SENATE—*Friday, May 22, 1998*

The Senate met at 9:32 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, our Father who has given us life, bless us this day as we accept the privilege of work. Thank You that the work You have given the Senators and those who work with and for them is crucial for the future of our Nation.

As this intense and busy week comes to a close, we express our gratitude for each Senator's staff, the officers of the Senate and their staffs, the reporters of debates, the media, the pages, the police guards and Secret Service, the elevator operators, the food service personnel, the landscape and maintenance people, and so many others who work so faithfully on hundreds of important tasks. May we take no one for granted and communicate our esteem and affirmation to everyone who works around us.

Today, we especially thank You for Stuart Balderson, Financial Clerk of the U.S. Senate, who has recently retired after faithfully serving this body for 38 years. Bless Stuart and his wife, Marie. May their retirement years continue to be joyful and purposeful. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, for the information of all Senators, this morning the Senate will begin 1 hour of morning business. At 10:30 a.m., the Senate will begin the Iran sanctions bill under a time agreement of 3 hours. It is possible that some time may be yielded back on the sanctions bill, and therefore votes could occur before noon. The Senate will also consider the ISTEA conference report when it becomes available. Therefore, votes could occur throughout Friday's session, in an effort to conclude several important items prior to the Memorial Day recess.

Mr. President, it is my understanding, in conference with the other side, that they are comfortable with allowing two of our 10-minute sessions to occur back to back and to then go to the other side—and I will begin that, but before I do, for just a couple of minutes the Senator from Oregon will speak to express his grief over circumstances in his State.

Mr. WELLSTONE. Might I interrupt my colleague for a second. I know we will hear from the Senator from Oregon to speak about the tragedy in Oregon, and I think his remarks are perhaps the most important remarks of the day.

Might I ask, since we have some order, after the Senator from Oregon speaks, then two Republicans will speak?

The PRESIDING OFFICER (Mr. ALLARD). Correct.

ORDER OF PROCEDURE

Mr. WELLSTONE. Could I ask unanimous consent to have 10 minutes in the sequence after Senator DORGAN?

The PRESIDING OFFICER. The Senator is asking there be two 10-minute segments?

Mr. WELLSTONE. I would like to speak after Senator DORGAN for 10 minutes.

Mr. ENZI. Could I request permission before that happens to drop in a bill on behalf of myself and Senator BINGAMAN?

The PRESIDING OFFICER. Does the Senator concur with that?

Mr. WELLSTONE. Yes.

Mr. INHOFE. Could we extend that unanimous consent to give me 10 minutes after the Senator from Minnesota?

The PRESIDING OFFICER. Is there an objection to the time requests?

Without objection, it is so ordered.

Mr. COVERDELL. I yield 3 minutes of my time to the Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, and my colleagues who have allowed me to speak, I thank you for your courtesy.

TRAGEDY IN OREGON

Mr. SMITH of Oregon. Mr. President, I rise today with a very heavy heart. Yesterday, Senator WYDEN, my colleague from across the aisle, and I were confronted with news of a tragedy in our State that was, frankly, in my mind, quite unimaginable.

The Willamette Valley of Oregon is perhaps one of the most beautiful places in the world. It is surrounded by mountains with snowcaps and clear streams running through it. It is filled with farmers and loggers, college professors and students, people working in State government. It is truly an Eden on Earth.

But yesterday, a most mindless and senseless act was committed that leaves me, frankly, speechless. A young man, obviously very troubled, on the way to school killed his parents and then took three weapons into his school cafeteria at Thurston High School in Springfield, where he opened up and killed 1 student and injured nearly 30 others. This occurred before a wounded student tackled him and held him to the ground.

I don't have words to express the outrage I feel or the heartache that I feel for the families, for the victims, for this community, for my State, for my country, at this outrageous and despicable act.

Yesterday, Senator WYDEN and I were asked to be on program after program, and we declined, because it was not a day for pontificating about policy or political posturing. It was a day for grief and mourning. I reach out to my State. I cannot be there physically, but my heart is with you and I am in agony with you. It becomes all of us here and in any place in government not to pick a single issue and say that is why, but to look at the strings that run from Springfield to Jonesboro or in any other community in this State and to find out what is happening with the youth of America whereby they solve their problems by resorting to this kind of violence.

We must have the courage to face all of the possibilities. It isn't just the school. It isn't just the gun. It isn't just the family. It isn't any of these things in isolation, but it is all of them together.

I, for one, reach across to my colleague from Oregon, Senator WYDEN, and every other member of the Oregon delegation in this Congress, and to our Governor, and to school officials and to parents in Oregon and across this country and say, let's figure it out and let's try to prevent it from occurring again. This does not belong in America. The answers start with us.

The answers start in our hearts and in our homes, in our legislatures, in this Capitol building, but it starts with us as individuals to find out how to say no to this in the future and to prevent it. We are doing many things to punish, and those are appropriate things. It is time to do more to prevent.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. I thank the Chair.

As Senator SMITH has said, the people of Oregon are grieving this morning. Our hearts are out to them. This is a time when all of us from Springfield,

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

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OR, to Springfield, MA, have to take a few moments out from our daily routine and reflect on what has happened in our home State. This is supposed to be a joyous time of year for kids in high school. They think about summer vacations and plans, time with family. Once again, however, our country has been rocked by unspeakable violence. I think all of us know that young people get upset and they do foolish things. But that is not what this is about.

In times past, when young people got angry, they might throw a rock, they might throw a fist, but there was not this pattern of deadly gun violence. And so now it is critically important as we grieve for the people of our home State—my staff has been trying to help, giving blood, assisting others in the community, but it is especially important now to get beyond the kind of finger pointing and the sort of blame game that inevitably takes place here and look to how these tragedies can be prevented in the future.

I share Senator SMITH's judgment that this is about what is in our heart. It is about taking every possible step in the schools, in the family, through the education and health programs and through law enforcement programs, to protect our citizens and to reach out to those young people in trouble. That way we have a chance to restore safety in our communities and peace of mind for parents who, right now across this country, because of Springfield and the previous tragedies, are going to get up in the morning saying to themselves: What is going to happen at my child's school today? We cannot have that. No Member of the Senate can abide by that. And that, to me, is our central challenge today.

