.

H.R. 1804: Mr. CALLAHAN, Mr. BACHUS, Mr. HILLIARD, Mr. EVERETT, Mr. RILEY, and Mr. ADERHOLT.

H.R. 1891: Mr. FOLEY and Mr. THORNBERRY.

H.R. 2009: Mr. WEYGAND and Mr. KANJORSKI.

H.R. 2020: Mr. LAFALCE and Mr. CRAMER.

H.R. 2070: Mr. PETERSON of Pennsylvania.

H.R. 2094: Mr. FRANKS of New Jersey and Mr. SCHUMER.

H.R. 2145: Mr. BROWN of California, Mr. EWING, Mr. COOKSEY, Mr. MARTINEZ, and Mr. POMEROY.

H.R. 2154: Mr. DIAZ-BALART, Mrs. MCCARTHY of New York, Mr. CONYERS, Mr. ABERCROMBIE, Ms. ROS-LEHTINEN, Mr. MARTINEZ, Mr. OLVER, Mr. LANTOS, and Mrs. KENNELLY of Connecticut.

H.R. 2174: Ms. FURSE.
H.R. 2231: Mr. EHLERS, Mr. POMEROY, and Mr. PEASE.
H.R. 2374: Mr. SCHUMER.
H.R. 2409: Mr. TRAFICANT, Mr. HOUGHTON, Mr. BOEHLERT, Mr. GILCHREST, and Mr. FORD.
H.R. 2431: Mrs. ROUKEMA, Mr. SCHUMER, Mr. KLINK, Mr. GREEN, Mr. SANDERS, and Mr. VISCLOSKY.
H.R. 2433: Mr. PEASE and Mr. SANDERS.
H.R. 2488: Ms. WOOLSEY.
H.R. 2489: Ms. CARSON, Ms. KAPTUR, and Ms. DEGETTE.
H.R. 2500: Mr. DAVIS of Florida and Mr. SUNUNU.
H.R. 2509: Mr. DOOLITTLE, Mr. NEAL of Massachusetts, and Ms. DEGETTE.
H.R. 2547: Ms. NORTON and Mr. SCHUMER.
H.R. 2553: Ms. MILLENDER-MCDONALD.
H.R. 2556: Mr. MINGE.
H.R. 2568: Mr. BOB SCHAFFER.
H.R. 2593: Mrs. MCCARTHY of New York and Mrs. CAPPS.
H.R. 2596: Mr. GOODLING and Ms. WOOLSEY.
H.R. 2598: Mr. BARRETT of Nebraska.
H.R. 2609: Mr. SCARBOROUGH and Mr. BARTON of Texas.
H.R. 2660: Mr. MINGE, Mr. DELAHUNT, and Mr. ENGEL.
H.R. 2670: Mr. GUTIERREZ and Ms. HARMAN.
H.R. 2671: Mr. STARK.
H.R. 2708: Mr. HASTERT, Mr. BLILEY, Mr. CAMPBELL, Ms. JACKSON-LEE, and Mr. PEASE.
H.R. 2713: Mr. NEAL of Massachusetts and Mrs. CLAYTON.
H.R. 2714: Mr. SNYDER.
H.R. 2727: Mr. DOOLEY of California, Mr. EHLERS, Mr. BARCIA of Michigan, Mr. GREENWOOD, Mr. MORAN of Virginia, Mr. GOSS, Mr. TAYLOR of Mississippi. Mr. CASTLE, Mrs. THURMAN, Mr. HORN, Mr. MARTINEZ, Mrs. ROUKEMA, Mr. HOUGHTON, Mrs. JOHNSON of Connecticut, Mr. PETRI, Ms. PRYCE of Ohio, Mr. GILMAN, Mr. HOBSON, Mr. SENSENBRENNER, Mr. LATOURETTE, Mr. THUNE, Mr. SUNUNU, Mr. FRELINGHUYSEN, Mr. WHITFIELD, Mr. QUINN, Mr. FAWELL, Mr. WALSH, Mr. THOMAS, Mrs. FOWLER, Mr. FOLEY, Mr. LAHOOD, Mr. GILCHREST, Mr. BILBRAY, Mr. MCHUGH, Mr. BASS, Mr. PORTER, Mr. LAZIO of New York, Mr. UPTON, and Mr. LEACH.
H.R. 2733: Mrs. THURMAN, Mr. BOB SCHAFFER, Mr. COOK, Mr. HALL of Texas, Mr. LEACH, Ms. MCKINNEY, Mr. HANSEN, Mr. DOOLEY of California, Mr. MCHUGH, Mr. BARTON of Texas, Mr. SMITH of Michigan, Mr. KANJORSKI, Mr. SESSIONS, and Mr. SHADEGG.
H.R. 2761: Mr. TOWNS.
H.R. 2804: Mr. FROST, Mr. PASTOR, Mr. HASTINGS of Florida, and Mr. HINOJOSA.
H.R. 2829: Mr. SKELTON, Mr. ROGAN, Mr. BLUMENAUER, and Mr. ISTOOK.
H.R. 2874: Mr. ROMERO-BARCELÓ.
H.R. 2908: Mrs. MALONEY of New York, Mr. FOX of Pennsylvania, Mr. BOEHLERT, Mr. LAZIO of New York, Mr. STENHOLM, Mr. FALEOMAVAEGA, and Mr. POSHARD.
H.R. 2912: Mr. GOODLING.
H.R. 2921: Mr. BLUNT and Mr. ENGEL.
H.R. 2923: Mr. POSHARD, Mr. FAZIO of California, Mr. FALEOMAVAEGA, Mr. WATT of North Carolina, and Mr. DEAL of Georgia.
H.R. 2939: Mr. HOBSON and Mr. GRAHAM.
H.R. 2941: Mr. LARGENT.
H.R. 2955: Mr. SUNUNU and Mr. MCDERMOTT.
H.R. 2960: Mr. KENNEDY of Rhode Island.
H.R. 2963: Mr. TORRES, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, and Mrs. MALONEY of New York.
H.R. 2968: Mr. SENSENBRENNER.
H.R. 2990: Mr. PETERSON of Pennsylvania, Mr. SUNUNU, Ms. MILLENDER-MCDONALD, Mr. LEWIS of California, Ms. HOOLEY of Oregon, Ms. FURSE, Mr. DAVIS of Virginia, Mrs. CLAYTON, and Mr. HASTINGS of Florida.
H.R. 3000: Mr. HOBSON and Ms. PRYCE of Ohio.
H.R. 3007: Mr. BOEHLERT and Mr. EWING.
H.R. 3010: Ms. WOOLSEY.
H.R. 3032: Mr. HINCHEY.
H.R. 3033: Mr. MEEKS of New York.
H.R. 3050: Mr. KLINK and Mr. CLYBURN.
H.R. 3081: Ms. PRYCE of Ohio and Mr. BOSWELL.
H.R. 3104: Mr. BARTON of Texas, Mr. BLILEY, Mr. HUNTER, Mr. LUCAS of Oklahoma, Mrs. EMERSON, Mr. LEACH, and Mr. DIAZ-BALART.
H.R. 3131: Mrs. LOWEY.
H.R. 3140: Ms. STABENOW.
H.R. 3143: Mr. BARRETT of Wisconsin.
H.R. 3148: Mr. FROST.
H.R. 3156: Mr. BALDACCI, Mr. WEYGAND, Mr. SISISKY, Mr. FAZIO of California, Mr. GALLEGLY, Mr. BOUCHER, Mr. SANDERS, Mr. SPRATT, Mr. MASCARA, Mr. WELDON of Pennsylvania, Mr. TANNER, Mr. CARDIN, and Mr. SNYDER.
H.R. 3161: Mr. LUTHER.
H.R. 3178: Mr. SANDERS.
H.R. 3181: Mr. SHERMAN, Mrs. MORELLA, and Mr. ORTIZ.
H.R. 3185: Mr. SOUDER.
H.R. 3189: Mr. LAHOOD, Mr. KINGSTON, Mr. PAXON, and Mr. NEUMANN.
H.R. 3205: Mr. MALONEY of Connecticut.
H.R. 3215: Mr. PAUL, Mrs. EMERSON, Mr. BLUNT, Mr. KOLBE, Mr. SMITH of Michigan, and Ms. WOOLSEY.
H.R. 3225: Mr. ENGLISH of Pennsylvania.
H.R. 3228: Mr. ROYCE, Mr. BARRETT of Wisconsin, Mr. MILLER of Florida, and Mr. KLUG.
H.R. 3236: Mr. FOSSELLA, Mr. OBEY, Mr. LEWIS of Georgia, Mrs. KELLY, Mr. MCGOVERN, and Mr. SMITH of New Jersey.
H.R. 3240: Mr. MCGOVERN.
H.R. 3248: Mr. SUNUNU and Mr. CALVERT.
H.R. 3255: Mr. ENGEL.
H.R. 3267: Mr. NEY.
H.R. 3269: Ms. LOFGREN.
H.R. 3279: Mr. MANTON, Mr. STUPAK, and Mr. KUCINICH.
H.R. 3281: Mr. FRANK of Massachusetts and Mr. WAXMAN.
H.R. 3283: Mr. DEFAZIO and Mr. FILNER.
H.R. 3284: Mr. JENKINS.
H.R. 3293: Ms. LOFGREN and Ms. SLAUGHTER.
H.R. 3308: Mr. RAHALL, Ms. KILPATRICK, and Mr. DUNCAN.
H.R. 3318: Mr. UPTON, Mr. HERGER, Mr. LUCAS of Oklahoma, Ms. VELÁZQUEZ, Mr. SANDLIN, Mr. WAXMAN, and Mr. HALL of Texas.
H.R. 3331: Mr. SOUDER.
H.R. 3333: Ms. WOOLSEY and Ms. FURSE.
H.R. 3338: Mr. MANTON and Ms. LOFGREN.
H.R. 3341: Mr. GUTIERREZ, Mrs. MINK of Hawaii, Mr. FROST, Mr. MORAN of Virginia, and Mrs. MEEK of Florida.
H.R. 3396: Mr. HOBSON, Mr. LAZIO of New York, Mr. FRELINGHUYSEN, and Mr. DICKEY.
H.R. 3435: Mr. SESSIONS, Mr. PETRI, and Mr. WELLER.
H.R. 3462: Mr. WEXLER.
H.R. 3497: Mr. COOKSEY and Mr. LIVINGSTON.
H.R. 3506: Mrs. NORTHUP, Mr. LIVINGSTON, Mr. KING of New York, Mr. BALDACCI, and Mr. SPENCE.
H.R. 3510: Mr. DINGELL.
H.R. 3514: Mr. MILLER of California.
H.R. 3523: Mr. MASCARA, Mr. ADAM SMITH of Washington, Ms. DANNER, Mr. SESSIONS, Mr. KANJORSKI, Mr. CLEMENT, Mr. RAMSTAD, Mr. BUNNING of Kentucky, Mr. WHITFIELD, Mr. SANDERS, Mr. CRAMER, Mr. PETERSON of Minnesota, Mr. JENKINS, Mr. STRICKLAND, Mr. EWING, Mr. LIPINSKI, and Mr. GREENWOOD.
H.R. 3524: Mr. MCNULTY, Mr. STARK, and Mr. COYNE.
H.R. 3526: Mr. MALONEY of Connecticut.
H.R. 3531: Mr. FROST and Mr. BARRETT of Wisconsin.
H.R. 3535: Mr. SENSENBRENNER and Mr. NORWOOD.
H.R. 3538: Mr. BONIOR, Ms. WOOLSEY, Mr. FROST, and Mr. ENGEL.
H.R. 3541: Mr. PACKARD, Mr. STRICKLAND, Mr. RIGGS, Mr. EVANS, Mr. KIM, Mr. WEXLER, Mr. FROST, Mrs. KELLY, Mr. FILNER, Mrs. NORTHUP, Mr. MATSUI, Mr. SHAYS, Mr. MCHUGH, Mr. COOKSEY, and Mr. SNYDER.
H.R. 3546: Ms. DUNN and Mr. RAMSTAD.
H.R. 3551: Mr. FILNER.
H.R. 3555: Mr. MCHUGH and Mr. FROST.
H.R. 3561: Mr. MARKEY.
H.R. 3563: Mr. SANDLIN.
H.R. 3570: Mr. MILLER of California and Ms. STABENOW.
H.R. 3571: Mr. MANTON, Mr. STUPAK, Mrs. THURMAN, Mr. BISHOP, Mr. SANDERS, and Mr. KLECZKA.
H.R. 3577: Mr. FROST.
H.R. 3599: Mr. ENGLISH of Pennsylvania.
H.R. 3603: Mr. BILIRAKIS, Mr. FILNER, Mr. EVERETT, and Mr. COOKSEY.
H.R. 3605: Mr. TURNER, Mr. UNDERWOOD, Mr. SCHUMER, Mr. ENGEL, Mr. BERRY, Mr. DOYLE, Mr. TORRES, and Mr. FOX of Pennsylvania.
H.R. 3610: Mr. FORBES, Ms. FURSE, Mr. WEYGAND, and Mr. ENGLISH of Pennsylvania.
H.J. Res. 65: Ms. DELAURO, Mr. HILLIARD, Mrs. CAPPS, Mr. OLVER, and Mr. FALEOMAVAEGA.
H.J. Res. 66: Mr. WEYGAND and Mr. CUMMINGS.
H.J. Res. 99: Mr. FOLEY.
H.J. Res. 102: Mr. DEAL of Georgia, Mr. FAWELL, Mrs. FOWLER, Ms. GRANGER, Mr. KLINK, Mr. MASCARA, Mr. SOLOMON, Ms. STABENOW, Mr. THOMPSON, and Mr. YOUNG of Florida.
H.J. Res. 108: Mr. POSHARD.
H. Con. Res. 27: Mr. BENTSEN, Mr. MEEKS of New York, and Mr. SHAW.
H. Con. Res. 126: Mr. KING of New York.
H. Con. Res. 211: Mr. BURTON of Indiana.
H. Con. Res. 215: Mr. LEWIS of Georgia.
H. Con. Res. 220: Mr. ACKERMAN and Mrs. MCCARTHY of New York.
H. Con. Res. 222: Mr. MENENDEZ, Mr. BALLENGER, and Mr. SANFORD.
H. Con. Res. 229: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RIVERS, Mr. ROMERO-BARCELÓ, Mr. SISISKY, and Mr. STUPAK.
H. Con. Res. 233: Mr. BONIOR, Mr. HINCHEY, Mr. LIPINSKI, and Mr. PETERSON of Pennsylvania.
H. Con. Res. 234: Mr. GUTIERREZ, Mrs. KELLY, Mr. ROHRABACHER, Mr. SCARBOROUGH, Ms. FURSE, and Mr. WEXLER.
H. Con. Res. 240: Mr. ROMERO-BARCELÓ, Mr. FROST, Ms. LOFGREN, Mr. ORTIZ, Ms. SANCHEZ, Mr. HINOJOSA, Mr. PASTOR, Mr. TORRES, Mr. RODRIGUEZ, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, and Mr. DOGGETT.
H. Con. Res. 241: Mr. LUTHER and Ms. DELAURO.
H. Con. Res. 246: Mr. BLAGOJEVICH.
H. Con. Res. 247: Mr. MEEHAN, Ms. STABENOW, Mrs. LOWEY, Mr. ENGLISH of Pennsylvania, Mrs. MEEK of Florida, Mr. CUMMINGS, Mr. TIAHRT, Mrs. MYRICK, Mr. POSHARD, and Mr. SANDERS.
H. Con. Res. 249: Mr. CUNNINGHAM, Mr. ROMERO-BARCELÓ, and Mr. BONIOR.
H. Con. Res. 250: Ms. LOFGREN and Mrs. FURSE.
H. Con. Res. 254: Mr. LOBIONDO and Mr. ROHRABACHER.
H. Res. 37: Mr. SHERMAN, Mr. HILLIARD, and Mr. VISCLOSKY.

H. Res. 279: Mr. KUCINICH.
H. Res. 363: Mr. FILNER and Mr. SPENCE.
H. Res. 399: Mr. ALLEN and Mr. SOUDER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1173: Mr. HILLEARY.
H.R. 2183: Mr. DICKEY.
H. Res. 399: Mr. FRANK of Massachusetts.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

55. The SPEAKER presented a petition of the City Council of the City of Wilkes-Barre, Pennsylvania, relative to Resolution No. R0056-98 urging the United States House of Representatives and the United States Senate to pass H.R. 1151; to the Committee on Banking and Financial Services.

56. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 53 petitioning the Congress of the United States to Support Various Initiatives for the Prevention and Treatment of Breast Cancer; to the Committee on Commerce.

57. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 56 petitioning the Congress of the United States to Support Use of Military Force in Iraq if the President of the United States Deems it Necessary; to the Committee on International Relations.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. BAESLER on House Resolution 259: WILLIAM (BILL) CLAY, GREGORY W. MEEKS, DALE E. KILDEE, ROSA L. DELAURO, JULIAN C. DIXON, ROBERT C. SCOTT, JAMES A. BARCIA, TIM HOLDEN, MICHAEL N. CASTLE, ALBERT RUSSELL WYNN.

Petition 2 by Mr. PETERSON on H.R. 1984: JOHN D. DINGELL.

The following Member's name was deleted from the following discharge petition:

Petition 3 by Mr. BAESLER on House Resolution 259: FLOYD H. FLAKE.

EXTENSIONS OF REMARKS

INTRODUCTION OF HOUSE RESOLUTION TO ISSUE PAUL ROBESON COMMEMORATIVE STAMP

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. RUSH. Mr. Speaker, today I am introducing a resolution, with Mr. PALLONE, expressing the Sense of Congress that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative stamp be issued in honor of Paul Leroy Robeson's centennial birthday, April 9, 1998.

Few Americans can surpass the contributions of such an extraordinary man. Robeson was a fearless advocate for the cause of human dignity and justice, both in the United States and throughout the world. As an actor, singer, athlete, lawyer, and activist, Paul Robeson inspired the spirit and lives of millions of people.

The United States Government desperately tried to silence Paul Robeson during the repressive McCarthy era. The State Department revoked his passport for some pro-Soviet statements, and the House Committee on Un-American Activities attacked him. But Paul Robeson continued to speak out on behalf of freedom and civil rights.

To commemorate the centennial of his birthday, April 9, 1998, the Paul Robeson 100th Birthday Committee launched a national grassroots petition drive to ask the Citizens Stamp Advisory Committee to issue a Paul Robeson postage stamp. The Campaign collected nearly 90,000 letters and signatures in behalf of this request. Numerous Members of the 105th Congress also signed letters to the Citizens Advisory Committee in support of the stamp.

Despite this outpouring of enthusiasm, the Citizens Stamp Advisory Committee turned down the request. Our Resolution expresses the Sense of Congress that our country should honor Paul Robeson with the issuance of a commemorative stamp.

Thousands of people will mark Robeson's 100th birthday with celebrations across the country. But this accomplished American may not be well-known to younger generations. The issuance of such a stamp would not only be a fitting tribute to Paul Robeson, but also an excellent opportunity to educate new generations about his contributions to the arts, politics, sports, and the movement for social justice.

I urge Members of Congress to join me and Congressman PALLONE in honoring Paul Robeson and his legacy in American history by cosponsoring this Resolution.

HONORING THE MARTIN LUTHER KING, JR. COMMUNITY CENTER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the Martin Luther King, Jr. Community Center in Houston as it celebrates its 30th anniversary on April 4, 1998.

Begun by dedicated VISTA volunteers and community leaders in the 1960s, the King Center has grown into a multi-purpose facility that meets a wide range of needs, including day care, delinquency prevention, education, food and clothing emergency assistance, housing for the homeless, assistance for abused or neglected babies and children, and senior citizen support groups.

I salute all who have contributed to the success of the center, especially Executive Director Madgelean Bush and the center's founders who had the vision, courage, and commitment to turn their dream into reality: Elizabeth Hardesty, the late Eugene Hardesty, the late Moses Leroy, Dr. Hardy Loe, Bob Newman, the late Barbara Russell, Ben Russell, Millie Simon, and the late Will Simon.

The history of the Martin Luther King, Jr. Community Center dates to a definitive study on low-income housing in Houston conducted in the early 1960s by the Houston Council on Human Relations. This study found pockets of intense poverty in Houston. As a result, the Council sponsored VISTA volunteers to work in these areas. One of these volunteers was Bob Newman, who was assigned to the third ward area. To help him, he was assigned a volunteer support team from the First Unitarian Church.

After several months in the neighborhood, Bob Newman arranged for a group of individuals to discuss the development of a community center. After a series of Tuesday night meetings, the founding group of seven rented a store front building at the corner of Sampson and Drew, and what was then known as the Sampson Street Center began its work. On the night that Martin Luther King, Jr. was assassinated in Memphis, the group met and voted to change the center's name to honor the fallen civil rights leader.

While the outside volunteers provided invaluable assistance, they quickly realized that the Center would only succeed with the support of neighborhood residents. Only residents truly understood the problems and could bring about the changes needed to solve them. So they began an active and successful outreach to build support in the neighborhood. An election was held to establish a neighborhood board of directors. And residents began organizing and staffing programs that addressed their immediate needs.

The priorities of the center echoed the many concerns of the neighborhood—the needs of children who needed a place to go while their parents worked, or teenagers with seemingly no direction and nothing to do, of adults who needed the chance at further education and job training.

Grandmothers, aunts, and sisters, staffed a day care center. Neighborhood cleanup and rat eradication programs were started. Volunteers began an adult education program aimed at an eventual GED. Upholstery and ceramic classes were offered.

It quickly became obvious that volunteers could only do so much and that staffing would be required. A grant, arranged by Bob Woodson of the Unitarian Service Committee, made it possible to hire Ms. Ollie Hollies to work the Day Care Center, and shortly after, Madge Bush was hired to become the director of the King Center.

Space, always a problem, became critical as the programs grew. Houston had become eligible for Model Cities monies, and in 1974 a classroom building was built on King Center land with a Model Cities grant. This added space increased the day care program's capacity. Over the years, other programs were established: a halfway house for youngsters in trouble; food baskets and food collections for the needy; toy collections for children; and a senior citizen support program in a separate building with kitchen facilities that the seniors support themselves through quilting and Friday night fish dinner sales.

In 1990, the Mickey Leland Crisis Nursery was added to provide 24-hour-care for abused or neglected children and babies. Other vital services include programs such as sports, tutorial and counseling to combat delinquency and drugs and an alternative school, supported by the Houston Independent School District, for elementary age students who are having difficulties in a regular school environment. In addition, construction is under way on 16 family housing units in a project that will also include counseling, job training, and other services to help families.

Today, through the dedication and hard work of Madgelean Bush, the staff, and volunteers, the King Center is alive and well. In every challenge, Madge sees hopes for a solution, and she inspires others to join her in the effort. I salute everyone involved with the Martin Luther King, Jr. Community Center throughout its 30 years of service and thank them for all that they have done to make Houston a better and more caring place.

U.S. OIL RESERVES—BUY HIGH, SELL LOW?

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. MILLER of California. Mr. Speaker, the Department of Energy is about to sell off more

than $207 million worth of oil owned by U.S. taxpayers from the Strategic Petroleum Reserve. At today's low prices, that means the United States would dump about 20 million barrels of oil on a market already awash with oversupply.

Congress created the Reserve in 1975 to avoid the devastating effects on our national security and our economy that could be caused by the kind of shortages that occurred when other oil-producing countries stopped producing in order to drive up the price of oil and gas.

Last year, Congress directed the DOE to sell over $200 million worth of oil—essentially covering the cost of operating the Reserve. But shouldn't we think about the wisdom of proceeding with this plan at this time?

Isn't it foolish to liquidate federal oil reserves now, when oil and gas are selling at very low prices? Even if the price of oil rebounds this year, we would still be selling these federal assets for far less than the $27 to $30 per barrel it cost us to acquire them. Secretary of Energy Federico Pena agrees, noting, "This is the worst time to be selling oil out of the Strategic Petroleum Reserve." Good economics would suggest that we buy oil for the Reserve now—not sell it.

On March 26, the Senate accepted an amendment to its supplemental appropriations bill to rescind the sale. The House bill passed earlier this week does not rescind the sale. On behalf of taxpayers who stand to lose millions is this unwise liquidation proceeds, I would hope that the House conferees will accept the Senate position in Conference.

TRIBUTE TO THE HONORABLE FRED AND MRS. ANNE ANDERSON

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the Honorable Fred and Mrs. Anne Anderson of Loveland, Colorado. Fred and Anne are being honored April 1 by the National Multiple Sclerosis Society with the 1998 Hope Award at the fourth annual Dinner of Champions. April 1 is a very special anniversary for the couple as this was the date Fred proposed to Anne 44 years ago, so it is especially poignant that the community chose this date to honor this dedicated couple for their volunteer service.

As residents of the community for four decades, and parents of four children, the Andersons have spent an enormous amount of time contributing to the political and local community. To name just some of the organizations they worked for include the Boy Scouts, their children's schools, youth football, church, library, McKee Medical Center, Rotary, Jaycees, PEO, and foundations.

Fred, who served in the Colorado State Senate for 16 years, including a time as Senate President, is well known for his expertise on Colorado water issues. His knowledge has been invaluable to the citizens of the region and state. Anne has served as co-chair of United Way with Fred, and board member of public television's Channel 6. Together, they signed up to work hard for the National MS Society when one of their children, Kate, was diagnosed with the disease, chairing the first Dinner of Champions.

The Andersons are a good example of Americans who are generous and caring. "They would do anything for any person who needed a hand," said Cindy Bean, development manager for the National MS Society. As a personal friend of the Andersons, I know this statement to be true. Fred and Anne are two people who are working to make this a better world.

CONFERENCE REPORT ON H.R. 1757, FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. SNOWBARGER. Mr. Speaker, I rise in support of this conference report. The United Nations Reform Act is an important first step in bringing this institution in line with what America expects of it, and achieving the goals of the Kassebaum-Solomon amendment which began our withholding of a portion of our U.N. dues. Last year, I introduced the United Nations Accountability Act to force reforms at the U.N. before any arrears could be paid to that body. This measure would go far in accomplishing that goal by providing the funds in three tranches, but payment of each tranche would be contingent on certain specified reforms accomplished at the United Nations.

The U.S.'s dues assessment must be lowered from the current 25 percent to 22 percent immediately, and to 20 percent by the year 2000. For too long, the U.S. has been paying a disproportionate share of the U.N.'s expenses, and other countries have been getting off without paying their fair share.

The bill also requires that our assessment for peacekeeping activities be reduced to 25 percent, and most importantly that our in-kind military contributions to U.N. peacekeeping missions be credited against our assessment. Last year I supported an amendment by the gentleman from Maryland—Mr. BARTLETT—to require money we spent in the past for this purpose be applied to our arrearage. Unfortunately, a majority of the House opposed that effort. I can understand why—the Administration promised and the Congress appropriated this money without first demanding reimbursement, and it would be difficult to retroactively correct that foolish mistake. But we must make sure that we get compensation in the future. Administration officials and Members of Congress must remember that it is not our money they are promising to Kofi Annan, it belongs to the people of this country, and they deserve full value for it.

There are other important institutional reforms in this bill that deserve our support. There are procurement reforms that ensure that contracts will be let fairly and openly and not to the friends of the U.N. officials awarding them. There will finally be a merit-based personnel system at the U.N. to end the rampant cronyism there. The United States—as the largest contributor to the U.N.—will be ensured of a seat on the U.N.'s budget committee. The bloated staffing levels will be cut. And a report will be required on efforts to ensure that our ally Israel has the same opportunity to serve on the Security Council as every other member state.

Now that the reforms have been required by Congress, the next step must be enforcing them. I must say that I would have preferred the enforcement procedure of the United Nations Accountability Act—requiring a second vote by Congress to approve the reforms. Instead the Administration has to certify that the U.N. has indeed made the required reforms—not just making progress, but actually accomplishing them. Congress now has the duty to keep both U.N. and the Administration honest. I will do my best to do so, and if any certification is made that is in conflict with the facts, I will lead the effort to block further appropriations.

THE DISABLED VETERANS' SPECIAL HOUSING IMPROVEMENTS ACT OF 1998—H.R. 3619

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. EVANS. Mr. Speaker, today, I am introducing the Disabled Veterans' Special Housing Improvements Act of 1998. This legislation will provide our most severely disabled veterans with a much needed increase in the amount of the one-time grant they may receive in order to obtain or adapt special housing to meet their unique needs. Only a small number of service-connected veterans are so disabled that they qualify to receive a grant to obtain suitable housing. Most are required to use a wheelchair for mobility. During the past ten years, the purchasing power of this grant has been allowed to erode by almost one-third.

The Disabled Veterans' Special Housing Improvements Act of 1998 was prompted by a call to my office from a severely disabled veteran. This veteran reported that while he had been approved for a one-time grant from the Department of Veterans Affairs to modify his home to meet the requirements of his service-connected disabilities, the cost of the needed adaptations far exceeded the amount of the grant. There was a simple reason for this fact. The grant amount for veterans which had been regularly increased between 1969 and 1988 has been frozen since 1988.

The grant available under this program amount is limited to 50% of the actual cost of the modifications or purchase. Nonetheless, almost 95% of the veterans who qualify for this benefit receive the maximum grant. The legislation I am introducing today makes up for years of neglect. It will restore the purchasing power of the grant to reflect the current cost of housing. In order to avoid repeating the neglect of the past ten years, the legislation will also index the grant to the cost of new construction in future years.

In addition, this legislation has been recommended by the Independent Budget and the many veterans service organizations who participate in preparing that document. Our most severely disabled veterans have earned the right to live in a safe, secure home, specially adapted to meet their needs. I urge my colleagues to support this legislation.

HONORING NATIONAL COMMUNITY ECONOMIC DEVELOPMENT DAY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BENTSEN. Mr. Speaker, I rise to recognize National Community Economic Development Day (National CED Day), which will be celebrated by community development corporations (CDCs) across the country on Wednesday, April 8, 1998.

This third annual event, held during National Community Development Week and sponsored by the National Congress for Community Development (NCCED), recognizes the achievements of more than 2,500 CDCs working in America's low-income urban and rural communities. More than 800 NCCED members are actively involved in housing renovation and construction, real estate development, industrial and small business development, employment-generating activities, and other innovative programs to revitalize communities. More than 21 million people benefit from the work of CDCs.

This year's National CED Day theme, Community Empowerment Through Partnerships, underscores the benefits of building effective alliances between community and faith-based organizations, businesses, and state, local, and federal governments. Collectively, these partnerships work to foster a better social and economic quality of life for America's families. National CED Day gives CDCs the chance to form and expand productive partnerships with local businesses, corporations, banks, academic institutions and public officials, which strengthens the economic base of both urban and rural communities nationwide.

Community Development Corporations are good at what they do around the country and in Houston. They recognize the interrelated factors that cause economic decline. They evaluate the needs of each community and create plans for each neighborhood. They then develop comprehensive strategies for community economic development using entrepreneurial solutions, and they stay in the community for the long term.

Effective community development depends on all of us working together, developing and sharing good ideas, and bringing individual talents and resources to bear addressing the economic challenges facing our families and our communities.

Mr. Speaker, I commend all involved with National Community Economic Development Day and the good work that CDCs have done in Houston and around the country. I look forward to continuing to work together in this crucial effort.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes:

Mr. MILLER of California. Mr. Chairman, the House Report accompanying the Supplemental Appropriations bill contains a little-noticed section that could cost taxpayers many millions of dollars in revenues from public lands in the Gulf of Mexico.

Technological advances in recent years have made it much cheaper to find and produce oil and gas in what was formerly considered "deep water" in the Gulf. In 1995, the Congress unwisely passed a Deepwater Royalty "holiday" to stimulate oil companies (most of whom were already enormously interested in deep water leases) to bid on these tracts. Here's how Congress provided that incentive: instead of charging royalties on oil and gas produced from these new leases, the oil companies would be given as much as 87.5 million barrels absolutely free! We have given away hundreds of millions, if not billions, of dollars in royalties from leases on public lands that the oil industry was already clamoring to bid on. It came as little surprise that companies are snapping up the royalty-free leases and paying higher than normal front end bonuses to acquire them. Why wouldn't you pay more if you know you will get nearly 100 million barrels of production royalty-free?

Thanks to improved technology and cheaper production costs, oil exploration and production in the Gulf are booming. As reported in Forbes magazine last year, Gulf of Mexico deepwater development costs have dropped to as little as $3 per barrel, one-third the level in 1987.

This is great news for the oil industry, but might not be quite so good a bargain for the taxpayers who own the oil and gas. The Minerals Management Service, which oversees offshore production, wants to look at possibly raising the royalty rates on the holiday leases once royalties do begin to apply in an effort to determine whether or not the public is actually receiving fair market value on its oil and gas. MMS is fully allowed to take such corrective action under the 1995 law that gave away the leases royalty-free.

But the oil industry, enjoying the benefits of the 1995 law and flush with money from Gulf leases, now wants to curtail the government's legal right to make adjustments to ensure the public's financial interest is fully protected. The House Appropriations Committee's Report on the Emergency Supplemental Appropriations bill includes language to prevent the Secretary of the Interior from making any changes to the lease terms. This language undermines the Secretary's authority to set terms that guarantee the taxpayer receives fair market value on the sale of its mineral resources.

Congress should be protecting the public's right to receive a fair return—not tying the hands of the Interior Department when it is attempting to secure fair market value for the taxpayers. This Report languages is irrelevant to the Emergency Supplemental and, by revising the authority granted Interior in the 1995 law, constitutes an indirect effort to legislate on an appropriations bill.

I would hope such instructions are not included in the Conference Report or the Statement of Managers. And I would recommend that Members oppose the Conference Report should it be included. If the weakening recommendation is in the Statement, the MMS should ignore this unwise effort to tamper with the law and shortchange taxpayers.

TRIBUTE TO PHIL WALKER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to Mr. Phil Walker, a Fort Collins, Colorado, native and 40-year broadcaster for KCOL radio who has just been recognized as the Colorado Broadcasters Association Broadcast Citizen of the Year.

This annual award is given to an individual who displays an outstanding record of community citizenship. Phil was selected for his tremendous service during Fort Collins' 1997 devastating flood when he stayed on the air non-stop for four days, broadcasting relief coverage and directing emergency assistance.

However, Phil has been known to our community and his listeners long before last summer's flood. He started work at KCOL as a freshman at Fort Collins High School in 1957. Today, we start our weekday mornings at 6:00 a.m., hearing, "Good morning everyone! How's my city? on News Talk 1410 AM, Monday through Friday. What better way to wake up than to hear this cheerful greeting emanating from a man who loves and knows his city, my hometown.

Phil has been recognized as a visionary who constantly thinks about Fort Collins' future, but he also airs a very popular radio feature about the 200-year history of Fort Collins and northern Colorado, known as "Visions Along the Poudre." As he proudly states, "This is my hometown," obviously giving him great insight and knowledge of the area.

Phil has won numerous awards during his career including Best Regularly Scheduled Newscast by the Colorado Broadcasters Association in 1996; Best Broadcast Feature Writer in Colorado by the Society of Professional Journalists in 1994; and Best Radio Program in Colorado by the Broadcasters Association in 1980–83, 1989, and 1991–96; was chosen as the "Best Local Author" in the annual Coloradoan poll four years in a row for "Visions Along the Poudre Valley"; President's Award by the Fort Collins Historical Society in 1996; and this year, was chosen as the Honorary Historian for Larimer County by the Larimer County Commissioners.

His community involvement is extensive as well, including being the founding member of

the NewWestFest committee; creator of the Annual Community Carolfest held during Christmas; administrator of the town's 4th of July fireworks display for 15 years; established a fundraising program for the Fort Collins Museum; master of ceremonies for many charitable events; and was recently the Honorary Chairman of Riverfest, the annual celebration of the Poudre River.

Recalling a conversation he had with his father as a youngster, he asked his dad, "Why are you doing all this volunteer work? You don't get paid for doing it?"

His dad responded, "Well, it's my turn."

Phil asked, "What does that mean," to which his dad said, "If you keep your nose clean and live in this town for about forty more years, you'll know what it means."

"Well, it's been forty years and I know what he meant," said Phil.

Mr. Speaker, I am honored to pay tribute to this very hardworking, civic-minded, selfless man who has contributed so much to this community. The Colorado Broadcasters "Broadcast Citizen of the Year" award is much deserved. He embodies the true American spirit.

VETERANS OF FOREIGN WARS OF THE UNITED STATES OPPOSES H.R. 695, THE SAFE ACT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. SOLOMON. Mr. Speaker, as you know every major police organization in the United States, representing millions of Americans strongly opposes H.R. 695. Now our veterans have joined their efforts to defeat the bill. I have included in the RECORD today a letter from the VFW which outlines their opposition to H.R. 695, the SAFE Act.

The 2.1 million members of the Veterans of Foreign Wars believe that the version of the bill reported by the Committees on Judiciary, International Relations and Commerce will be detrimental to our national security and law enforcement.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, February 17, 1998.

Hon. Gerald B. Solomon,
U.S. House of Representatives, Washington, DC.

DEAR MR. SOLOMON: On behalf of our 2.1 million members, the VFW thanks you for inviting us to the presentation you recently sponsored regarding the issue of encryption. We found the presentation to be extremely informative and persuasive.

Please be assured that the VFW fully agrees that there is a need for the law enforcement and intelligence communities to have an unfettered capability to counter terrorists and criminals, both domestic and foreign. We strongly support H.R. 695, the "Security and Freedom Through Encryption (SAFE) Act" as reported by the House National Security and Intelligence Committees, which calls for controlled government access through key recovery tools to decrypt information and communications that endanger our national security. We oppose the version of H.R. 695 reported by the Judiciary, International Relations and Commerce Committees because they failed to incoporate essential key recovery language. As America moves forward into the 21st century it is absolutely essential that we have the ability to keep pace with those who intend to bring us harm.

Again, thank you for inviting us to a most stimulating presentation. We look forward to working with you on this issue.

Sincerely,

KENNETH A. STEADMAN,
Executive Director.

IN HONOR OF THE OPENING OF EDISON INTERNATIONAL FIELD OF ANAHEIM AND OPENING DAY OF THE ANAHEIM ANGELS BASEBALL SEASON, APRIL 1, 1998

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. SANCHEZ. Mr. Speaker, tonight, I would like to join you in celebrating the opening of Edison International Field of Anaheim and the opening day of the Anaheim Angels baseball season. When the first ball is thrown out on the field tonight, we will be part of the history of this great American sport—baseball.

Baseball has been a part of our American history from the 19th century. From its earliest beginning, baseball has captivated the American audience in a most remarkable way. Baseball is synonymous with America. It is as American as the Fourth of July, apple pie, and the Star Spangled Banner.

Nothing has captured the imagination of America's young and old, as baseball. How many little leaguers dream of playing one day in the major leagues, the bright lights shining down on the field, the crowds cheering as a runner slides into home base. Baseball is our national pastime. We, as Americans, are proud of this sport. And, some of our greatest American heroes, have been baseball players—Babe Ruth, Lou Gehrig, Mickey Mantle, Joe DiMaggio, Jackie Robinson.

Tonight, we again celebrate this most American of traditions. The new Edison Field has brought state of the art facilities to Orange County. With the new additions of seating for over 45,050 fans, a total of 108 executive style boxes and new dining facilities, the Edison Field stadium will continue to draw record crowds to see their favorite team, the Anaheim Angels play. It is so exciting to have this excellent team of baseball players representing Anaheim. We are so fortunate to have such a talented baseball team right here in Orange County.

Best wishes for a winning season!

HONORING HEAR O'ISRAEL OF HOUSTON, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BENTSEN. Mr. Speaker, I rise to recognize a valued organization within the Houston community, Hear O'Israel, which is sponsoring Listen to the Cries of the Children National during the month of April 1998. Hear O'Israel works to make a difference in the lives of the disabled, battered and abused women, the elderly and young people across Houston. They work to give these men and women a stronger sense of self-worth and instill in them the need to treat others with compassion and respect. The following resolution approved by the Houston City Council demonstrates the high regard for Hear O'Israel in our community.

A RESOLUTION
LISTEN TO THE CRIES OF THE CHILDREN NATIONAL

Hear O'Israel International, Inc., a non-profit, non-denominational organization will sponsor Listen to the Cries of the Children National during the month of April 1998. Listen to the Cries of the Children National is designed to strengthen unity among families and enhance public awareness of the negative consequences that alcohol and drug abuse, family violence, child abuse, and gang activity have on children.

The Listen to the Cries of the Children National campaign will call attention to the plight of children around the world who are abused, neglected, physically challenged, or who do not have access to adequate food, shelter, clothing, and health care and are crying out for help. As a symbol of compassion for suffering children, Hear O'Israel International, Inc. will encourage supporters to turn on their automobile headlights and wear white ribbons during the observance.

The Mayor and the City Council of the City of Houston do hereby salute Hear O'Israel International, Inc. for its efforts to improve and enhance the quality of life for our children, and extend best wishes for a successful and rewarding campaign.

Approved by the Mayor and City Council of the City of Houston this 26th day of March, 1998. A.D.

HONORING THE DISTINGUISHED CAREER OF HERSCHEL MULLINS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 1, 1998

Mr. GORDON. Mr. Speaker, I rise to congratulate Herschel Mullins for marking his 60th anniversary as owner and founder of Mullins Jewelry.

On March 1, 1938, Mr. Mullins bought the business from the man for whom he worked as an apprentice for two years. Raised on a farm in the Florence community, Mr. Mullins traded in farming for repairing and selling clocks and jewelry. His love of working on clocks was a trait he inherited from his father.

A little over a year later, on July 5, 1939, Mr. Mullins married Mildred Alsup. Today, they have three sons, Charles, James and Thurman, nine grandchildren and one great-granddaughter. Mullins Jewelry is one of few remaining family owned and operated businesses. His wife, sons and their wives and grandchildren work with him. The business, located on the South side of the square in Murfreesboro, needs no advertisements; it is sustained by word-of-mouth.

In addition to contributing to local commerce, Mr. Mullins has also contributed to his

country and community. During World War II, he worked on aircraft instruments at Sky Harbor and Smyrna Air Force Base. Mr. Mullins has been involved in many local and civic activities, serving as past president of the Blackman Community Club and member of the Optimist club, March of Dimes fundraising committee and downtown improvement committees. He is a lifelong member of the Florence Church of Christ, where he serves as an elder.

Again, Mr. Mullins, congratulations on 60 years of successfully operating your family business. May the days to come be filled with the happiness of family and friends. Thank you for the contributions you have made to your country and the communities of Rutherford County.

ON THE INTRODUCTION (BY REQUEST) OF THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND AMENDMENTS OF 1998

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. VENTO. Mr. Speaker, today I am introducing by request of the Administration, along with the Chairwoman of the Financial Institutions and Consumer Credit Subcommittee, Mrs. ROUKEMA, the Community Development Financial Institutions Fund Amendments of 1998.

The reauthorization of the Community Development Financial Institutions Fund should be an important part of the Financial Institutions and Consumer Credit agenda this year. The CDFI fund was established to increase access to credit in distressed areas and to provide community development and financial services opportunities to disadvantaged people. Created in 1994, funds allocated to the CDFI Fund help leverage additional private capital used by CDFIs to revitalize neighborhoods, encourage and promote entrepreneurs, restore private market activity in distressed communities and empower local residents. The Administration's FY 1999 budget has requested $125 million for the CDFI program and in concert with a reauthorization effort, we can improve and further empower the CDFI funded programs.

Demand for the CDFI funded programs has exceeded expectations. The Treasury Department has reported that requests for assistance in the first two rounds have been approximately $500 million. Of the $125 million requested by the Administration in FY 1998, only $80 million was appropriated. This, along with the earlier appropriations, has barely scratched the surface of the need for the unique activities of the CDFI Fund and its sister program, funded with one-third of the appropriations, the Bank Enterprise Act (BEA).

I look forward to working with the Administration, Chairwoman ROUKEMA and other Members of the Banking Committee on a reauthorization of the CDFI. We do need to act soon to help the CDFI and BEA programs to go forward in the future with new initiatives that can expand the CDFI Fund's tools for assisting community development financial institutions. CDFI provides seed money for the creation of jobs, brings capital into distressed communities, and lifts people out of poverty. With our efforts this year, we can maximize the benefits CDFIs can provide to underserved communities across the country.

A section-by-section of the bill follows:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND AMENDMENTS ACT OF 1998—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This section designates this legislation as the Community Development Financial Institutions Fund Amendments Act of 1998 and provides a table of contents.

SECTION 2. TECHNICAL CORRECTIONS TO REFLECT STATUS OF THE FUND WITHIN THE TREASURY DEPARTMENT; MISCELLANEOUS TECHNICAL CORRECTIONS.

Subsection (a) amends the purpose section of the Community Development Banking and Financial Institutions Act of 1994 (the Act) to add language that clarifies that the purpose of the Act is to promote economic revitalization and community development not only through investment in community development financial institutions (CDFIs), but also through incentives to insured depository institutions under the Bank Enterprise Act of 1991.

Subsections (b) and (c) amend the Act to reflect the intent of subsequent appropriations provisions that made the Community Development Financial Institutions Fund (CDFA Fund) a wholly owned government corporation within the Treasury Department. Technical amendments to the Act eliminate the concept of a presidentially appointed Administrator of the CDFI Fund, and, as with other Treasury programs, vest all of the duties and responsibilities of the CDFI Fund in the Secretary of the Treasury (subject to existing statutory delegation authority). The Secretary may appoint all officers and employees of the CDFI Fund, including a Director.

Subsection (c) also makes technical changes to clarify that the Inspector General of the Treasury Department is the Inspector General of the CDFI Fund.

SECTION 3. AMENDMENTS TO PROGRAMS ADMINISTERED BY THE FUND.

Subsection (a) makes minor changes to the Community Development Financial Institutions Awards Program (CDFI Program) administered by the CDFI Fund. The amendments provide that, for the training and technical assistance programs already authorized by the Act, the Fund may enter into cooperative agreements in addition to the other methods described.

Subsection (b) contains amendments clarifying the Bank Enterprise Act (BEA) Awards Program for insured depository institutions. The subsection provides technical amendments and clarifies that the Fund may provide assessment credits to insured depository institutions for increases in loans and other assistance provided to CDFIs. The provisions clarify the manner in which the Fund may take account of forms of assistance provided by insured depository institutions. In addition, the provisions permit the Fund to use alternative eligibility requirements to determine the definition of a "qualified distressed community." Current criteria are difficult to interpret and may exclude some insured depository institutions, particularly those serving rural areas, from participation in the BEA Program.

SECTION 4. EXTENSION OF AUTHORIZATION.

This section authorizes appropriations in such amounts as may be necessary for the CDFI Fund to carry out its responsibilities under the Act.

SECTION 5. AMENDMENTS TO THE SMALL BUSINESS CAPITAL ENHANCEMENT PROGRAM.

Subtitle B of Title II of the Act currently provides the CDFI Fund with authority to administer a program to encourage states to implement small business "capital access programs" with participation of certain depository institutions. These "capital access programs" expand access to small business loans by creating a loan loss reserve, funded by the depository institution, the borrower, and the state. This reserve fund allows banks to make more difficult small business loans. The Fund, under the Small Business Capital Enhancement (SBCE) Program, could reimburse participating states for a portion of funds contributed to these loan loss reserve accounts.

The amendments made by section 5 remove statutory barriers that currently block the CDFI Fund from administering the SBCE Program. Subsection (a) allows CDFIs to participate in the SBCE Program. Subsection (b) removes the requirement that the SBCE Program receive a threshold appropriation before beginning operations. Finally, this section will allow the CDFI Fund (if the SBCE Program is operating) to reimburse participating states according to criteria established by the CDFI Fund in an amount up to 50 percent of the amount of contributions by the states, until funds made available for this purpose are expended. This permits the Fund to target reimbursements to states that have not yet established these programs or that have insufficient funds for effective programs.

BRONX COMMUNITY COLLEGE'S 20TH ANNUAL HALL OF FAME 10K RUN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. SERRANO. Mr. Speaker, it is with joy that I rise to pay tribute to Bronx Community College, which will hold its 20th Anniversary Hall of Fame 10K Run on Saturday, May 2, 1998.

The Hall of Fame 10K Run was founded in 1978 by Bronx Community College's third President, Dr. Roscoe C. Brown. Its mission is to highlight the Hall of Fame for Great Americans, a national institution dedicated to those who have helped make America great.

The tradition continues, first under the leadership of Acting President, Dr. Leo A. Corbie and now under Dr. Carolyn G. Williams, the first woman President of Bronx Community College. Both Dr. Corbie and Dr. Williams have endorsed and follow the commitment made by Dr. Brown to promote physical well-being as well as higher education.

As one who has run the Hall of Fame 10K Run, I can attest that the excitement it generates brings the entire City together. It is a celebration and an affirmation of life. It feels wonderful to enable more than 400 people to have this experience—one that will change the lives of many of them. It is an honor for me

to join once again the hundreds of joyful people who will run along the Grand Concourse, University Avenue and West 181 Street and to savor the variety of their celebrations. There's no better way to see our Bronx community.