Oregonians have come together in the last 24 hours to do what we always do best, and that is to help friends and neighbors in a time of great need. We have seen an extraordinary outpouring of concern in Springfield towards families. It is not possible to find any real comfort at a time like this, but if you can feel hopeful—we have got to get up every morning working to make this a better world and a safer world—we can take some comfort in knowing that communities like Springfield do work. They are getting up this morning and saying that they are going to try to reach out to everybody in that community, to try to do everything possible to heal in Springfield and our home State but, even more importantly, to do everything they can to make sure that tragedies like this do not happen again in Oregon or anywhere else.

That is what we need to work for in this Chamber. Government policies can help, and with the government being a better partner, and families and schools and communities rallying, as Springfield has, we can make a difference and we can stop this carnage in our schools.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

MOMENT OF SILENCE

Mr. COVERDELL. Mr. President, I now ask unanimous consent that the Senate have a minute of silence in the Chamber in deference to the remarks of the two Senators from Oregon, and then the Senate would proceed with the hour of morning business beginning at that point.

(There being no objection, the Senate observed a moment of silence.)

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 1 hour, with Senators permitted to speak therein for up to 10 minutes each.

ISTEA

Mr. MCCAIN. Mr. President, later today, the Senate will vote on the conference report on H.R. 2400, the ISTEA reauthorization legislation. I regret that I am unable to be here to vote on this important piece of legislation, but I must depart momentarily to speak to the 25th Anniversary Reunion of Vietnam-Era Prisoners of War in Dallas, Texas.

If I were able to record my vote, however, I would vote against this conference agreement. This legislation is likely the most pork-laden legislation ever to be considered by Congress in the 20th Century. This conference report should be defeated, despite the inclusion of many important and commendable provisions.

I cannot support this conference report despite the fact that it does include significant motor carrier, highway and boating safety initiatives developed by the Committee on Commerce, Science, and Transportation. The Commerce Committee conferees, Senator HOLLINGS, Senator STEVENS, and I, worked diligently and responsibly to ensure that effective truck safety inspection and enforcement activities are continued, that safety initiatives on motor vehicle occupant protection are created, and that recreational boating activities are advanced.

The Committee on Commerce, Science, and Transportation portion of the conference report also requires the National Highway Traffic and Safety Administration (NHTSA) to change existing passenger car air bag standards so that the risks air bags pose to infants, children, and other individuals are minimized. I also want to take this opportunity to express my personal thanks to Senator KEMPTHORNE. Without his involvement, I doubt our efforts to improve passenger car air bags would have succeeded as they did.

Yet despite these notable achievements, I regret I cannot support the ISTEA reauthorization conference report. I object for several key reasons: the budgetary offsets, donor state inequity, and pork barrel spending.

On April 2nd, I reluctantly voted for an amendment sponsored by Senators DOMENICI, LOTT, and CRAIG on the Balanced Budget Act which proposed to transfer approximately $10.5 billion over five years from the Department of Veterans Affairs for veterans' tobacco-related diseases to pay for the transportation reauthorization legislation. In part, I did this because I believe that the tobacco companies, rather than the taxpayers, should bear the burden for veterans' tobacco-related diseases caused partially by smoking and using other tobacco products while they were in military service.

Military service did not force servicemembers to smoke, but I do acknowledge that for morale reasons, the services made cigarettes available for free or at inexpensive prices. The services also give servicemembers condoms and birth control pills at no cost to military personnel, but that does not mean that they want our men and women in uniform to be promiscuous.

As a conferee on this multi-year highway funding reauthorization bill, I have refused to support or sign the ISTEA conference report. As I mentioned earlier, of the three reasons for my opposition, the shifting of critical veterans funding to perpetuate donor state inequity and support the pork barrel spending in this massive highway bill is egregious.

Additionally, I will seek to ensure that any tobacco bill that passes the Senate includes money for the veterans health care system to help reimburse the costs of treating veterans with tobacco-related diseases. Our nation's veterans should not be excluded from payments by tobacco companies for health care costs associated with tobacco-related diseases. The failure to address the tobacco-related health care needs of our men and women who faithfully served their country in uniform would be wrong.

Congress cannot continue to rob from veterans, whose programs have been seriously underfunded for years, to pay for a bill that ranks as the largest pork-barrel spending bill ever written.

Two months ago during the debate on the McCain/Mack/Graham/Thurmond/Coats/Brownback/Kyl amendment, I discussed the history of highway bill demonstration projects. Those remarks are as relevant today as they were two months ago, because if we adopt this conference report as presently written, we will shatter all pork-barrel spending records.

In 1982, the highway bill had 10 demonstration projects, costing a total of

$362 million. In 1987, 152 demonstration projects were created, costing a total of $1.4 billion. In 1991, what was then felt to be the mother lode of all demo project bills, the Intermodal Surface Transportation and Efficiency Act (ISTEA), 538 location-specific projects totaling $6.23 billion were created.

Where are we today? H.R. 2400 doesn't just double the number of location-specific projects, but it more than triples the number of earmarked projects. The bill individually targets more than 1,850 projects. The costs have risen as well. H.R. 2400 sets aside more than $9 billion to pay for these 1,850 specified highway projects. That is $9 billion of highway funding that Congress is mandating the states allocate to carry out whimsical projects. That is $9 billion that states cannot allocate to those infrastructure projects they deem most appropriate. Scores of other projects are listed in other sections of the legislation.

A new name has even been created. We used to hear about "demonstration" projects and "innovative" projects. Under H.R. 2400, we now have "high priority projects." Just what is a "high priority" project? Let me mention just a few examples of the type of project that the conferees believe are definitive projects.

Funds are included to initiate "traffic calming projects" in West Palm Beach, Florida and Fauquier County, Virginia. Money is included to build a coal heritage trail in West Virginia. Millions of dollars are set aside in selected towns throughout the country to construct location-specific bike paths. If traffic calming activities and constructing boardwalks fail in some minds to qualify as a "high priority" project, there's always the funding set aside to produce a documentary film on infrastructure.

I fail to see how items like these can seriously be considered "high" transportation priorities.

Priorities are traditionally established after thorough review and discussion. While our colleagues in the other body maintain that their projects were selected after a review process, I do know that the process in the Senate was not.