For its entire 19 years, Professor Henry A. Skinner has coordinated the Bronx Community College Hall of Fame 10K race, a healthy competition which brings together runners of all ages from the five boroughs of New York City. He is also the President of Unity and Strength, the organization of minority faculty, staff and administrators of Bronx Community College.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Bronx Community College's 20th annual Hall of Fame 10K Run possible.

THE SAFE ACT JEOPARDIZES ISRAEL'S SECURITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. SOLOMON. Mr. Speaker, as you know, approval of the SAFE Act, (H.R. 695) without key recovery will damage America's intelligence gathering capability. This is the reason the National Security and Intelligence Committees strongly oppose the bill.

When terrorist nations or terrorist organizations communicate we now possess the capability to intercept and decode those messages. However, if the SAFE Act becomes law our country will lose this capability. Approval of this bill would have grave consequences on Israel. First, since the bill effectively eliminates export controls on encryption technology it will weaken our ability to collect intelligence and as a result devalue the intelligence we share. Secondly, making unrestricted encryption technology available to terrorist organizations would jeopardize Israel's own intelligence capability.

When questioned about the effects of H.R. 695 (The SAFE Act) General Meir Dagan, Advisor to the Israeli Prime Minister on Counter Terrorism stated, "making unbreakable encryption software available would be the equivalent of shooting ourselves with our own gun!" And Major General David Ivry, Advisor to Israel's Minister of Defense said that, "we would encourage all of our friends in the United States to oppose the bill."

The proponents of this bill maintain that our enemies and Israel's enemies will eventually possess encryption technology. Even if true, it fails to explain why we should rush to place this technology in the hands of our enemies. Please give the United States, our allies and our friends the time to develop a strategy and countermeasures to address these new technologies by opposing the SAFE Act.

THE EMPOWERMENT ZONE ENHANCEMENT ACT OF 1998

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. RANGEL. Mr. Speaker, today, we have the opportunity to take another step closer to a goal that is close to our hearts—renewing investments in our cities and communities. Working closely with the administration, the leadership of numerous Federal agencies, State and local governments, and community residents, I am introducing the Empowerment Zone Enhancement Act of 1998.

The Empowerment Zone Enhancement Act expands on the successful empowerment zone (EZ) initiative we began in the Omnibus Budget Reconciliation Act (OBRA) of 1993. In 1993, OBRA created nine empowerment zone demonstration projects and 95 enterprise communities. In the 1997 Taxpayer Relief Act, we went one step further by authorizing the designation of 20 additional EZs and provided for tax incentives for these zones. However, the 1997 Act did not provide the flexible grant funding critical to assist distressed urban and rural communities develop and implement holistic revitalization programs. The bill I am introducing today would fulfill this major goal of the Empowerment Zone/Enterprise Community (EZ/EC) Initiative. Specifically, this bill provides for $1.7 billion in grant funds over a 10-year period, $1.5 billion for the urban zones and $0.2 billion for the rural zones. The funds are channeled through the Title XX social services block grant and are in addition to current Title XX resources.

Despite the short existence of the EC/EZ Initiative, various elements for success have been identified. This initiative has not produced the intended benefits of creating economic opportunity, broad-based community partnerships and sustainable community development, but has also proven to be one in which local neighborhoods are encouraged to seek solutions to the problems of their community, rather than wait for Washington solutions.

Leveraging public sector resources to enable private-sector community investment is a fiscally responsible means of promoting community development and prosperity. The Empowerment Zone Enhancement Act is the next logical step in permitting the private sector to actively participate in this process of developing and implementing solutions. It is important and appropriate that we continue this process of rebuilding our communities.

DISABLED VETERANS' AUTOMOBILE ASSISTANCE IMPROVEMENT ACT OF 1998, H.R. 3618

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. EVANS. Mr. Speaker, today, I am introducing the Disabled Veterans' Automobile Assistance Improvement Act of 1998. Severely disabled veterans are eligible for a grant from the Department of Veterans Affairs (VA) to provide or assist in providing an automobile or other conveyance.

The original intent of this program was to provide a grant which would enable a veteran to actually purchase a motor vehicle. The grant currently available is totally insufficient for that purpose. In 1971, the average cost of a new car was $3,742 and the VA grant amount was $2,800. In 1974, the average cost of a new car was $4,440 and the VA grant was raised to $3,300. By 1988, the average cost of a new car had increased to $14,065 and the VA grant had increased to $5,500. Today, the average cost of a new car is $20,647, but the VA grant remains limited to $5,500. These figures dramatically demonstrate the erosion of a benefit which is designed to assist disabled veterans in the purchase of a motor vehicle.

The Disabled Veterans' Automobile Assistance Improvement Act of 1998 will enable disabled veterans to qualify for a grant which will be increased to make up for the increased cost of automobiles over the last ten years and will index these amounts for future inflation. Our severely disabled veterans need assistance with the cost of motor vehicles which, due to the extent of the veterans' service-connected disabilities, frequently cost far more than the average cost of an automobile. This legislation will provide that assistance and I urge my colleagues to support this important legislation.

HONORING DR. PAUL DRESCHNACK

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BILIRAKIS. Mr. Speaker, I rise today to commend the work of one of my constituents, Dr. Paul Dreschnack. Dr. Dreschnack is a plastic surgeon who spends several weeks each year in India, voluntarily performing free operations on children born with facial defects.

I recently nominated Dr. Dreschnack and his mentor, Dr. Sharadkumar Dicksheet, for a Nobel Peace Prize. I would like to share with our colleagues the letter I submitted with their nomination application. I nominated these outstanding men because they embody the essence of humanitarianism. They have selflessly given their time, money, and energy to improve the lives of others.

On behalf of the United States House of Representatives, I thank Dr. Dreschnack and Dr. Dicksheet for their tireless work. They are very worthy of this prestigious award and would uphold its tradition of outstanding recipients if it is awarded to them.

DEAR NOBEL COMMITTEE MEMBERS: It is my distinct privilege to bring before the Committee two physicians whose humanitarian contributions in the area of medicine have prompted me to submit their names for consideration as Nobel Prize Laureates.

I became acquainted with the work of Dr. Dicksheet and Dr. Dreschnack during a recent meeting with representatives from a local chapter of an international civic organization, the Rotary Club of Dunedin, North.

The story that unfolded over the next several hours could be subtitled by the headlines of some of the articles contained in their packet: "The Doctor's Heart: A New York Doctor Returns to India to Give His Life's Earnings Back"; "New Life to the Deformed"; "One Man, 20,000 Lives."

Most of us, as we mature and recognize that we have been the recipient of unearned blessings or talents in life, desire to give back to the community. Such is the motive driving both Dr. Dicksheet and Dr. Dreschnack. But their vision, the longevity and the largesse of their contributions sets them apart among men.

For thirty years, Dr. Sharad Dicksheet has spent approximately six months each year in the poorest regions of India, providing free surgery to those in need. He brings with him a small team of surgeons, often paying for their travel out of his own funds.

They arrive at one of the many Plastic Surgery Camps, or Shibers, as they are called. Year after year, the routine has been the same. By daybreak, hundreds of people have arrived, (some traveling hundreds of miles) to be evaluated for treatment. In recent years the number arriving at each site has often increased to over one-thousand people.

Time and resources dictate that only those deemed treatable can be assured of surgery. The patients are primarily cleft lip and or cleft palate cases but include a variety of facial deformities, burn injuries, including burn contractures of joints, and deformed ears and eyes.

By nine o'clock, separate operating tables have been set up for the team and the surgeries begin, continuing uninterrupted until six o'clock in the evening. An average of thirty-five surgeries are performed daily, but many times the number reaches more than fifty. The statistics are phenomenal. Since Dr. Dicksheet began his work in 1968, more than 40,000 operations have been performed. Financially, his contributions exceed $80 million.

But, what does the work mean to his patients? Nothing short of a new life! Infants who would have died, unable to suck milk, now thrive. Families outcast by the social stigma of deformity, are restored. Young girls, (and boys), unmarriageable and unable to work or make a living, have a future. Each of the 40,000 cases has a life changing story. It would be impossible to accurately estimate the thousands of people whose lives have been positively affected by Dr. Dicksheet and his associates. And, when you consider that the doctors also teach surgical techniques to Indian surgeons through the Indian Medical Society, the number increases even more.

What makes Dr. Dicksheet's story even more remarkable is that the doctor has conducted the majority of his humanitarian work while he, himself, has been in grave health. About 18 years ago he underwent surgery for laryngeal cancer. His speech is, for the most part, inaudible and he must communicate in writing much of the time. Ten years ago he suffered a severe heart attack, followed by another attack in 1994. In spite of his health he has continued to raise funds, travel and operate from a wheelchair. At this time, however, his health has further deteriorated. He is not expected to live much longer. Over the years he has treated each day as a "bonanza," and filled it with giving his life to his fellow man. "I feel good in giving this service to my countrymen," he responds when asked about his work.

What will happen to his work? Preparation has been made to turn the work over to the very capable hands of Dr. Paul Dreschnack, who has worked with Dr. Dicksheet for nine years and shares his vision, enthusiasm and dedication. As Dr. Dreschnack responded in an interview in 1995, "I'll be doing it (the work) for a long time." I am very proud to count Dr. Paul Dreschnack as a resident of my Congressional district.

The humanitarian contributions of these men sets an example for the world. They exemplify how much more we can give when we are willing to give our lives, totally. They show us how much larger our vision can be when we refuse to see obstacles and we view our fellow man as our brother.

I am very pleased to bring Dr. Sharadkumar Dicksheet and Dr. Paul Dreschnack before you.

With best wishes, I am

Sincerely yours,

MICHAEL BILIRAKIS,
Member of Congress.

TRIBUTE TO DAVID G. RICE, JR.

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to David G. Rice, Jr., a true friend of Colorado's agriculture industry, who recently passed away at the age of 81.

Dave was born on his family's homestead in 1916, outside Grand Junction, Colorado. He studied animal husbandry at Colorado A&M, graduating in 1939. Dave then went to work in the Cooperative Extension offices of Elbert and Delta Counties for the next ten years, except for time he served in the military during World War II.

In 1949, he started his 33-year-long career with the Colorado Cattlemen's Association (CCA) retiring as their executive vice president. Upon retirement, he became CCA's Vice President for Legislation and Federal Lands and, until very recently, remained actively involved lobbying on behalf of agriculture.

For his service to agriculture, Dave received numerous awards throughout his career including the Federal Land Bank of Wichita's 50th Anniversary Medal, authorized by Congress and the President of the United States; CSU's Livestock Industry Award; and induction into the Colorado Agriculture Hall of Fame. He was uniquely acknowledged by the 55th Colorado General Assembly for 40 years of service to the industry in the form of a plaque dedicated and hung in the State Capitol, the only plaque hung in honor of a lobbyist. He has also been honored by various conservation organizations such as Ducks Unlimited and the Safari Club.

The best accolades come, however, in the form of what people say about us. I believe Kirk Hanna, CCA's President, best summed up many folks' feelings when he recently said, "Dave Rice is a legend in agriculture—though I doubt he would have admitted it. He was admired by many in both the political and agriculture arena not only for what he did, but for who he was—a man who cared about other people. His contributions to the state of Colorado and agriculture are sure to remain unsurpassed." Amen. I could not have said it better.

Mr. Speaker, I am proud to pay tribute to this man whose knowledge and wisdom will be sorely missed by both the agricultural and legislative communities.

COMMEMORATIVE COIN

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of legislation which is being introduced today by Congresswoman ELEANOR HOLMES-NORTON with the four Congressional delegates as cosponsors. The legislation would amend the 50 States Commemorative Coin Program Act to extend the program by an additional year for the purpose of including the District of Columbia, American Samoa, Guam, Puerto Rico and the United States Virgin Islands.

Mr. Speaker, earlier in this Congress when we passed the Commemorative Coin Program Act, the insular areas were omitted from the legislation. Current law authorizes the minting of twenty-five cent coins to commemorate each of the 50 states through state-specific designs on one side of the coins. It is a ten-year program, with five states being honored each year.

This bill amends current law by adding an eleventh year to the program. During this year, the District of Columbia and the four insular areas, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands, would also be recognized through the minting of twenty-five cent coins. Commemorative designs on one side of the coins would be submitted by the chief executive officer of these areas.

This legislation is very timely for my Congressional district, Mr. Speaker. American Samoa will celebrate the centennial of its union with the United States in the year 2000.

American Samoa has a long, proud history of supporting the United States—ever since the traditional leaders of the main island of Tutuila ceded their island to the United States on April 17, 1900. Tutuila's beautiful harbor is the deepest in the South Pacific, and the port village of Pago Pago was used as a coaling station for U.S. naval ships in the early part of the century and as a support base for U.S. soldiers during World War II. To this day, American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

At the present time, American Samoans have a per capita enlistment rate in the U.S. military which is as high as any state or U.S. territory. Our sons and daughters have served in record numbers in every U.S. military engagement from World War II to Desert Storm. We have stood by the United States in good times and bad, and we will continue to do so.

Congress has recognized American Samoa's proud heritage on numerous occasions, and many of my constituents have asked that the United States Government provide special recognition of the 100th year of our union. I believe it would be most fitting to acknowledge the centennial anniversary of our relationship with the United States with the issuance of a commemorative coin, and I am optimistic that this bill will become public law later this year.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KIND. Mr. Speaker, today we will adjourn for the Easter recess without having had a debate on campaign finance reform. The leadership of this House may believe they made good on their promise to allow a vote, but they have not. The House leadership may think they have fooled the public into believing that they took action, they are wrong. Frankly Mr. Speaker, I am outraged that we have not taken action on this important issue.

Over the next two weeks I will be holding a Town Hall meeting in each of the sixteen counties which I represent in western Wisconsin. Having traveled throughout my district no one has told me that we need more money in politics. They have asked me to pass meaningful reform, to take the big money out of the process and return campaigns to the people. At my Town Hall meetings I will tell my constituents that the leadership has denied me the right to vote on limiting the influence of big money in campaigns.

When we return at the end of April I hope we will make a serious effort to fix our campaign finance system. The people of my district have told me not to take "no" for an answer.

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economics harm on employers.

Mr. SNOWBARGER. Mr. Chairman, I rise today to speak for the many small owners in Kansas who have been working for years to reform the National Labor Relations Board and our current employment laws.

Millions of dollars and countless jobs have been lost in the Third District of Kansas because of the tactics of some labor unions. While I respect and appreciate the right of working Americans to be represented by a Union, I also respect the rights of the great majority of working men and women who choose not to be represented by a Union.

If this wasn't such an important issue, Mr. Chairman, I might remind my colleagues that my district has one of the healthiest economies in the nation, which is due, in no small part to Kansas' Right-to-Work legislation.

As we consider today's important reform initiative, I wanted to share with my colleagues some stories from my home in Kansas.

Millions of dollars and countless jobs have been lost in the 3rd District because of a tactic referred to by the AFL–CIO as "salting". This common procedure is used in Kansas by the International Brotherhood of Electrical Workers. Their regular plan is to have around 20 union members storm into a non-union electrical contractor's office with video cameras mounted on their shoulders. The union members then demand to be hired and if they are not, they file discrimination charges with the National Labor Relations Board.

The two largest independent electrical contractors in my district, SKC Electric (200 employees) and Teague Electric (100 employees), have spent nearly $500,000 (between the two of them) fighting frivolous charges of discrimination. Not once has the union asked for a NLRB sanctioned election to decide if the employees want to be represented by the IBEW. Instead, they harass the companies by driving up legal expenditures and limiting their ability to grow. Fortunately these two companies are financially strong and have been able to survive under this intense pressure for the past four years. But it is wrong to allow bad actor unions to literally litigate small businesses to death.

Not everyone in my district has been so lucky.

M&R Electric was a two-year old electrical company with approximately 30 employees. It was owned and operated by a former union electrician who had saved to start his own small business. The company was growing rapidly and providing good careers for many hard working young people. That is until the IBEW showed up with their video cameras and NLRB charges. By the time small company knew what hit them, they had spent more than $250,000 fending off legal challenges and were out of business. I am sure most of my colleagues know that new businesses are very vulnerable. This is why these kinds of actions are so threatening. The result in this case? Thirty good jobs lost in my district.

The bottom line is, that no employer should be required by law to hire an individual who is bent on destroying their company.

Mr. Chairman, this practice is not defensible and the families who lost their jobs and the men and women who invested their life savings to start a business deserve the protections that this bill provides.

CAMPAIGN REFORM AND ELECTION INTEGRITY ACT OF 1998

SPEECH OF

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. VENTO. Madam Speaker, I opposed H.R. 3485 which was defeated by the House. This legislation would guarantee a new arms race in campaigns and campaign spending by setting in place incentives for more money to be raised from special interests and more money to be spent.