At 5:30 last night, Senate transportation aides received an e-mail message announcing that a limited number of Senate high priority projects were about to be added to the conference report. Transportation aides were advised to inform the Environment and Public Works Committee if their members wanted any projects earmarked. Staff was advised that no more than half of the proposed State allocation amount should be earmarked. Explicit direction was provided on how a Member might make such a request, including that it must be in writing and the description of the project must not exceed 216 characters. In addition, a name and phone number was provided where staff could call to find out just how much extra money had been set aside for their state.

Mr. President, this borders on the absurd. What ever happened to funding projects based on legitimate needs?

Mr. President, this reauthorization would be comical if it weren't such an abrogation of our responsibilities to the American taxpayer.

I am not alone in my disdain for this raid on the highway trust fund. Public interest groups have strongly criticized projects like these. The Heritage Foundation recently called on Congress to eliminate the House earmarks and to "instead allow each state to use its share of the highway trust fund for projects that meet locally and state determined needs and priorities." Citizens Against Government Waste states that the House-passed legislation "guarantees that federal highway dollars will continue to be doled out to regions with political muscle, rather than to areas that truly need it."

Two of the originally-stated goals in ISTEA's reauthorization were to promote state highway funding flexibility and to utilize limited resources responsibly. Rather than perpetuate Congressional earmarks, we should place our confidence in our elected Governors' and Mayors' decision-making capabilities. Local- and state-elected officials should make the final decisions on local and state roads.

Lastly, I remain concerned over donor state equity. Currently, taxpayers living in donor states are forced to subsidize transportation projects in donee states. Arizona, for example, receives only about 85 cents for every gas-tax dollar it contributes to the highway trust fund. The 85-cent return ratio is reality despite the fact that the original ISTEA legislation "guaranteed," and I stress the word guaranteed, donor states a 90-cent return by 1997. The 1991 "guarantee" simply was never fulfilled.

Now donor states are being told the new funding formula will guarantee they'll receive 90.5 cents back for every gas tax dollar sent to Washington. That's a mere half-penny increase over the 1991 guarantee that was never realized.

Today, many of our colleagues will announce that the conference report provides critical funding to meet the transportation needs "for the 21st Century." The conferees have gone so far as to entitle the bill "the Transportation Equity Act" yet nothing could be further from the truth. We will be told the dramatic increase in highway spending—a portion of which I remind my colleagues comes at the expense of veterans programs and other domestic activities—will fill a critical gap in transportation spending. Yet I ask my colleagues, how can anyone realistically believe that a half-penny hike will meet the transportation needs for the fastest growing states in the nation. States like Arizona and Nevada are not being treated fairly or reasonably.

Mr. President, the only guarantee that donor states should expect from this legislation is that they will continue to subsidize road projects in other states for the next six years.

Mr. President, I also want to mention a purely procedural matter which deeply concerns me. When staff of the Senate conferees first met on the legislation, the Committee on Commerce, Science and Transportation was told specifically that several projects designated in the House-passed bill were squarely within our jurisdiction. The Environment and Public Works Committee in essence gave those projects over to the Commerce Committee. The Commerce Committee never resolved those issues, so I was quite surprised to see that the projects that EPW specifically gave over to Commerce Committee to handle quietly found their way into the conference report we debate today.

I also formally protest the Transportation and Infrastructure Committee and Environment and Public Works Committee conferees' inclusion of a provision which is squarely within the Commerce Committee's jurisdiction. Those conferees included language to exempt winter home heating oil delivery drivers from hours of service regulations for the next two years.

Let me be very clear. The Environment and Public Works Committee has no jurisdiction over federal motor carrier safety regulations governing hours of service. Federal hours of service regulations are the primary protection for the traveling public against truck drivers being forced to drive excessive hours in a fatigued condition. The Senate Commerce Committee has sole jurisdiction over hours of service and the Senate Environment and Public Works Committee not only didn't ask for our input in the issue, but surreptitiously snuck it into the bill.

As a conferee on the legislation I find this action reprehensible. As the Chairman of the Commerce Committee I find action inexcusable. And I assure my colleagues that this Senator will not let this action stand and I pledge that I will do all that I can to have this provision stripped from the legislation.

Mr. President, this conference report is a sham. The so-called Transportation Equity Act for the 21st Century is a fraud. We should not fool taxpayers into believing that this legislation is anything more than a raid on gasoline tax dollars at the expense of veterans benefits. I urge my colleagues to vote against the conference report.

DRUG ABUSE AND ADDICTION

Mr. COVERDELL. Mr. President, when we return a week from Monday,

from the Memorial Day recess, we will revisit the tobacco debate, and at that point I, along with my colleague from Idaho, Mr. CRAIG, and my colleague from Michigan, Mr. ABRAHAM, will offer an amendment to the tobacco bill that would create a new section. The section we will be offering as suggested additional legislation for the tobacco bill will be a section on drug abuse and addiction.

Mr. President, to me it is illogical—and I have been puzzled throughout the debate—that we would be talking about teenage addiction in the context of tobacco only. It is not good policy to talk about teenage addiction and leave out the single, most important crisis that teenagers face today, which is drug addiction, drug abuse, and the swirling epidemic that has engulfed our Nation. If we are going to talk about addiction, we must include a component that deals with the Nation's No. 1 teenage problem.

Mr. President, in the last 7 years teenage drug abuse has increased by 135 percent—135 percent. Tobacco usage has increased as well—40 percent. That is significant, and we must attack that but not by being silent on a new drug epidemic in the United States. In 1979, 14.1 percent of the population age 12 to 17 were involved in drug use—that is 3.3 million. The Nation got serious and it said we cannot accept this. And by the year 1992, drug use had been driven down by two-thirds, from 14.1 percent down to 5.3 percent. This is important on a couple of points. First, it demonstrates to the Nation that you can do something about this. There are many in our community who would argue, well, we have just been fighting this forever and it doesn't do any good. That is totally wrong.

We have demonstrated as a Nation if we get focused on this problem, pay attention to it, and if we do the right things, we will keep people from being entrapped by drug use. We went from 14.1 percent down to 5.3 percent. In other words, instead of 3.3 million children getting caught up in this, we have taken it down to 1 million—a two-thirds reduction. And then we got lazy. We quit talking about it. We made light of it. The interdiction was reduced. The drug czar's office was closed, for all practical purposes. We mothballed Coast Guard ships in the Caribbean. We turned our back on this problem. And what happened? Well, we should not be surprised. We are moving right back to 1979. You quit talking about it, you reduce the effort on the border, you shrink up the resources, and our youngsters get the idea that it is not dangerous. In the meantime, the cartels have become ever more sophisticated, generating ever more resources. They have as good a distribution system in this country as some of our most famous brands.

At a hearing recently, we had representation from Customs, from the Justice Department, and from the FBI. I asked them at the end of the hearing, "How recently have you been to a school?" Well, none of them had been recently. I said, "You ought to do it." Mr. President, if you want to know what is going on, go into any school and 12-years-olds can tell you the whole story. They can tell you how few minutes it takes to buy them. They can tell you that they are prevalent everywhere. They can tell you the name brands of all of them. And when you ask them what the most serious problem is, a few will hold up their hands on various issues—alcohol, cigarettes—but they all hold up their hands in unison when you say, "Are drugs the most serious problem you face?" All the hands go up. I challenge anybody to do it. They will get the same answer.

Those kids, I think, are wondering what we are doing about it, what is this Nation doing about it? It is time for a bold response. And throughout this entire debate, there has been silence on this massive problem. One in four students in high school today in the United States is using drugs regularly. One in nine in junior high is using drugs regularly. Eight out of ten prisoners in any jail in America, anywhere in America, are there on a drug-related charge—direct or indirect. This is fueling crime in our country, with enormous cost consequences, and we are taking millions of casualties. If this evil force wore a uniform, we would have declared war on it.

What else would take down a million kids—a million, and it is increasing—that would produce 100,000 crack babies every year and thousands of deaths—14,000 a year?

The silence has been deafening, just deafening. We have been in a struggle with the administration over this, asking them to step forward. We are finally just moving on our own. The plan that they have given us says we are going to have an accountability period in the year 2006. The first measurement would occur in 2002. That is 2 years into the next Presidency. We need to be aggressive now. My colleague, in a moment, will describe in his 10-minute period the bold response.

I yield the floor to my colleague from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, why have we spent the last 3 days on the floor talking about tobacco? Nearly everyone who has come to the floor to talk about tobacco has said we have to get it out of the hands of teenagers. There are two reasons we are on the floor talking about tobacco. First of all, it is darn good politics, and, secondly, we are mad at the tobacco companies and we are going to act in a very punitive fashion because they lied to us. They withheld information as to the addictiveness of nicotine, and we are angry as a public, angry as a governing body. We are going to inflict upon them a very punitive action, and we are going to do it in the name of teenagers—thousands of young people every day picking up a cigarette.

I am not belittling it, I am recognizing it. We need to try to get tobacco and the substance within it, nicotine, out of the hands of our teenagers. But thousands of teenagers today who start smoking today will not die tomorrow. Let me repeat that. The thousands of teenagers that we are all talking about—and, boy, have we heard it on the floor in the last few days—who pick up a cigarette today will not die tomorrow.

Mr. President, young people who engage in the use of drugs can die tomorrow. As my colleague from Georgia said, thousands are dying each year in violent actions and crimes related to drug use and drug associations. Yet, we stand silently by. The administration dropped the ball and walked away, and, finally, my colleague from Georgia rose up and said, wait a moment here, what in the heck are we doing as a country and as a policymaking body? If we are going to do all these great things for kids to get the cigarette out of their hand, why in the heck don't we get crack cocaine, marijuana, and amphetamines out of their hands because it kills them—not 30 years down the road.

By the way, if you start smoking today, you have a chance to live, because you can quit down the road. But if you start crack cocaine today, you will probably die on the street in a month or two for one reason or another, because you are stealing the money to get the crap that is called crack, or you are shot in some transaction that went bad.

That is how teenagers in America are dying today. The statistics that were just given by my colleague from Georgia about seventh graders and eighth graders is real. I have done the same thing that PAUL COVERDELL has done. I have gone to the schools of Idaho. I go to them regularly anyway. I spend a lot of time talking with teenagers, kids, and when I ask the question, "What is your problem?" the hands go up with drugs. Most of the hands go up.

The Senator from Georgia is right. They know who sells it, and where you can get them. If they had a brand name on them, they would know the brand. Most importantly, if they had a brand name on them and they were being trafficked in the market today, we would be here going after the companies that were selling them because it would be killing our kids.

But today we are angry. We are mad. We are going to be vindictive. We are after the tobacco companies. We are after their big money to fuel big government. I am not going to vote for a big tobacco bill. I am going to vote to

get cigarettes out of the hands of teenagers. It is the right thing to do.

But if we stand silently by and let what is described by my colleague from Georgia as the most significant epidemic amongst our youngsters go unspoken to and uncorrected, then we have erred grievously; we have erred grievously as policymakers.

New polls are out. When you ask parents what they are worried about, here is what they say: Thirty-nine percent, using illegal drugs. Thirty-nine percent of the American public say that is the No. 1 problem. Sixteen percent say joining a gang. Nine percent say drinking alcohol. Why? You get drunk, you get in the car, and you kill somebody, and you kill yourself.

Why then are we on the floor to spend weeks and millions of dollars trying to reach out and get billions of dollars out of tobacco? I will tell you why. Because it is good politics. Yet only 3 percent of the American people say they worry about it when they worry about their kids.

It is time we speak out. That is what my colleague from Georgia, my colleague from Michigan, and I are doing. We will have an amendment on the tobacco bill that will deal with this issue, or there will be no tobacco bill.

We must wake up the White House, wake up our Government, and wake up this policy body to what we are about to do. Here is what we want to do. We want to attach legislation that deals with this issue in a most significant way targeting three primary areas: Attacking the supply of drugs by strengthening our ability to stop them at the border; pull the mothballed Coast Guard fleet out and put it back in the water. Bill Clinton put it there. The heck with Bill Clinton. Put the money back in. Get them out in the water, and stop by interdiction. That is what our amendment does.

Second, we want to provide additional resources to fight drugs that reach our neighborhoods. Give the tools to the law enforcement communities and the schools and the communities at large to join together to block grant and create their own initiative along with our directed initiatives to get at the problem at the local level.

Then the third thing is to create disincentives for teen use of illegal drugs.

Those are the three major areas that will be involved in what we are about to do. We are going to spend a lot of time on the floor week after next until this proposal, this amendment, is part of the overall bill that will move, I believe, out of here.

So what do we have to do? When it comes to the supply side, we have to go straight at it. We have to deal with interdiction. We have to strengthen the borders. We have to stop slashing Coast Guard budgets and put some money back in it.