While there is not agreement in Congress on the campaign finance reform, the American people have spoken. They are tired of slick, multi-million dollar campaigns that feature 30 second sound-bites and media spin masters. They want the unlimited campaign spending binges brought under control; they want the candidate, not the candidate's handlers, to speak; and they want campaigns to focus on the issues.

However, as with so many other matters, the Republican Majority Congress has failed to listen to what the American people want, and instead relied on the voice and pocketbooks of the special interests. The result was H.R. 3485, more money, not less and a greater alienation of the voters.

H.R. 3485 did nothing to bring the explosion of campaign spending under control. Instead, this legislation tripled the amount of money that individuals could contribute to state, local and federal political parties and doubled their contribution limits to federal candidates.

H.R. 3485 would make politics the playground of the wealthy. This legislation increased individual contributions to federal candidates from $1,000 to $2,000 per cycle ($2,000 to $4,000 for both the primary and general elections; to state and local parties from $5,000 to $15,000; national parties from $20,000 to $60,000 and the aggregate limit from $25,000 to $75,000. These levels do not invite participation by more people; it encourages more participation by the few who have the big bucks to participate.

While H.R. 3485 expanded the ability of wealthy to participate, this bill ironically contains a separate provision designed to intimidate low-income, minority citizens to keep them from voting.

This program, a citizen verification system, conjured up poll taxes and inhibiting actions from another time in our history. This legislation was appropriately rejected by the House earlier this year.

The House should not detour from the road of campaign finance reform by adopting H.R. 3485. Instead, we should move forward with the solid bipartisan reform package, that the Republican leadership is blocking from House action. This alternative, similar to the McCain-Feingold proposal offered in the Senate, will ban soft money and make a meaningful contribution to campaign finance reform.

There has been a lot of public consternation by Members of Congress about the declining participation levels and the feeling of disenfranchisement among American voters. After witnessing the lengths that the leadership will go to keep real campaign finance reform off of the House floor, I can understand why the American voter is giving up on Congress. The People's Body does not have time to do the people's work. Instead of bringing up meaningful campaign finance reform this week, the House is going to be dividing up the financial marketplace among the special interests who pour money into campaign coffers.

Madam Speaker, the process used last night harkens back to the smoke-filled rooms of long ago. A bill supported by a majority of the House was kept off the House floor through legislative legerdemain. Not only were we denied a full debate on campaign finance reform, but we were kept in the dark as to the

final contents of H.R. 3581. This bill is like a lot of campaign ads—lots of rhetoric, not much substance.

It was appropriate that H.R. 3485 be considered so close to the Academy Awards. Like the 1972 Best Actress, Liza Minelli, in the movie, Cabaret, this bill and its supporters were singing loud and clear "Money makes the world go around." It is time to get off the money merry-go-round and restore our political process to the American people by moving forward with true campaign finance reform.

HON. JOHN L. BURTON: STATE SENATE PRESIDENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. MILLER of California. Mr. Speaker, it may still come as news to some members of the House that our former colleague, the Hon. John L. Burton of San Francisco, has recently been unanimously elected the President of the California State Senate, elevating him to one of the highest elective positions in our state.

John Burton, as all who know or have served with him know, is an extraordinarily gifted legislator, a deeply committed public servant, and very much his own man. There has not been a more dedicated or unrepentant spokesperson for working people, for children, for the poor, for those living on society's margin, than Johnny Burton.

His elevation to Senate President caps a remarkable and inspirational career. It also demonstrates that we can disagree, even strongly, but retain the personal relationships and trust that are integral to the operation of a successful legislative body. When John Burton set out to accomplish something on the floor of the House, whether it was expanding food stamp benefits or protecting the Point Reyes seashore, he was unmatched in knowing how to make the inter- and intra-party contacts that led to success.

His return to the state Legislature in 1988 was welcomed by Democrats and Republicans alike, because all recognized that here was a consummate politician who knew how to make policy happen and who spoke with a candor and frankness unmatched in Sacramento or in Washington. Mark Shields, one of our most respected political observers, recently wrote a wonderful column about John Burton's election as Senate President that every member of the House deserves to read. Those who knew John here will immediately recognize him; those who did not have that pleasure will instantly know him.

A CALIFORNIA COMEBACK

(By Mark Shields)

SACRAMENTO, CALIF.—You may already have heard the joyless laughter that follows the line: George Washington was the president who could never tell a lie; Richard Nixon was the president who could never tell the truth; and Bill Clinton is the president who cannot tell the difference.

Well here in California's capital city, the second most powerful position in state government—that of president pro tempore of the State Senate—has just been won in a 32 to 0 vote by a blunt, profane, quick-tempered and unreconstructed liberal Democrat from San Francisco who was elected to the State Assembly in 1964, to the U.S. House in 1974 and who, in 1982, left Congress to seek treatment for cocaine and alcohol addiction.

What makes John Burton so appealing in today's politics of slippery hedging and tooclever evasiveness is the man's barefaced candor. U.S. Rep. James Rogan, R-Calif., who served with and voted against Burton in the California Assembly, confesses: "John Burton is just a man of incredible integrity. . . . I love him because he is the most honest liberal I've ever know, He really feels, he really bleeds, for the underprivileged."

Rogan remembered the night in the Assembly when Burton single-handedly stopped a Republican-backed bill to criminalize the use of cocaine by pregnant women. Burton spoke in stark terms of his own addiction, of the advantages he had as a professional and a member of Congress for treatment at Bethesda and Walter Reed.

He told of the daily battle the recovering addict must wage against the demons and of how much more lonely and terrifying it is for the poor addict: "You don't kick it until you die. You have two choices. Either you die clean or you die dirty."

As John Jacobs wrote in "A Rage for Justice," his truly masterful biography of John Burton's late brother, Phil, who was arguably the most influential member of Congress ever from California, "Somewhere in his (John's) mind, he seized on the image of his teenage daughter, Kim, and the thought of her gave him the strength to begin his long, painful recovery. Kim gave him back his life. He gave Kim back her father."

John Burton, who has been both clean and sober for 15 years now, won back his State Assembly seat in 1988 with the strong backing of his friend of 40 years, now San Francisco Mayor Willie Brown. He was elected to the Senate in 1996. Happily, he has not mellowed. His language could still make a longshoreman blush. His ability to employ forms of a single four letter word as verb, noun, adjective, gerund, participle, prefix, suffix and even infix is truly remarkable. He does not delete expletives.

Pleased, almost humbled, by the confidence of his colleagues, Burton questions what all the praise about his integrity and the keeping of his word says about the state of politics today. "When I grew up, all you had was your word. It was a given that you never went back on your word. It should be that way."

In an era of carefully crafted non-responses released by elected officeholders who echo the findings of focus groups and then deploy spin doctors, Burton is refreshing. Another old adversary and good friend, former GOP State Senate Leader Bill Campbell, explains that appeal: "Johnny Burton has great credibility because you and everyone else knows where he stands."

Where Burton stands politically is where he has always stood. His politics is personal, liberal and decidedly untrendy. He continually embraces the poor, workers, the stranger, the despised—all of those living on the outskirts of hope. Burton fights to prevent the rich from getting too greedy, and to make sure that the poor and middle class enjoy more economic security and receive their share of this society's wealth.

"I don't get this 'New Democrat' b— s—," rails Burton. "There are only so many ways you can feed hungry people, or get jobs for people who don't have them, and get kids a good education."

When he took the oath of office as Senate President Pro Tempore, John Burton thanked his daughter and quoted the words of American composer Jerome Kern:

Nothing's impossible I have found,

for when you find yourself on the ground

you pick yourself up, dust yourself off,

and start all over again."

Whoever said there are no second acts in American life never met John Burton.

TRIBUTE TO SERGEANT JOHN FRANCIS KRUG

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. FAZIO of California. Mr. Speaker, Congress is assisted in its duties by many men and women without whom we could not do our work effectively. From time to time, an opportunity arises for us to pay tribute to one of those people, and today presents such an opportunity.

After twenty-five and one-half years of faithful service to the United States Congress and more than 30 years dedicated to law enforcement, Sergeant John Francis Krug is retiring on April 3rd. He began his law enforcement career as a fingerprint technician for the Federal Bureau of Investigation in 1967 and became a member of the United States Capitol Police on October 16, 1972.

During his tenure with the Capitol Police, John Krug has served in many capacities. His initial assignments included patrolling the House office buildings and the Capitol. In 1984, to better utilize his experience, he was reassigned to Protective Services where he provided personal protection for individual Members of Congress. In 1987, John was promoted to the rank of sergeant and, once again, served as an integral member of the Capitol Division, ensuring the safety of Congress, staff, and the millions of tourists who visit the Capitol each year.

Most recently, he supervised the Department's Special Events Unit. In this position, he became the central information point for numerous events such as demonstrations, inaugurations, joint meetings of Congress, displays, ceremonies and concerts that took place within the perimeters of the Capitol complex. He assisted in coordinating security for visiting U.S. Government Officials and foreign dignitaries, from the President of the United States to King Hussein of Jordan. Most Capitol Police officers and congressional offices have sought out the Special Events Unit, and Sergeant Krug in particular, for his assistance or advice regarding a congressional event.

I am sure that I speak for all our colleagues when I wish Sergeant Krug our best in the years ahead, and thank him for his many years of dedicated service to the United States Congress.

REFLECTIONS ON EASTER AND SPRING

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. DUNN. Mr. Speaker, I rise today to pay tribute to the Honorable Peter Tali Coleman, a great American who passed from us on April 28, 1997. A four-term chief executive of American Samoa, Peter Coleman is the only person in American history whose service as governor, from the 1950s to the 1990s, has spanned five decades.

After World War II service as an army officer in the Pacific, for which he later was honored by selection to the army infantry hall of fame at Ft. Benning, Georgia, Governor Coleman's civilian career as a public servant began in 1946 on the staff of The Honorable George Bender, a member of this body from Ohio. He later also served as a member of our Capitol Police Force, all while raising a family and completing both an undergraduate and a law degree in just five years from Georgetown University.

Mr. Speaker, upon his return to American Samo as the first Samoan ever to gain a law degree, he quickly rose from public defender to attorney general until his appointment in 1956 by President Eisenhower as the first native-born governor of American Samoa. He went on to be chief executive of the Marshall Islands and Northern Mariana Islands, and deputy high commissioner of the old Trust Territory of the Pacific before returning home in 1977 to become American Samoa's first elected governor, a post to which he would be elected twice more before retiring in 1993.

Governor Coleman, a true trailblazer in the Pacific Islands and a man of many firsts during more than half a century of service to his nation and his own people, has been paid tribute by the current governor, Tauese P. Sunia, who has launched a drive to establish a permanent lectureship on Pacific Public Policy at Georgetown in Governor Coleman's name.

However, of all his honors and achievements, Mr. Speaker, Governor Coleman was proudest of his family, which at his death included his lovely wife Nora, 12 of their 13 children, 22 grandchildren and eight great-grandchildren. As he departed the hospital last year to return home for what he knew would be his final battle, he penned a touching farewell letter to his people which he called "Reflections on Easter and Spring."

With spring having come to our capital and with Easter upon us, I would like to make part of our RECORD Governor Coleman's Essay of April 5, 1997, "Reflections on Easter and Spring."

REFLECTIONS ON EASTER AND SPRING

(By Peter Tali Coleman)

Yesterday I came home to our family residence here in Hawaii after a stay at Queen's Hospital over the Easter holidays. While it's never fun to be in the hospital, this Easter was memorable because all our family gathered to be here with Nora and me in a big family lounge that the hospital set aside for us.

As I said the grace before we began our Easter meal, I could not help but think of the meaning of Easter and Spring, since the first day of Spring this year came only a few days before Palm Sunday, the traditional beginning of our Easter season after the long winter Lent.

Spring and Easter are about the renewal of life and new beginnings. Our Lord perished on the Cross for our sins, but was resurrected to give all of us hope for the future and a better life in eternity. So, too, does Mother nature awaken each Spring to begin a new cycle of life and growth. On the Mainland, the last of the snow melts away, the flowers begin to bloom and land is green again. Here in the Pacific where it's always green, the life-sustaining rains give way to the drier and warmer times of spring and summer and we go about all the chores we had put aside until better weather.

I could not help but think of family in the same way I think of Spring and Easter when I saw all of our family members on Easter, especially the little grandchildren and great grandchildren, great nieces and nephews, all with their wide eyes of expectation and excitement with Easter eggs and candy and Easter baskets, and bunnies and chicks and all the joys and traditions that go with a holiday which brings families together everywhere in the Christian world.

The presence of the little children is God's way of bringing renewal and new beginnings to our families. When we look out and see those bright and shining faces, eager to learn about the world around them and beyond, we can take comfort in knowing that this world will be in good hands when their generation takes over. We can find peace in knowing that when our own time comes to join our Lord, if we have done our job on earth, we will have our families to carry on and through them we will continue to live, for our very blood flows through their veins and their children's veins in a cycle which forever will renew itself.

My own life has been dedicated to service to the people and devotion to my family. Although my days of public service now have come to a close, the Samoan people and all the peoples of the Pacific Islands I have been privileged to know in my work and travels remain in my thoughts as a new generation of leaders and servants seeks to find a true path to renewal and new beginnings for our strong but fragile societies and cultures at the dawn of a new century and a new millennium.

God has allowed me to see so much dramatic change through the course of this century. As amazing as it seems, the Samoa of my youth no doubt much more resembled the Samoa of most of the millennium which preceded it than it does the Samoa of today, which is poised to enter the 21st century. The pace of change in this century about to close has been dramatic. As a child in Samoa after World War I, I could not begin to comprehend or imagine the things we take for granted today, from modern medicine to computers to the Hubble Space Telescope. Nor can I begin to imagine now what the next century will bring.

Whether I will be here to witness the beginning of the next millennium and new beginnings it will prompt is in God's hands. But wherever I may be and whatever advances science and industry may bring, I know that the futures will be bright if we remain true to our values. Those values are love of God, devotion to family, protection of culture, and courtesy and respect towards one another.

For myself, it counts little what I may have achieved here on earth in 55 years of government service through war and peace. My failures were my own and my successes were the result of all the good colleagues and friends around me. But, for all of us, no matter what our calling in life, our truest legacies are the families which are asked to carry on when we are gone.

So, while my days in public service may be finished, I have come home now to be with my family. They bring me joy and inspiration as I think about the future. They are all here now and I take great comfort in their presence. They have come to be with Nora and me from near and far: from the Mainland to Saipan to our beloved Samoa. And because they are so scattered, I have agreed to a consensus of my family's wishes that I should lie in rest in Hawaii. But in so doing, they have assented to my wish that when the last of my children's children shall have joined me in heaven, that my final resting place shall be in the soil of my birth.

For now, when I think of spring and think of Easter, I thank God I have been given one more opportunity to reflect on life's renewal and new beginnings, and the love of family which bursts forth like the flowers of Spring. As the Easter season now ends and we move about in our Spring tasks, may God bless you and your families, too.

125TH ANNIVERSARY OF SHORTER COLLEGE

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BARR of Georgia. Mr. Speaker, in Rome Georgia stands a small liberal arts college that lives up to the true tradition of educational excellence: love of family, and love of God, combined with a commitment to community values and an educational experience that is everlasting.

The school that I speak of is Shorter College, now celebrating its 125th Anniversary. Mr. Speaker this is a critical period in American history; time when the value of morals, faith in God, and a sound education can no longer be taken for granted but are more important than ever.

Through this period of moral decline, Shorter has remained true to the values of its founder, Rome Baptist Church Pastor Luther Rice Gwaltney.

I am not alone in recognizing the excellence of Shorter College. For the second year in a row, Shorter has been listed in the "Student Guide to America's 100 Best College Buys." Moreover, Shorter is a member of the National Association of Schools of Music. The devotion of Shorter to the teaching of music cannot be overstated. Today, many more children rush home from school to play on their computers than on their pianos. Yet, the language of music is universal and can be found in every nation around the world and bears a direct relationship to the progress of its culture.

In honor of Pastor Gwaltney and Alfred and Martha Shorter for whom the college is named, I congratulate Shorter on its first 125 years and wish it many many more.

ETHICS REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 1, 1998 into the CONGRESSIONAL RECORD.

HOUSE ETHICS REFORM

Many Americans believe that Members of Congress have low ethics standards and that the overall level of ethics and honesty in politics has been falling over the years. Although most observers of Congress would say the opposite, the public remains unconvinced and broadly dissatisfied with ethics standards of Members.