We talked about a 53-percent decline from 1992 to 1995 in the ability of the Coast Guard to reach out and interdict. That simply has to stop. Our amendment does exactly that.

Our amendment also includes the Border-Free Drug Act, which attacks 70 percent of the illegal drugs that enter the United States across the United States-Mexican border—70 percent of the drugs that are killing our kids on the street today, not 20 years down the road—today coming across the border from Mexico to the United States.

So why not put more people on the borders? I think we ought to. We ought to strengthen the Immigration and Naturalization Service to hire Border Patrol agents to deal with the trafficking and get at the business of going at it. For example, our amendment increases the resources available to DEA and the FBI.

An additional section of our amendment is the Money Laundering Prevention Act.

Finally, last week this administration announced a major break in drug laundering with Mexican banks. We have arrested a few people. And we are trying to get the cooperation of the Mexican Government now because the money is big. How big? We are trying to get $800 billion away from the tobacco companies to spend on big government and some advertising that we think will convince our teenagers to quit smoking. But $100 billion a year in the drug business kills thousands of teenagers. And we have not spoken to that. Why don't we go after that? I hope we can. We should. That is our goal.

While we deal with it in a national and an international way, we have to turn to our parents and we have to turn to our communities. The kids know who the drug dealers are. We ought to start asking them and involving them a little bit and recognizing the importance of that. We do that. We go after the demand side along with the supply side.

I think the Clinton administration's green light to subsidize needle exchange and programs like that doesn't make a lot of sense. That is an encouragement. We want to stop that.

Our legislation is comprehensive. The amendment that we will talk about over the recess and will offer as soon as we get back is going to be critical. Pieces of what we are doing have already passed the Congress in one way or another.

We want to bring them together to create the focus to do the same thing against drugs as we have done against alcohol. You get caught as a teenage drunk driver you lose your driver's license. You get caught using drugs as a teenager you drive on. We will encourage the States to take the driver's license away.

Let me say in closing, Mr. President, that if we are really worried about kids, yes. I agree. Let's get the cigarettes out of their hands. But let's stop them from their access to drugs of all forms. It kills them tomorrow. It killed thousands last year. It will kill thousands this year. As a policy-making body, we would be remiss not to deal with this issue now and force this administration to get out of their sleepwalk and deal with the issue in cooperation with us.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Wyoming, under the previous order, is recognized for 10 minutes.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield?

Mr. DORGAN. Will the Senator yield so I might ask a question?

Mr. ENZI. Yes.

Mr. DORGAN. Mr. President, my understanding of the unanimous consent request made by Senator COVERDELL was that he wants to get two on the majority side to use 10 minutes each. And we thought that was acceptable. Senator ENZI wanted to introduce a bill. I now understand that Senator ENZI wishes to consume up to 10 minutes. The difficulty with that is I must be somewhere downtown at 10:30. If I had understood that Senator COVERDELL was seeking 30 minutes on that side before anyone was recognized, I would have had a different view, although I recognize that Senator ENZI came, in fact, before the previous two speakers this morning. I understand that. But we did it as a matter of courtesy to say it was acceptable to us to have two Republican speakers to go for 10 minutes each provided we then be recognized. The Senator from Wyoming, I understand, wants to introduce a bill.

Does the Senator from Wyoming intend to consume up to 10 minutes?

Mr. ENZI. Mr. President, my request was both on behalf of myself and Senator BINGAMAN. I don't see Senator BINGAMAN. So we can do it in considerably less time than that providing, of course, that the unanimous consent is that all of our statements be in the RECORD. But I would like to make a few comments on something that is important to worker safety in this country. That is why I asked it to be in that order.

Mr. DORGAN. I think there has been a misunderstanding. I will, as matter of courtesy, not object. But I would have objected earlier if the request was that we had 30 minutes on the majority side uninterrupted, because Senator WELLSTONE is here and I was here. The Senator from Wyoming, I know, was here as well before the other speakers. As a matter of courtesy I will not object. I regret that there has been a misunderstanding.

Ms. SNOWE. Mr. President, will the Senator yield for the purpose of a unanimous consent?

Mr. ENZI. Yes.

Ms. SNOWE. I thank the Senator from Wyoming.

EXTENSION OF MORNING BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent to extend morning business for 10 minutes following the current order.

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

Morning business will be extended for 10 minutes. The Senator from Wyoming.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI and Mr. KENNEDY pertaining to the introduction of S. 2112 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Wyoming for his courtesy. I appreciated his statement as well.

Mr. President, the Senator from Hawaii has asked that he be given unanimous consent to follow the presentation by Senator SNOWE.

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

CHALLENGES FOR THIS COUNTRY: THE TRADE DEFICIT AND MERGERS

Mr. DORGAN. Mr. President, I have come to the floor to talk about two challenges as we begin a break, now, for the Memorial Day recess here in Congress. We are talking about a wide range of things: Iran, missile sanctions, tobacco, appropriations bills, and a wide range of subjects. There are two subjects on which there is deafening silence here in Washington, DC, and in the Congress, and I want to talk about both of them because I think both are challenges for this country. One is our worsening trade deficit and the announcement 2 days ago that, once again, our merchandise trade deficit for 1 month reached another record $20 billion in a month; and, second, the new wave of mergers in this country. I want to talk about both of them just briefly.

First, a chart. This chart shows in recent years the average monthly trade deficit in this country, the average monthly merchandise trade deficit. You can see what is happening—a month in 1991, $6 billion; it is now 1998, $20 billion, February through March, in a month. Some say the trade deficit doesn't matter much. If it doesn't matter much, they must be just ecstatic. If ignorance is bliss, those who think trade deficits don't matter have to be just ecstatic. Look at what is happening here. This red represents a flood of red ink in international trade.

Our all-stars in international trade are our farmers. Yet, farm imports into this country are going up and farm exports are going down. I think today there is a ship docking in California with a load of barley from the European Union. It is going to dock in Stockton, CA. It has feed barley being sent into this country with a $1.10-a-bushel subsidy. Shame on us for letting that ship dock. That is unfair trade no matter how you describe it, and it undercuts our producers, undercuts our farmers, takes money right out of American producers' pockets, and it doesn't seem to matter much to anyone. It just seems the trade deficits are OK, there are not problems, and nobody seems to want to do much about it.

That unfair trade on that boat is just one small example. The flood of grain coming in from Canada, unfairly subsidized grain, in my judgment, being illegally dumped in this country—nothing is done about that.

How about the closed markets, yes, in Japan and China? Take a look at the figures this week and see what is happening with China. There is a $12 billion trade deficit in the first 3 months, $12 billion the first 3 months with China. That is a $48 billion, nearly $50 billion yearly trade deficit with China. Mr. President, $15 billion the first 3 months with Japan, that is a $60 billion a year trade deficit with Japan. This doesn't make any sense. This hurts our country. Trade deficits must be repaid. It is not free money. And it must be repaid in the future by a lower standard of living in this country.

That is not a theory. That is real. These deficits must be repaid, and those who react with glee to this do not understand what this means. It means we are borrowing, and borrowing heavily, for a trade system that is out of balance.

With all due respect to all those who negotiate our trade agreements, I will say this: Will Rogers once said the United States has never lost a war and never won a conference.

Why do we send trade negotiators overseas to lose in 3 weeks? And they do. I can't think of a trade agreement negotiated recently that represented this country's national economic interest. We have incompetently negotiated trade agreements and trade agreements that are rarely enforced, and it is time for this country and this Congress to understand this is heading in the wrong direction.

I am not suggesting cutting off all imports. I am saying to our trading partners, as a country it is in our economic interest that when we take your goods, you be required to take ours. We need to get more wheat into China, more pork into China, more manufactured goods into China and Japan, more beef into Japan.

I can spend an hour talking about these problems. Nobody works much on them, because trade policy too often has become foreign policy, and the State Department has its mitts in all of this. It worries that if we get tough with Japan and say, "You can't run a $60 billion trade surplus with us every year," Japan will be miffed. Well, let Japan be miffed. Let's talk about this country's interests. Let's talk about our long-term interests.

Having gotten that off my chest, I hope the deafening silence on trade deficits will no longer continue. I hope this Congress, in the coming months, will consider the legislation that I, Senator BYRD, and Senator STEVENS have introduced which talks about the creation of a commission on an emergency basis to make recommendations to Congress to deal with this trade deficit, to focus on it and respond to it.

Mr. President, I have one final item, and that is the wave of mergers in this country. In the last century, there have been five merger waves. We are in the fifth. This is far, far in excess of any mergers in the past.

I want you to take a look at the line on this chart, going back to 1983, on the number of merger deals, and it goes up like this, as you can see. The projected dollar amount on mergers and acquisitions is up to $1.1 trillion for this year.

What does all this mean? Are mergers always bad? No. Can you get into a merger wave that strangles our marketplace? Of course you can, and that is what is happening in this country.

I want to go through some of the mergers. Some of these companies decided to get married, and we didn't even know they were dating. All these secret talks were going on, and two companies were so fond of each other that they decided to get married. We have Citicorp and Travelers Group at more than $70 billion. They were romancing for a couple of weeks and announced to all of us, a huge bank and a huge insurance company want to get hitched.

BankAmerica Corp., NationsBank, that is not surprising. We have banks throughout this list. The big banks are getting bigger. Down at the Federal Reserve Board, they have a list. It used to be a list of 11 banks. It is called "Too Big to Fail." It means these banks will not fail because we cannot let them fail; the consequences to our country and economy will be too significant.

That list now is not 11, it is now 21 banks and growing. Twenty-one banks are too big to fail. And that is what these mergers are giving us—bigger and bigger banks, too big to fail—while the little folks out there, the family farmers and Main Street business enterprises, are apparently too

small to matter. These folks have their merger risks guaranteed by the taxpayer, and the rest of the folks find choked markets and higher prices.

Take a look at the banks. You are paying higher bank fees. Banks are getting bigger and merging all over the country, and customers are paying higher bank fees. Take a look at the meatpacking industry. Three or four companies control the neck of the bottle on meatpacking. It pushes down low prices on the backs of farmers and ranchers.

Take a look at the airlines. We deregulated the airlines. Now we have about six major airlines in America that have retreated into what are largely regional monopolies without regulation.

What about railroads? We've seen merger after merger after merger. Now we have just several major railroads left in America. What happens is the people on Main Street, the consumers, the farmers, and others are told by the railroads, "Here is the way we are going to serve you. We are going to bring our cars by here. You better have what you want put on there in time, or you lose out. We will tell you what you pay, and if you don't like it, tough luck."

That is what a merger is. Concentration of markets means you injure the marketplace. When you have two big companies merge and you have one behemoth company, this country has lost something by diminishing the marketplace because you have less competition.

Our marketplace works based on competition. When you have less competition and more concentration, it hurts our marketplace. I hope there is energy in the Congress to help the Justice Department and others who review these mergers to find out are they more than just good for the companies, are they good for the country.

This list of the 25 largest corporate mergers completed or pending through May 11 is a fascinating list. There are a lot of banks, as you might well know, and communications companies. This next list talks about mergers and acquisitions over $1 billion involving U.S. companies between 1983–1998. In 1983, we had 10 deals over $1 billion. This year, there were 143 separate merger deals over $1 billion each. Of course, the largest ones are just behemoth, setting all kinds of records.

I am not saying all mergers are bad all the time. I know of circumstances where two companies have merged and it was beneficial to everybody. I understand that. But we have an orgy of mega-mergers going on in this country today that I think does threaten the marketplace. I say to Joel Klein over in the Justice Department, and others, be active, be aggressive. He recently testified before the U.S. House of Representatives that he needs some more resources in antitrust to deal with these issues. I am somebody who says, let's give him the resources.

I want this marketplace to work. It works when we have robust, aggressive competition. It chokes and clogs when we have concentration at the top. So I bring to my colleagues' attention these charts just to say we have gone from 10 mergers over $1 billion in 1983 to 20, 26, 34, 35, 47—it goes on up. Now we have 143 different merger propositions over $1 billion each, something we ought to care about.

There has not been anybody around this Congress for a long, long while to care about it. Senator Phil Hart, a great Senator for whom the Hart Building was named, spent a lot of his career here worrying about the issue of mergers and concentration. I hope, once again, we will see some from this Justice Department and from some in this Congress who will take a close look at all of these. That is not to say they are all bad, some might make sense, but to say there is more than one interest involved in these issues. There is more than one interest.