Congressional ethics is one area where I have seen a great amount of changes since I have been in Congress. I've seen periods of enormous progress, but also, in recent years, have seen the entire process bog down in intense partisanship. Clearly we need to give greater attention to improving House ethics.

HISTORY OF HOUSE ETHICS

The House has the responsibility under the Constitution to police its membership, as Article I authorizes each house of Congress to "punish its Members for disorderly behavior and, with the concurrence of two-thirds, expel a Member". This is an important responsibility because our system of representative democracy depends upon the confidence of the people in the integrity of their elected representatives.

The first disciplinary action against a Member was in 1798, when a vote to expel a Member for spitting on another narrowly failed. From then until the late 1960s, when the House became more active in ethics reform, the House took disciplinary action against Members only about thirty times, with the offenses ranging from dueling and treason to inserting obscene material into the CONGRESSIONAL RECORD. Typically the House acted only on the most obvious cases of official wrongdoing, leaving many other transgressions up to the voters to weigh at election time.

When I came to Congress in 1965 there was no House ethics committee and no written code of conduct for Members. Members could accept any gift given by special interests, receive large sums of money at "testimonial dinners", and convert campaign funds to personal use. Members were rarely punished for personal corruption, and it was common for lobbyists to walk around Congress with envelopes of cash in their pockets to hand out to lawmakers. All that changed beginning in the late 1960s, when, prompted by a series of embarrassing scandals, the House created an ethics committee (the Standards of Official Conduct Committee), set up a tough Code of Conduct for Members, and began policing its membership in a more rigorous manner. The Code set up at that time is essentially the one we have today. I was pleased to have been involved in those efforts to improve House ethics.

Yet in recent years the system has fallen on harder times. Starting in the late 1980s, we have seen intense politicization of the ethics process, with Members increasingly using ethics charges against other Members as a way of waging political warfare. House conservatives lodged ethics charges against then-Speaker Jim Wright and pursued them doggedly, leading to his resignation. Last Congress, in what many saw as "payback time", Speaker Gingrich faced extensive legal and ethical charges from House critics, resulting in a reprimand and large fine. Under the intense partisanship, the entire House ethics process almost broke down and a moratorium was placed on new ethics cases.

WHAT'S NEEDED

The House has shown in the past that it is able to mount serious efforts to improve its ethics system. I believe that such an effort is needed now.

First, we need to depoliticize the process. Although this will be difficult to do, given the lingering hard feelings on both sides of the aisle, we need clear signals from the party leaders that bringing frivolous charges against another Member for political purposes will not be tolerated. In addition, the Standards Committee could issue a formal criticism of Members who make such charges. I also believe we need to involve outsiders more in the ethics process to depoliticize it and defuse tensions. For example, the Standards Committee could call upon a panel of private citizens to help investigate charges of misconduct against a Member.

Second, we need to expand our "preventive ethics" efforts. One of the most important roles of the Standards Committee is to try to head off misconduct before it occurs, by providing guidance and advisory opinions for Members about which specific actions would violate House ethics rules. The Committee has recently undertaken some important steps along these lines, by sending ethics notices to every congressional office. Such efforts need to be continued and expanded.

Third, we should simplify and clarify the House ethics rules. Recent changes, for example, have made the House gift rule more than ten pages long, which no one can understand. The Code of Conduct works best when it reflects broad, basic standards of good conduct, with the Committee providing more detailed guidance when specific questions arise. We should also make it clearer that core standards, such as the duty of Members to at all times reflect credit on the House, lie at the heart of the Code, and that our ethics standards are higher than simply whether or not some action was illegal.

Fourth, we need to adopt some needed ethics reforms. The public is rightly concerned about practices allowed under the current House ethics rules which call into question the integrity of the legislative process, such as Members being allowed to accept expensive trips from groups with a direct interest in legislation before Congress. Changes are also needed in our campaign finance system, which the public widely perceives as corrupting.

Fifth, we need to broaden the conception of ethical conduct for Members. Most of the rules in the Code of Conduct deal with financial matters, for example, Members not accepting gifts or converting campaign funds to personal use. But the public is more concerned about a broader range of ethical action—whether Members level with their constituents, whether they keep their promises once in office, and whether they keep their constituents' interests most at heart. Some years ago the House passed a resolution, since technically expired, called the Code of Ethics for Government Service, which did contain broader standards and emphasized that "public office is a public trust." These standards should be added to the Code of Conduct, and the Committee should publicize adherence to these principles.

Finally, we need to improve public understanding of House ethics. As Congress observers note, media coverage of Members is usually spotty unless there is a scandal or wrongdoing to be reported. The vast majority of Members are honest, conscientious, and genuinely trying to address the nation's problems. But the public too often doesn't hear that side. Those who care deeply about the institution of Congress need to not just speak out about its problems but also speak out about what's good about Congress and its Members.

TRIBUTE TO ROBERT J. FOX

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. WOLF. Mr. Speaker, I rise today to bring to our colleagues' attention one of northern Virginia's outstanding citizens, Robert J. Fox. On April 11, Robert will reach a milestone in his public service career, marking 50 years of federal service in the U.S. Army and the Postal Service.

Robert J. Fox was born on January 16, 1927, in Philadelphia, PA, where he grew up and attended Catholic schools. He entered the Army in March 1945 and served in the Infantry Airborne, reaching the rank of first sergeant by 1949. He served in Germany in the 102d Division and when the 102d Division went home, he stayed on with the 1st Infantry Division.

He continued to reenlist and went to the front lines in Korea with the 7th Infantry Division in 1952. He served 16 months in Korea. Robert was awarded the Bronze Star, the Army Commendation Medal with three oak leaf clusters, the Good Conduct Medal with five loops, the WWII American Campaign and Victory Medal, the European-African-Middle Eastern Theater Medal, the Occupation of Germany Medal, Korean Service Medal and the National Defense Medal.

During his military career, he attended 16 different Army schools, worked in Intelligence learning several different languages, and served several more tours in Europe. He was discharged from active duty at Arlington Hall after 20 years of service, but also served two more years in the Army Reserve. He served as assistant to the Master of the Grange in Washington, D.C., for two years. He met and married his wife Jacquelyn Ann in Sperryville, Virginia, where he still lives today.

Robert joined the Post Office Department on April 13, 1968, as a letter carrier. He has served his entire postal career at the Warrenton Post Office in Fauquier County, where he developed a reputation as a dedicated, hardworking employee. He has always shown concern for his customers and the community, making several lifelong friendships.

Robert has been active in the Postal Service's Carrier Alert Program, in which carriers watch out for senior citizens on their route, alerting friends and relatives when something appears wrong. He personally saved the life of an elderly woman on his route when he discovered that she had fallen on the steps inside her home and no one else was around to

help her. Without Robert's intervention, she could have laid there for days.

Most notably in his career, Robert has never had an accident as a postal employee. He is a member of the Million Mile Club, which recognizes postal employees who have driven 1,000,000 miles or more without a vehicle accident. He has gone years at a time without using any sick leave and is still one of the most dependable employees in the Warrenton Post Office.

A respected and active member of the community, Robert once spent four years providing free volunteer labor to rebuild the Sperryville Baptist Church. He has two sons, Rev. Joseph Robert Fox, who served as a fighter pilot in the U.S. Marine Corps and is now a minister in the Virginia Beach area, and James Patrick Fox, who resides in California.

Mr. Speaker, Robert Fox is a remarkable man whose contributions to his community and his country as a leader and volunteer have made a difference in people's lives. I know our colleagues join me in honoring his outstanding achievements through his half century of public service.

TRIBUTE TO LT. JOHN REGAN ON THE OCCASION OF HIS RETIREMENT FROM THE CHICAGO POLICE DEPARTMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute today to a dedicated police officer who has spent 36 years protecting the lives and property of his fellow citizens, Lieutenant John T. Regan of the Chicago Police Department.

Since 1962, Lieutenant Regan has served the city of Chicago and his community, including many people from my district, as a member of the Chicago Police Department. Most recently, he has worked in the Violent Crimes Office of the Area One Detective Division. On March 5, 1998, however, Lieutenant Regan retired from the police force. His presence will certainly be missed, both by his fellow officers and by the members of the community who he has served diligently for many years.

Mr. Speaker, I salute Lieutenant John T. Regan on his 36 years as a police officer. I would like to extend my very best wishes for continued success and happiness in retirement and in the years to come.

LOCAL PROFILES IN COURAGE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to three men from southwestern Pennsylvania who stood up for what was right.

Over the last 40 years, we have overturned the laws that once upheld race-based segregation and discrimination. This accomplishment should not be underestimated. Unfortunately, the fact of the matter is that while discrimination has been curbed, it has not been eliminated.

I want to talk today about an example of discrimination that we witnessed in southwestern Pennsylvania last year, and I want to let the American people know about three local men who took a stand against it at that time. Their names are Bruce E. Dice, Esquire, Dr. Anthony Brusca, and Wayne E. Smith, Jr. These men risked the disapproval and ostracism of their peers to battle what they perceived to be a discriminatory act.

Last summer, Mr. Dice, an attorney from Plum Borough, and Dr. Anthony Brusca, a dentist from the nearby town of Murrysville—both members of the Edgewood Country Club—sponsored Mr. Edwin L. Edwards's application to become an associate member at that club. Mr. Edwards is a highly respected local businessman—the owner of a local television station—who has attended the Edgewood Country Club as a guest for many years. He also happens to be an African-American.

The Edgewood Country Club, one of the oldest country clubs in western Pennsylvania, at that time had no black members. Even before Mr. Edwards's application was officially submitted, Mr. Dice began receiving anonymous threatening phone calls opposed to the admission of African-American members. Subsequently, racist graffiti was written on Mr. Dice's locker. Despite unanimous approval by the club's membership committee and conversations with board members suggesting that their response to Mr. Edwards's application would be favorable, the club's board of directors rejected Mr. Edwards's membership application.

Mr. Edwards and his sponsors were surprised and upset by the vote. Cases in which the board had rejected an applicant recommended by the membership committee were rare, if not nonexistent.

A number of people went to bat for Mr. Edwards, however. Mr. Smith, for example, resigned from his position as vice president of the country club's board of directors in protest. Mr. Dice and Dr. Brusca stood behind their sponsorship of Mr. Edwards. The local chapter of the NAACP threatened to boycott the country club.

As a result of these actions, the board voted to admit Mr. Edwards. Many members of the Edgewood Country Club have since welcomed Mr. Edwards warmly.

Mr. Edwards's attorney, Dwayne Woodruff, captured the essence of the issue in a statement about two of Mr. Edwards's supporters that could apply to any of his supporters in this affair: "They stood up for what was right. A lot of times that's tough because sometimes you're standing by yourself."

All too often the fight against discrimination is a lonely, painful experience. It is often much easier to look away, to ignore such unpleasantness, or to back down in the face of open, virulent hostility than to press ahead and confront these attitudes and actions. That is what makes people who take that difficult stand so special—and so deserving of our attention and praise.

Mr. Speaker, I commend Mr. Dice, Dr. Brusca, and Mr. Smith for their integrity, their perseverance, and their strong sense of justice. If all Americans would respond in a similar manner, we could move a long way towards realizing a truly just society.

CAMPAIGN REFORM AND ELECTION INTEGRITY ACT OF 1998

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. SNOWBARGER. Madam Speaker, I am pleased that Congress is focusing attention on reform of our campaign and election system. There are many problems worthy of our best efforts, and this bill contains a number of thoughtful remedies championed by reformers of all stripes. Among those reforms that I have advocated are efforts to curtail illegal foreign contributions and new restrictions that safeguard the paychecks of union members. These were a part of my own campaign finance reform proposal, H.R. 3315. That is why I am voting for the separate bills that accomplish these aims.

Although these are very good ideas, I am concerned about some aspects of the bill we consider today. Because H.R. 3485 is a compromise, it is weak in addressing every Member's "first principles" for campaign finance reform. However, I want to use this opportunity to call attention to one issue I feel has been most egregiously ignored.

Individual and candidate accountability is required. As I am sure all of my colleagues are aware, Republicans and Democrats frequently take to the floor of the House to decry the failure of one group or another to take responsibility for their actions. Whether it is Republicans demanding that fathers take responsibility for their children or Democrats who call on industry to account for the impact their activities have on the environment, this principle is regularly invoked on behalf of our constituents. I believe it is now time for Congress to do what it has long asked of others. We all must assume personal responsibility for our own campaigns.

How should we accomplish this? I believe the first step is real punishment for candidates and their surrogates who intentionally break our campaign finance laws. Earlier this year I introduced the "Fair Elections and Political Accountability Act" (H.R. 3315) which has as its chief aim real personal accountability. Put simply, this bill sends the bad guys directly to jail. No more of the Faustian bargain: "Cheat to get elected and worry about the fines later." Such an environment creates a disincentive to obey the law. My bill mandates prison terms for intentional violations and strengthens the enforcement powers of the Justice Department and the Federal Election Commission. Swift and certain criminal sanctions will make all the other reforms work better. I asked Chairman THOMAS to include these provisions in the campaign reform measure reported to the House. I am disappointed that they were omitted. As long as candidates think that they can break the law with impunity, it doesn't matter how many new laws and regulations we pass.

We must first address this question of accountability.

CENTENARY OF THE BIRTH OF STEPHEN VINCENT BENET

HON. PAUL McHALE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. McHALE. Mr. Speaker, it gives me great pleasure to speak today about a favorite son from my very own hometown. This year marks the centenary of the birth of the noted American writer, Stephen Vincent Benet.

One of his friends said of him that he was "more conscious of being American than any man I ever knew." And he was certainly very American. He did not think America was perfect; He strove always to heal its imperfections. But, even with its imperfections, he believed it was worth serving, as a Grail Knight served his ideal. He thought America was the best hope for the oppressed and downtrodden in the history of the world. That was the ideal he served and it is an ideal to which we should all serve.

Benet was born July 22, 1898 in Fountain Hill, Pennsylvania, just a few blocks from my own birthplace. He went on to embrace and be embraced by all of America.

His father was a distinguished Army career officer, Colonel James Walker Benet; his grandfather was Brigadier General Stephen Vincent Benet. Both men made distinguished contributions to Army Ordnance, and General Benet was Army Chief of Ordnance for 17 years.

There is no doubt that the younger Stephen Vincent Benet would have followed his father and grandfather into the service if he could have; he always called himself an Army man. But poor eyesight and painful, progressive arthritis plagued him all of his life, making military service out of the question.

Instead, he turned to writing. When his great Civil War epic "John Brown's Body" was published in the late 1920's he became a national hero and won the Pulitzer Prize. More than 600,000 copies of the book were sold in short order.

And they were read and cherished. During World War II a correspondent encountered an American officer who carried "John Brown's Body" with him everywhere, even into battle.

Benet's reputation increased among Americans because of the short stories he published. You have all heard of "The Devil and Daniel Webster," but there were many others. They were carried by many of the most popular magazines of the 1920s and 1930s, and were eagerly awaited by thousands of avid readers.

During the 1930s he watched with dismay the steady advances of Nazism, Italian fascism and Japanese imperialism. Such stories as "Blood of the Martyrs" and "Into Egypt" revealed his ardent commitment to individual liberty and his deep sympathy with the oppressed.

When the attack on Pearl Harbor plunged the United States into World War II, Benet made a momentous decision: Since he had no other way to serve, he would put his talent to work by writing for the American and Allied cause. Although he was criticized for his choice, then and later, he stuck to his principles.

In the few years that remained to him, he turned out such powerful works as the radio dramas "Listen to the People" and "They Burned the Books" as well as the so-called propaganda history "America." In this book, which was printed in many languages and distributed in thousands of copies around the world, he told his country's story with all the honesty and truthfulness that was his nature.

But Benet did not live to see the publication of "America." He died March 13, 1948, the victim of a sudden heart attack at just 44 years of age. Found among his papers at his death were the following four lines, which were perhaps the last he ever wrote:

Now for my country, that it still may live,
All that I am, all that I have I'll give.
It is not much beside the gift of the brave,
But yet accept it, since 'tis all I have.

I'd like to close by reading part of a prayer Stephen Vincent Benet wrote for President Franklin D. Roosevelt, known as the President's Prayer. Surely its sentiments are those which every man and woman of good will can still share today.