One interest might be the two companies who want to make more money and grab some markets. The other interest must be the interest of the American people and a free-market system that will only remain free if we have competition and only remain free if we don't have concentration and monopoly that chokes down markets.

I hope, perhaps in the coming months, that I can stimulate some additional discussion about this issue with some of my colleagues on both sides of the aisle.

Mr. President, I see my time has expired. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, out of courtesy, I defer to my colleague from Oklahoma, and I ask unanimous consent that I be able to follow him for 10 minutes.

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

NOMINATION OF JAMES CATHERWOOD HORMEL

Mr. INHOFE. Mr. President, first of all, I thank the senior Senator from Minnesota for his courtesy. We discussed this a few minutes ago and decided it might be better if I go first, because he might want to respond to some things I might say.

Some statements were made on the floor yesterday concerning my hold that I have on James Hormel to be the Ambassador to Luxembourg. It is true that I do have a hold on Mr. Hormel.

To clarify what a hold is, it is a courtesy. It is not a procedural matter. It is something that is a courtesy to the leader so he will know there is opposition.

There very well may be a vote on this individual, but I will oppose his nomination, and I want to stand and tell you why.

The statement that was made on the floor was made by the senior Senator from Minnesota, Mr. WELLSTONE. I will read excerpts of it:

> Now, one of my colleagues, and I think it is extremely unfortunate, one of my colleagues has compared Mr. Hormel, a highly qualified public servant and nominee, to Mr. David Duke, who, among other credentials, is a former grand wizard of the Ku Klux Klan.

He goes on to say:

> I want to say to my colleagues, that given this kind of statement made publicly by a United States Senator, this kind of character assassination, it is more important now than ever that this man, Mr. Hormel, be voted on.

In defense, really, of the senior Senator from Minnesota, I say that if I had said what he thought I said, he was certainly entitled and justified to make the statements that were made. But I think it is important to know that I did not make those statements in the context that he believed I made them.

Let me, first of all, say that there probably are not two Members of the U.S. Senate who are further apart philosophically than the senior Senator from Minnesota and myself. I would probably, in my own mind, believe him to be an extreme left-wing radical liberal and he believes me to be an extreme right-wing radical conservative. And I think maybe we are both right.

But one thing I respect about Senator WELLSTONE is he is not a hypocrite. He is the same thing everywhere. He honestly, in his heart, believes the role of Government to be something different than I believe it to be. So we have these honest differences of opinion. One of the things I like about this body, the U.S. Senate, is that you can, in a spirit of love, talk about these things. And that is what we are doing right now.

Let me just real quickly say that I like activists. The Senator from Minnesota is an activist. I am an activist. In fact, this is the commencement season. I quite often give commencement talks. I talk to young people, and I say, "Whatever you are, don't be a mushy middle. Stand for something." I would far rather, even though I am a conservative, have one of these young people be a radical right-wing—or left-wing—either one—than just be in the mushy middle.

I quote Henry Ward Beecher now and then. He said,

> I don't like these cold, precise, perfect people. In order not to say wrong, say nothing; in order not to do wrong, do nothing.

And the Lord had something to say about this, too. He said,

> I know your works. You are neither hot nor cold. Because you are neither hot nor

cold, you are lukewarm. And because you are lukewarm, I will spew thee out of my mouth.

He is saying the same thing I am saying. And I really believe this. And the young kids, they look at us as examples. In fact, when I was in the other body and was first elected, I would take interns down to the intersection of New Jersey and Independence, and I would say as they went across the street, I said, "There are three kinds of Members of Congress. There are extreme liberals, extreme conservatives, and then the mushy middle. And the goal of those in the mushy middle is to die in Washington, DC. And how do you die in Washington, DC? You take a poll, and you make statements that ingratiate yourself."

The senior Senator from Minnesota cannot be accused of that, nor can I. Unfortunately, we do have too many appeasers around.

Hiram Mann said, "No man survives when freedom fails. The best men rot in filthy jails. And those who cry 'appease' are hanged by those they try to please."

Let me tell you quickly what I did say so that it will be clarified for the RECORD.

I made the statement, when I was running for office—and I have been consistent with that—that if I get to the U.S. Senate, where I have the opportunity to participate in the confirmation process, that I will work to keep a nominee from being confirmed if that individual has his own personal agenda and has made statements to the effect that he believes stronger in his personal agenda and will use that office to advance his personal agenda more than he would the American agenda.

Now, in the case of James Hormel, he is a gay activist. He has made statements in the past, which I will read in a moment, that have led me to believe that his agenda, his personal agenda is above the agenda of the United States.

And I said the same thing would apply regardless of who the individual is. I made the statement that David Duke, if he were nominated, I would oppose him because he has made statements that his militia extremist agenda is more important than the agenda of America. I said in the way of Patricia Ireland, if she were nominated, I would feel the same way if she made statements saying that her feminist agenda was more important to her than the agenda of America.

And the same thing with one of my closest friends, Ralph Reed. I mean, Ralph Reed, who was the one who built the Christian Coalition, he is one with whom I agree. I agree with what he stands for. I spent the Easter recess in west Africa in the countries of Benin and Nigeria and Cote d'Ivoire talking about Jesus Christ. So I agree with him. However, if he were nominated, and he said, "I want this job so that I can advance my personal agenda over that of America, "I think it would be wrong and I would oppose it.

So let us just see real quickly. I am going to read a couple things, and then my time will expire, and I think I will be on the record as I want to be.

During the course of the nomination process—I will read, first of all, the San Francisco Chronicle. This is on October 9 of 1997.

> President Clinton's nomination of James Hormel . . . is the latest sign that he is making good on his post-election promise to reward gays and lesbians for their support, national gay leaders said today . . . "I think it's the result of very hard work behind the scenes of national gay and lesbian organizations that have been pushing and pushing for these appointments to be made". . . .

That was Kerry Lobel, the executive director of the National Gay and Lesbian Task Force.

I would also like to quote someone I think who is familiar to all of us—we hold her in very high esteem—Faith Whittlesey, former U.S. Ambassador to Switzerland. She was talking about this trend of trying to put people with their own personal agendas in the various Embassies. She made this statement. She said:

> The United States is more socially radicalized than any other country in the world on this issue (gay rights). Ambassadorships may no longer be essential foreign policy positions, but they are still symbolically important. Starting with small countries to set a precedent for bigger appointments, what they're trying to do is use the U.S. diplomatic service to open deeply held religious convictions and social mores in other countries. Ambassadorial appointments should not be used for the purposes of social engineering in the countries to which the ambassadors are assigned.