Our Earth is but a small star in a great universe. Yet of it we can make, if we choose, a planet unvexed by war, untroubled by hunger or fear, undivided by senseless distinctions of race, color, or theory. Grant us brotherhood, not only for this day but for all our years—a brotherhood not of words but of acts and deeds. We are all of us children of earth—grant us that simple knowledge. If our brothers are oppressed, then we are oppressed. If they hunger, we hunger. If their freedom is taken away, our freedom is not secure. Grant us a common faith that man shall know bread and peace—that he shall know justice and righteousness, freedom and security, an equal opportunity and an equal chance to do his best, not only in our own lands but throughout the world. And in that faith, let us march toward the clean world our hands can make.

PATIENTS' BILL OF RIGHTS ACT OF 1998

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. DINGELL. Mr. Speaker, I am pleased to introduce the Democratic Caucus' proposal to protect consumers in managed care, the Patients' Bill of Rights Act of 1998.

Ten years ago, only one in seven of us would have been enrolled in managed care. Today, after huge and wrenching changes in our health care system, more than three in four Americans is now in managed care.

No matter how prosperous or healthy our lives, all of us at some point become patients and find ourselves at the tender mercies of our health care system.

When that happens, we are entitled to minimal rights and measures that will protect our health and dignity.

That's what the legislation we're introducing today is all about.

We have all heard the horror stories. Heart attack victims forced to drive miles to an approved emergency room. A woman vacationing in Hawaii forced to fly to her plan's participating Emergency Room in Chicago to get care for an emergency situation. Cardiac center's selected on the basis of price, not quality. Denials of treatment resulting in worse problems. A woman testified before our committee late last year about a boy who lost his leg to cancer because the managed care organization would not approve the necessary treatment in time to stop its progression.

The legislation we propose is straightforward. It's the product of exhaustive and exhausting discussions involving the full range of views and opinions within the Democratic Party—perhaps the most diverse and contentious political organization ever assembled under one umbrella.

First, our legislation says that you should get the care you need when you are sick. If you need to see a specialist, you can see one. If you have an emergency, you can go to the nearest emergency room for treatment. You'll be able to become part of a clinical trial if there is no other treatment available, and you'll be able to get non-formulary drugs if there is cause for exceptions.

Second, you'll be able to get the information you need about your plan. You'll know what is covered, what is not, how and where to get care, who to talk to in order to get a complaint or grievance resolved, what providers are in the plan and how the plan measures up in term of providing quality care to members.

Third, if you've got a problem with your care, you'll know where and how to straighten it out. If your plan denies a treatment and you're harmed, you'll be able to hold the plan responsible.

Finally, our legislation requires plans to have a program to look at the quality of care they provide to the people they serve.

Ours is real, enforceable legislation. It doesn't give health care providers a right to bill. It gives patients a bill of rights.

We've worked with a range of organizations on this legislation. I'm proud to welcome representatives of both the American Medical Association and the American Federation of Labor and Congress of Industrial Organizations in support of our efforts. That these two institutions are represented in support of our bill should tell you that this is a well-thought-out piece of legislation.

We don't believe that managed care is inherently evil. Managed care has controlled costs, and improved care for its patients in many instances. But the excesses that spawned managed care have in turn produced their own excesses.

The Patients' Bill of Rights Act is supported by the following groups and organizations. American Association of Retired Persons (AARP) [March 31, 1998 Letter]; American Cancer Society [March 13, 1998 Letter]; American College of Emergency Physicians [March 31, 1998 News Release]; American Federation of Labor and Congress of Industrial Organizations [March 31, 1998 News Release]; American Medical Association [March 31, 1998 Statement]; American Psychological Association [March 12, 1998 Letter]; Consumers Union [March 31, 1998 Letter]; Families USA

Foundation [March 31, 1998 Letter]; HIP Health Plans [March 31, 1998 Letter]; Kaiser Permanente [March 31, 1998 Letter]; National Alliance for the Mentally Ill [March 31, 1998 Statement]; National Association of Children's Hospitals [March 31, 1998 News Release]; and National Mental Health Association [March 13, 1998 Letter].

As the baseball season begins across the country, I hope that my Republican colleagues—many of whom have joined in cosponsoring similar legislation—will join in working with me and my fellow Democrats so that we can put a bill on the President's desk by the time that the baseball season draws to a close this September.

AIR FORCE RESERVE BIRTHDAY TRIBUTE

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. GIBBONS. Mr. Speaker, I ask my colleagues in the House of Representatives to join me in recognizing the birthday of the United States Air Force Reserve. April 14, 1998 will mark fifty years of service by the Air Force Reserve to the United States of America.

The Air Force Reserve traces its heritage to the National Defense Act of 1916, which authorized a corps of reserve officer and enlisted aviators. From this modest beginning, Reservists made noteworthy contributions during both world wars. On April 14, 1948, the Air Force Reserve became a component of the United States Air Force. In 1998, the Air Force Reserve celebrates the 50th anniversary of this event. During those 50 years, Reservists have served proudly and with great distinction during times of conflict.

They answered the call in Korea in the 1950s, in Berlin, Cuba, Korea and Southeast Asia in the 1960s, and in the Persian Gulf in the 1990s. In peacetime, while maintaining a high degree of readiness to respond during a crisis, Reservists perform humanitarian, rescue, hurricane reconnaissance and aerial-spray missions throughout the United States and around the world. They also support virtually every air force peacetime operational activity, from airlift missions and satellite operations, to patrolling the no-fly zones over Bosnia and Iraq.

The Air Force Reserve has grown from an "extremes force" to an integrated combat ready fighting force. As the Air Force Reserve moves into the 21st Century, they play an expanded role in meeting the fast changing needs of our country. They are developing more detailed long-range and annual planning documents to ensure the Reserve is a viable partner in the total force goal—to best use our capabilities, provide America an effective defense, and give the best value for our defense dollar. Originally intended for wartime augmentation, today these citizen airmen support national objectives on a daily basis.

Their day-to-day involvement has increased markedly in recent years. The Air Force Reserve participated in 11 contingencies between 1953 and 1990. In the last seven years, they have played a significant role in over 40 major operations. This is part of life and they are proud to do it. In every instance since Desert Storm, they have met these obligations with all volunteers.

The Air Force Reserve is a force of dedicated airmen who help support the world's most respected Air Force. Today, they provide 13 percent of total Air Force manning and roughly 20 percent of the Air Force's total air and space capability. Their mission is readiness, but their job is to support the total Air Force. Air Force planners and leaders recognize the need for their support and rely on them to step in wherever needed.

Their readiness has never been higher, and they are part of nearly every mission area. One of the keys to their success is compensating leverage as a force multiplier inherent within a fully trained and accessible force waiting on call. In reality, today's global situation dictates that they serve as a peacetime augmentation force as well as a ready, wartime force.

Air Force Reserve units maintain readiness levels on par with active duty units. Over 92% of Air Reserve units are currently combat ready, closely paralleling our active force.

The Air Force Reserve remains ready to support mission requirements at any time, under any conditions, anywhere in the world. They bring current, mission capable technology, at low cost, to meet the expectations of the active duty commanders they support. And they bring the creative ingenuity and dedication of a highly skilled and diverse workforce to meet their requirements and their responsibilities to the American people.

Some of the most notable accomplishments for the Air Force Reserve over the past 50 years have included:

April 14, 1948—The U.S. Air Force Reserve was officially designated.

1950–1952—All 25 Air Force Reserve wings, along with 118,000 individual reservists, came on active duty during the Korean conflict.

July 9, 1952—The Armed Forces Reserve Act standardized pay and training categories and established Ready, Standby and Retired mobilization categories.

Oct. 1, 1961—Five Air Force Reserve C–124 Globemaster groups and about 9,000 individual reservists, totaling more than 15,000 were mobilized during the Berlin Crisis.

Oct. 18, 1962—Eight Air Force Reserve troop carrier wings and six aerial port squadrons, total more than 14,000 reservists, were mobilized during the Cuban missile crisis.

Jan. 26, 1968—Six Air Force Reserve units were mobilized in the wake of the *Pueblo* Incident.

May 13, 1968—Seven Air Force Reserve units were mobilized to support the Air Force during the Vietnam conflict.

Aug. 21, 1970—The Total Force Concept was announced by Secretary of Defense Melvin Laird, making reserve components the initial source of augmentation for the active force rather than the draft.

Aug. 3, 1973—Secretary of Defense James R. Schlesinger elevated the Total Force Concept to the Total Force Policy, integrating the active, Guard and Reserve into a homogeneous whole.

Oct. 1, 1977—In a mission shared with the Air National Guard, the Air Force Reserve began rotating C–130s, aircrews, and support personnel to Howard Air Force Base, Panama, in support of Phoenix Oak, the Air Force's Latin American mission.

Oct. 23, 1983—Air Force Reserve airlift associate units assisted in the evacuation of more than 700 American and foreign citizens from Grenada during the civil turbulence on that island. Reserve maintenance, aerial port and medical personnel also supported the active forces.

Oct. 24, 1983—Air Force Reserve airlift associate aircrews helped evacuate wounded U.S. Marines from Lebanon. Reservists flew 63 strategic airlift missions transporting supplies and casualties into and out of Beirut.

December 1989—Reserve units took part in Operation Just Cause, airlifting passengers and cargo to Panama. Aeromedical, special operations and air refueling units also participated in the effort to ensure protection of Americans and U.S. resources. When the operation ended Jan. 31, 1990, Reserve airlift units had flown nearly 1,500 hours airflifting some 7,500 passengers and more than 4,000 tons of cargo. Reserve air refueling crews offloaded more than a million pounds of fuel to 18 receiving aircraft, and AC–130 gunships flew 157 hours and expended nearly 7,500 rounds of ammunition.

August 1990—Nearly 6,000 of more than 9,000 Reserve volunteers were on duty within two weeks after Iraq invaded Kuwait Aug. 2.

February 1991—There were more than 17,500 reservists on active duty. About 3,800 were officers and 13,700 were enlisted personnel. About one in four were women. Approximately 1,800 were air reserve technicians, 1,300 were individual mobilization augmentees and more than 500 were members of the Individual Ready Reserve. More than 7,000 of those reservists were in medical specialties.

March 1991—The mobilization reached its peak with almost 23,500 Air Force reservists on duty. Of them, more than 20,000 were assigned to 215 Reserve units, 2,300 were individual mobilization augmentees and 960 were members of the Individual Ready Reserve or retirees. Most members of the latter group were medical personnel. The Department of Defense authorized the commanders of the gaining major commands to demobilize reservists, consistent with military requirements.

May 8–10, 1992—The Command Band of the Air Force Reserve performed on Russian television May 7 and in the Kremlin May 8. On May 9, the band participated in the Peace Victory Parade, marking the first time a U.S. military unit has marched in the Russian capital.

July 15, 1992—A Reserve C–130 and two aircrews from the 934th Airlift Group, Minneapolis-St. Paul International Airport Air Reserve Station, Minn., joined active-duty and Air National Guard aircraft and crews at Rhein Main Air Base, Germany, to airlift desperately needed supplies and food into war-torn Sarajevo and Zagreb during Operation Provide Promise.

Dec. 8–14, 1992—Reservists flew 190 sorties, airlifted 1,076 passengers and 1,504 tons of cargo, and off-loaded nearly 1.8 million pounds of fuel in flight as part of Operation

Restore Hope. The Air Force Reserve had 381 volunteers who were placed on active duty for 31 days. Of that total, 396 airlifted troops and equipment, 37 flew air refueling missions, 17 performed medical duties and 14 provided aerial port support.

Jan. 1, 1993—The Air Force Reserve entered the space program with the activation of the 7th Space Operations Squadron at Falcon Air Force Base, Colo.

Jan. 31, 1993—Air Force Reserve units reported airlifting 9,400 passengers and 11,728 tons of cargo in support of Operation Restore Hope, the relief mission in Somalia. Associate aircrews, flying active-duty aircraft, airlifted most of the passengers and cargo flown by the Reserve.

November 1993–January 1994—Air Force Reserve A–10 Thunderbolt II and F–16 Fighting Falcon pilots and aircraft participated with Air National Guard and coalition forces in Operation Deny Flight, enforcement of a military non-fly zone over Bosnia-Herzegovina in accordance with a United Nations Security Council resolution.

June–September 1994—Reserve A–10 and KC–135 units deployed to Europe in support of the United Nations' no-fly zone over Bosnia. A–10s, aircrews and support people went to Aviano Air Base, Italy, again to provide fighter coverage. KC–135s, aircrews and support personnel staged air refueling operations from Pisa, Italy, and Istres, France, for U.S. and NATO fighters.

September 1994—Air Force Reserve airlift and air refueling aircraft flew missions in support of Operation Uphold Democracy, the peacekeeping mission in Haiti. By Sept. 20, more than 1,100 reservists volunteered to deploy or remain in place to assist the operation. Homestead Air Reserve Base, Fla., and Dobbins Air Reserve Base, Ga., were staging bases. Homestead served as a jumping off point into Haiti, and Dobbins accommodated C–130s loaded with Army civil engineers from Fort Bragg, N.C.

December 1995—Reserve airlift, aerial refueling, and aeromedical units plus individual mobilization augmentees began supporting Operation Joint Endeavor, the NATO-sponsored peacekeeping mission to Bosnia-Herzegovina.

January–June 1996—Reserve fighter units, based at Aviano Air Base, Italy, continued to support the enforcement of the no-fly zone over the former Yugoslavia. The original UN-sponsored mission, Deny Flight concluded Dec. 21, 1995, when NATO assumed responsibility for what was then called Decisive Edge.

February 17, 1997—The Air Force Reserve was designated as an Air Force major command, from a field operating agency, and renamed the Air Force Reserve Command.

Air Force Reservists, through their unselfish devotion to duty, are dedicated "Citizen Airmen" who have served America proudly and with distinction for 50 years.

THE HISTORY AND BACKGROUND OF THE HUNGARIAN CROWN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. LANTOS. Mr. Speaker, on March 18 in Statuary Hall we held a ceremony celebrating the 20th anniversary of the return to the people of Hungary of the Holy Crown of Hungary, the Crown of St. Stephen. The United States government was custodian for a third of a century (from 1945 to 1978) of this most important symbol of the Hungarian nation.

At the time the Crown was returned to Hungary, Dr. Robert King, who currently serves as my Chief of Staff, was a member of the staff of the National Security Council at the Carter White House. He was involved on behalf of the White House in the decisions surrounding the return of the Crown, and he was an official member or the delegation headed by Secretary of State Vance which returned the Crown to Hungary. It is significant, Mr. Speaker, that Bob's association with Hungary and with the Crown predates our association in my office.

In connection with the ceremony in Statuary Hall of the United States Capitol, Bob prepared a written description of the background information on the political history and the art history of the crown. Because of the significance and the interest in this important coronation symbol and historic object, Mr. Speaker, I ask that this description be placed in the RECORD.

THE HUNGARIAN CROWN

"The Holy Crown of Hungary" (Magyar Szent Korona) or "the Crown of St. Stephen" is the medieval Crown that for centuries was the symbol of Hungarian kingship and today remains a powerful symbol of the Hungarian nation. The Crown is depicted atop the Hungarian national crest, which was adopted as the official symbol of the Republic of Hungary.

For centuries the Hungarian Crown has been linked with St. Stephen, the first Christian king of Hungary. Medieval records report that Pope Sylvester II gave a Crown to Stephen for his coronation in 1001. Because of this tradition, the Crown has long symbolized Hungary's cultural, political, and religious links with Western Europe, although the present Crown is not the actual object given by Sylvester II.

The Crown is composed of two parts. The upper portion is composed of two cross-bands with enamel panels with Latin inscriptions. Earlier, it was believed that the Latin portion of the Crown was a remnant of the Crown given by Sylvester II. Contemporary scholars now believe that it is a reliquary or other object associated with Stephen. The lower portion is a Byzantine crown produced between 1067 and 1077 which was made for the wife of King Geza I, and it was a gift of the Byzantine emperor Michael Ducas.

These two separate portions were combined to create a crown for the coronation of one of Hungary's later kings. It was at this time that a cross was placed on top of the crossed Latin bands. Combining the two elements took place about the twelfth century. The first source calling this relic "the Holy Crown" dates from 1256, and by that date, it was in much the same form as it is today.

The Crown was last used for coronations in 1867, when Hapsburg Emperor Franz Joseph II was crowned King of Hungary, and in 1916, when his successor, Karl IV, was crowned. Karl was deposed in 1918 at the end of World War I, but the new independent State of Hungary remained a Kingdom without a king from 1918 until 1945.

Throughout its history the Crown has generally remained in Hungary, but it was frequently moved from place to place and hidden for security reasons. It was buried for four years after the national uprising of 1848–1849.

In November 1944, as the Soviet Army neared Budapest, the Crown guard moved the coronation regalia from the capital to western Hungary and Austria to protect them from damage in the fighting and to prevent their seizure by Soviet troops. On April 26, 1945, the guard buried the Crown in an oil drum at Mattsee in western Austria, and on July 25, 1945, the Crown and coronation regalia were transferred to U.S. Army officers in Augsburg, Germany. The Crown remained in American custody until January 6, 1978. Initially it was kept in the American occupation zone of Germany at a special military facility in Wiesbaden, and in the early 1950s, it was transferred to the U.S. Gold Depository at Fort Knox, Kentucky.

It was always the intention of the United States to return the Crown to Hungary, and it was designated "property of special status held in trust and safekeeping by United States authorities." Plans to return the Crown to Hungary were put off following the communist coup in Hungary in 1947 and the intensification of the Cold War. The Hungarian uprising of 1956, which was violently suppressed by Soviet troops, also made it impossible to return the Crown. It was only two decades later that gradual but significant domestic changes in Hungary opened up the opportunity for the Crown's return.

When Jimmy Carter became President in 1977, the U.S. reassessed its policies toward the countries of Central and Eastern Europe, and determined that the U.S. should encourage relations between America and those Soviet client states which pursued international or domestic policies that differed from the Soviet Union. Since the late 1960s, Hungary's domestic economic and social policy had moved considerably away from the Soviet model and fostered market-oriented changes, which laid the foundation for Hungary's remarkable success in the post-communist period.

President Carter, Secretary of State Cyrus Vance, and National Security Advisor Zbigniew Brzezinski agreed that the crown should be returned to Hungary. The Crown symbolized Hungary's links with the West and Hungarian national identity, and U.S. officials wanted to strengthen both. As a condition for the return, it was required that the Crown be placed on public display and representatives who accepted the Crown be leaders of a wide variety of Hungarian religious social, cultural, and other groups.

The ceremony for return of the crown was held on January 6, 1978, in the rotunda of the Hungarian Parliament. The U.S. delegation was headed by U.S. Secretary of State Cyrus Vance. Congressional members of that delegation included Congressman Lee Hamilton of Indiana and Fortney H. "Pete" Stark of California. Three weeks after the return of the Crown, it was put on display at the Hungarian National Museum in Budapest, and it has been on display there since that time.

Return of the Crown led to a marked improvement in U.S. relations with Hungary,

and that, in turn, contributed to greater Hungarian self-confidence and encouraged economic and political reform. The changes that took place in Hungary during this period were important in preparing Hungary for the successful transition to political democracy and free market economy in the period after 1989.

IN HONOR OF ST. EDWARD'S BOYS BASKETBALL TEAM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the accomplishments of the St. Edward's Boys Basketball Team and its coach, Eric Flannery. St. Ed's in Lakewood, Ohio won the Division I State Boys Basketball Championship on Saturday, March 28, 1998.

Although St. Ed's was ranked number one in the finals, the Eagles still had to overcome their longtime rivals, the St. Ignatius Wildcats of Cleveland, in order to win the championship. This was the first time two Cleveland-area schools met for a boys basketball championship, and thanks to the skill of Coach Flannery and the teamwork of the players, St. Ed's won 70–61. The Eagles' strong offense and solid defense kept the Wildcats at bay throughout the game. This year's victory makes St. Ed's only the 15th school to win consecutive boys basketball championships.

My fellow colleagues, join me in saluting the 1998 Division I State Basketball Champions from Lakewood, Ohio, the St. Edward's Boys Basketball Team and its coach, Eric Flannery.

TRIBUTE TO STANLEY M. GRUBE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. CALVERT. Mr. Speaker, I take the floor today to honor an individual whose dedication to the community and to the overall well-being of the 43rd Congressional District is unparalleled. My district has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly given of their time and talents to promote the businesses, schools, and community organizations within their various cities and throughout the district as a whole. Mr. Stanley M. Grube is one of these individuals.

Stan Grube has been extremely involved in several health care membership activities as well as various community education activities. He has served as Chairman of the Corona-Norco Unified School District Year-Round Education Task Force, in addition to currently serving as a member of the Riverside Community College Foundation and La Sierra University's Community Advisory Council for the California School Administrator Credentials Program.

Stan Grube is Chairman and member of the County of Riverside Emergency Medical Care Committee and Externa, Advisory Board Member for the University of Miami Comprehensive Drug Research Center. His community involvement extends from past positions on the Corona Chamber of Commerce Board of Directors, President and member of the Board of Directors for the United Way, Corona Rotary Club and the Corona-Norco Family YMCA. In 1997, he appointed by Governor Pete Wilson to the Economic Strategy Panel.

Stan's outstanding accomplishments make me proud to call him my friend, community member, and fellow American. I thank him for his contribution to the betterment of the community and I encourage him to keep up the good work.

50 STATES COMMEMORATIVE COIN PROGRAM AMENDMENT ACT OF 1998

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. UNDERWOOD. Mr. Speaker, last year the 50 States Commemorative Coin Program was signed into law. Beginning next year, selected designs from each of the fifty states will be minted on the reverse side of U.S. quarters dollars for circulation. Five states per year will have quarters minted with corresponding designs issued in the order of the states' ratification of the Constitution or admission into the Union.

In addition to the possibility of raising revenue for the federal treasury, attention will be focused upon the states through the diversity of designs that will commemorate their history. I believe this is a great program and everyone should be allowed to participate. However, this was not the case. As usual, the territories and the District of Columbia were overlooked.

Although this nation supposedly is "dedicated to the proposition that all men are created equal," you have to look no further than the territories and the District to realize that it is not. As a citizen of lower station, one who is not allowed to vote at presidential elections—a delegate, not quite a full Member of Congress, who hails from an unincorporated territory with an unresolved political status, I have been designated to be the one from my home island to make sure that we get a fair shake anytime we can. Oftentimes the objective is impossible. We have to work twice as hard in order to get half as much. This is why I strongly support Delegate NORTON's amendment to the 50 States Commemorative Coin Program.

The territories and the District need and deserve all the recognition and attention we can get. Extending the 50 States Commemorative Coin Program for another year to accommodate the territories and the District is equitable, it is sensible, and it is fair. This year marks Guam's centennial under the American flag. It would be a fitting tribute to include the territories in this commemorative coin initiative. I urge my colleagues to support this important legislation.

INTRODUCTION OF "TAX ON TALKING REPEAL ACT OF 1998"

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. DUNN. Mr. Speaker, after serving on the House Committee on Ways and Means for the past three and one-half years, I continue to be amazed at the outrageous provisions that encompass our current tax code. In no small part many of these provisions are a function of a tax code that is spiraling out of control. The irony is that while our tax code has 7 million words it lacks two simple words—common sense.

One of the most ridiculous tax code provisions I have discovered imposes a 3 per cent luxury tax on the telephone service of every single American. The legislation I am introducing today, with my colleague from Louisiana, Congressman BILLY TAUZIN, will repeal this federal luxury tax on talking. Common sense suggests a number of reasons for swift enactment of our legislation to repeal the luxury tax on telephone service.

First, this was a "temporary" tax first adopted in 1898 to fund the Spanish-American War. One hundred years later this "temporary" tax still exists. For over fifty years the tax served as a means to meet revenue needs imposed by the Spanish-American War, World War I, the depression, World War II, the Korean War and Vietnam. In 1965, Wilbur Mills, Chairman of the House Ways and Means Committee declared, "the emergency conditions which gave birth to these taxes have long since disappeared. The taxes have remained, to become a source of discrimination among taxpayers."

Secondly, everyone realizes that having a telephone in your home is no longer a luxury. Since the enactment of this tax 100 years ago, telephone service has evolved into a vital infrastructure for modern life. The use of telephone services by a select few in the 1930s has exploded to the point that over 90 percent of American homes and businesses, across all segments of society, are wired for telephone service. In 1990, the Congressional Research Service reported, "A consensus has emerged that the telephone today is no longer viewed as a luxury and can best be compared to an item of general consumption. The tax bears no direct relation to any government service received by the telephone consumer."

Third, like all luxury taxes, the federal telephone excise tax is regressive. Consumer expenditures on telephone service are a higher percentage of income for lower income families than for higher income families. In 1987, the Department of Treasury, Office of Tax Analysis, determined that "the communications excise tax causes economic distortion and inequities among households and that there is no policy rationale for retaining the tax."

The repeal of the federal telephone excise tax would instantly accomplish what Congress had hoped to do through the Telecommunications Act of 1996—lower customer bills. Telephone service in America today is a basic necessity, a part of our daily lives. Americans

should not have to pay a tax to the Federal Government in order to call their families on holidays or Mom on Mother's Day. Common sense tells us this is an unreasonable tax. Common sense tells us that repeal is necessary.

In closing, I would like to commend my colleague, Representative BILLY TAUZIN, for his willingness to work with me in moving for swift enactment of the Tax on Talking Repeal Act. I urge all of my colleagues to join us in supporting this measure.

TRIBUTE TO DR. MARTIN LUTHER KING, JR., ON THE 30TH ANNIVERSARY OF HIS DEATH—A DEDICATION TO HIS LIFE AND WORDS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. LANTOS. Mr. Speaker, I rise today to commemorate the life and the contributions of Dr. Martin Luther King, Jr., and to mark the thirtieth anniversary of his tragic death on April 4th, 1998.

Dr. King's life is a testament to our highest values of peace, equality, and justice that we honor in this nation. I shudder to think of our country without the words, the inspiration, and the activism of Dr. King. I shudder to think of this world without his eloquent voice to lead us in preserving civil rights and human rights for all people, no matter their differences.

Mr. Speaker, it is in honor of Dr. King that we must rededicate ourselves to an unfinished task—the elimination of social, legal, and economic discrimination against all minorities, against all disadvantaged Americans. Let us remember his achievements so that his vision of a peaceful, prosperous humanity will not be silenced and will not go unheeded.

During the civil rights movement of the 1950's and 1960's, Dr. King was an advocate for nonviolent change. His beliefs were the basis for an effective and powerful movement by Americans everywhere to protest against blatant racism in the form of racial segregation. He organized "sit-ins" and boycotts against both public and private institutions participating in the segregation of black people. His immensely influential work with the civil rights campaign earned him the Nobel Peace Prize in 1964. Our nation was in shock and grief after his tragic and untimely assassination on April 4, 1968.

Mr. Speaker, I know that my colleagues share with me the profound inspiration and hope that I experienced as I listened to Dr. King's stirring "I Have a Dream" speech during the 1964 civil rights demonstration in our nation's capital. I still remember the urgency of his words to the poor, the disenfranchised, and the oppressed.

And when we allow freedom to ring, when we let it ring from every village, from every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands, and sing in the words of the Old Negro spiritual: "Free at Last! Free at last! Thank God Almighty, we are free at last!"

Mr. Speaker, we in this Congress know that Dr. King's remarkable dream is still unfulfilled. We know that those who are weak, those who suffer from poverty, from hatred, from ignorance, are those for whom our country is still returning the check that Dr. King denounced—the check marked "insufficient funds." The disease of discrimination still exists in our country in both its most blatant and more subtle forms. Equal political participation still eludes our fight for equal justice for all. Our liberty is incomplete without adequate provisions for the elderly and without quality care for our children.

We cannot succeed in our quest for liberty and freedom without acknowledging, as Dr. King wisely taught us that "there is no peace without justice." Therefore, we must continue to struggle for justice. We must support our President who engages this nation in a dialogue of race with his "Initiative on Race: One America in the 21st Century." We must prosecute all hate crimes, those against race, ethnicity, gender, and sexuality, against anyone who is different. We must give everyone equal opportunities to education, especially higher education. We must pass just laws which protect those who remain unprotected by our system. We must create and pass a budget which takes into account the needs of all Americans.

Genuine leadership will result in genuine reform. We cannot have genuine reform until we take into account the relative position of minorities, and the relative position of the economically disadvantaged. There will be no peace and true prosperity in this country until every homeless person has shelter and every hungry mouth is fed.

Americans have common needs and common desires, and we must work with each other, not against each other, to achieve our goals. Dr. Martin Luther King, Jr. spoke to us of unity, not dissension. It is our responsibility to move toward social justice through nonviolent means, and it is our responsibility to prevent violence by examining our laws and their enforcement.

We must learn to enact change, rather than merely react to change. We can start by recognizing the ways in which discrimination operates in subtle and insidious ways within our society despite our laws, ways which may not be as obvious as segregation, but are discrimination nonetheless.

We must acknowledge that America cannot rest on laurels of prosperity, but must continue to seek a prosperous equality. We can be non-violent in ways that are filled with respect and dignity for all.

Mr. Speaker, as this nation solemnly marks 30 years since the tragic and violent and untimely death of Dr. Martin Luther King, Jr., I urge my colleagues in the Congress to recommit ourselves to the struggle which Dr. King so personified and defined. I urge my colleagues in the Congress to share with me my appreciation of this great man and to work together to achieve his vision. The road to Dr. King's vision of peace is long and difficult. Let us not be daunted. Let us march together for freedom.

RETURN OF THE DEADLINE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, this month millions of Coloradans will begin the time-consuming and stressful task of preparing tax returns for the April 15th deadline. Considering the time, irritation, and inconvenience required to comply with our increasingly complicated federal tax code each year, it's not surprising that some common synonyms for the word "tax" include: *demand, oppress, accuse, exhaust, and burden.*

Americans spend a combined 5½ billion hours each year working to comply with our current tax system. Meanwhile, the 114,000 employees of the Internal Revenue Service (IRS) are toiling too. They must in order to churn out the 8 billion pages of forms and instructions mailed to lucky recipients like you and me each January. And don't forget the trees. Over 300,000 trees are chopped down each year just to produce the paper for these riveting publications. Even the easiest form, the 1040EZ, has 33 pages of instructions—all in fine print.

Meanwhile, what do we have to show for our personal contributions of time, stress and inconvenience? A federal budget that amounts to more than $1.7 trillion per year, and a federal debt surpassing $5.5 trillion and gaining. If all that cash was going only to the essential functions of government—defending our borders, and providing those services that cannot be effectively left to individuals, States, groups, charities, or markets—we'd be in good shape. But in reality, much of this spending goes toward programs our government has no business providing, or all too often, is just plain squandered. Remember the "essential" expenditure of $800,000 to study methane production in European cows, or the $13,000 we spent to fly top Clinton officials an enduring 55 miles for a round of golf?

No, this is just plain wrong, and this is the very reason I came to Congress. Just weeks ago I presented the taxpayers with a check for more than $354,000 in unspent funds from my 1997 office budget—nearly 40 percent of my allotment. This is but a small example of how our government, can be doing much more work, for much less cash.

This is why I cosponsored and voted for three of the most important pieces of legislation in decades. The Taxpayer Relief Act of 1997, providing the first net tax cut in 16 years; the Balanced Budget Act of 1997, bringing our federal books in balance for the first time since 1969; and the IRS Restructuring Act, getting us one step closer to reining in one of the most abusive agencies in America, and setting us up to scrap the entire tax code in favor of one that is fairer, flatter, and simpler.

But we all have a role in making our government better and more responsive. Each and every one of us has the moral obligation to ensure our government is the leanest and most efficient service provider on Earth.

All Americans should keep in close touch with their elected officials—call them, write

them, and e-mail them. Remind your public servants that you are watching their every move, and that the measure of their achievement depends upon the betterment of your life, and that of your family.

There is an old saying that government is a necessary evil. Let's just ensure that when we write those checks on April 15th, we are not buying more evil than we can handle.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 2, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD-192

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Forest Service, Department of Agriculture.
SD-124

Labor and Human Resources
Children and Families Subcommittee
To resume hearings on proposed legislation authorizing funds through fiscal year 2002 for the Head Start program.
SD-430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD-192

APRIL 28

10:00 a.m.
Labor and Human Resources
To hold hearings to examine reading and literacy initiatives.
SD-430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Labor and Human Resources
To hold hearings to examine proposed legislation relating to assistive technology.
SD-430

Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD-192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD-138

10:00 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To resum hearings to examine the role of the Agency for Health Care Policy Research in health care quality.
SD-430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on title IV of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 624, to establish a competitive process for the awarding of concession contracts in units of the National Park System.
SD-366

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD-192

MAY 7

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Executive Office of the President.
SD-192

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD-366

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

MAY 14

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television

program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.

SD–366

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the American Legion.

345 Cannon Building

CANCELLATIONS

APRIL 2

9:30 a.m.
Small Business
To resume hearings on the President's proposed budget request for fiscal year 1999 for the Small Business Administration.

SR–428A

10:00 a.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine the economic and political situation in India.

SD–419

POSTPONEMENTS

APRIL 2

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.

SD–138