One of the many statements that had been made previous about James Hormel that led me to the conclusion that he wanted to use this position to advance his agenda was the following statement he made on June 16, 1996. He said:

> I specifically asked to be Ambassador to Norway because, at the time, they were about to pass legislation that would acknowledge same-sex relationships, and they had indicated their reception, their receptivity, to gay men and lesbians.

I think it is very difficult to put any interpretation on that other than the fact that individual wanted to be ambassador to that country because of pending legislation in that country.

So, Mr. President, I stand by the statements I have made. I certainly do not want anyone to say that I am comparing two individuals as individual personalities. But I will continue to oppose the confirmation of individuals who are nominated for various positions, if I believe, in my own heart, that that individual is not going to represent the best interests of America and has his own personal agenda in advance of Americans.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Might I ask the Chair to let me know when I have used 5 minutes, because I have another matter I want to discuss?

I thank the Chair.

The PRESIDING OFFICER. So ordered.

Mr. WELLSTONE. First of all, Mr. President, let me say to my colleague from Oklahoma, I appreciate his gracious personal remarks. I am proud to have his friendship. And the respect is mutual. The respect is mutual.

Second of all, let me say to my colleague that I am pleased to find out that he did not say it exactly as it seemed to be reported in Roll Call. And I think his clarification is terribly important. I might not agree with his analogy, but I understand exactly what he is saying. And I think he has clarified the record.

Third, let me just simply say to my colleague, and to other colleagues as well, that we have here a man, James Hormel, who has been nominated to serve as U.S. Ambassador to Luxembourg. Mr. Hormel comes to the U.S. Senate with enormous qualifications: dean of the students of the University of Chicago Law School, on the boards of such diverse groups as the San Francisco Chamber of Commerce, Swarthmore College, a generous giver, committed to community, a dedicated public servant. Frankly, the list goes on and on.

On May 23, 1997, a year ago, this very Senate unanimously confirmed him to serve as an alternative representative on the U.S. delegation to the 51st U.N. General Assembly. He has done a lot of marvelous work in human rights as well.

Mr. President, the fact that there is an article in the paper that says that the President nominated Mr. Hormel and believes that this was important to the gay community does not in any way, shape, or form suggest that Mr. Hormel has a personal agenda.

The fact that Mr. Hormel talked about a country that seems to have done a great job of moving away from discrimination against gays and lesbians as a very attractive country to him does not mean in any way, shape, or form that he would use this position to promote his own personal agenda.

In fact, Jim Hormel has clearly and publicly stated that he would "not use the Office of the Ambassador to advocate any personal views."

Mr. President, I simply have to say to my colleagues there is a personal part to this and a political part. For the personal part, here is a letter to Senator LOTT:

> I am writing to you to urge you to bring James C. Hormel's nomination as Ambassador to Luxembourg to a vote on the floor of the Senate. The stone-walling of this appointment reflects a flagrant disregard to all

that we hold precious in a democratic society. If he is voted down then so be it, but not to allow due process to take place is clearly an indictment of the branch of our government that seems at times to be inclined to exhibit its own peculiar form of despotism. The President has nominated him and the Senate Foreign Relations Committee has recommended him. Let the process take place.

I am a sixty three year old retired counseling psychologist. I am the mother of six children and the step-mother of three. I have 17 grandchildren. Thirteen of those grandchildren I share with James Hormel. I have known Jim for 46 years and for ten of those years I was married to him. During those ten years we had five children.

And she goes on to say,

For many of those years he tried his hardest to live what was a lie. Of course, you might say I was the "injured party," but I grew to understand the terrible prejudice and hatred that he knew he would have to face, that he has faced and is facing as he goes through the difficult process that this nomination and its opponents have put him through. James Hormel is my dear friend. I care deeply about him and have great admiration for his courage in being open about his homosexuality and his willingness to put himself on the line in accepting this nomination.

James Hormel's former wife.

Mr. President, let me simply say to my colleagues that this is really an outrage. I understand what my colleague from Oklahoma had to say, but I will have an amendment when we come back that I will put on the first bill I can after the tobacco bill, which will say that the Senate ought to bring this up. The majority leader, we owe it to him.

Now, my colleague from Oklahoma has been clear on his position. I accept that. But I say to my colleagues that this man is eminently qualified. That is crystal clear, I think, to many of us, the majority of us. This man should be able to serve. And if, in fact, the reason he is being stopped—and this is what I fear; and I am not speaking to my colleague from Oklahoma—but if he is being stopped because of discrimination, because of the fact that he is gay, then let that come out on the Senate floor. Let us have the debate. And let's have colleagues come out here, no more holds, and speak directly to this nomination.

If you oppose him, then oppose him on the floor of the Senate. My colleague from Oklahoma has been clear about his position, but let's have that debate. We owe James Hormel this. We owe the U.S. Senate this.

This institution is on trial. If we don't bring this forward, I say to the majority leader, then I think we have to look at ourselves in the mirror. We need to bring this nomination forward. We need to have this debate. And we need to vote up or down. I believe elementary decency dictates that we do that. I will start having amendments on bills that will call on the majority leader to bring this nomination to the floor.

ISTEA

Mr. WELLSTONE. Mr. President, we will vote on ISTEA today. I know a number of colleagues want a voice vote. I can feel the pressure building. We are about to leave. I say to colleagues, we are not going to voice vote the bill. We can't have a voice vote. This is an important piece of legislation, and a whole lot has happened in conference committee. Frankly, all of us should be on record voting nay or yea, yea or nay.

For my own part, I want to talk about this piece of legislation. There are two points I want to make. This is a very important piece of legislation. I thank Minnesotans for all of their guidance. There is much about this legislation that I believe in, especially the important investment in infrastructure. I think it is a balanced approach.

However, I will not vote for this bill, and I will not vote for this bill for two reasons. First of all, I won't vote for this bill because—we still don't know what the offsets are, but it looks like much of it comes from VA. I say that because I believe it is an outrage that the money that could have gone into veterans health care—and I could go on for hours about what the gaps are in veterans health care—will, instead, be used as an offset in this legislation. I also believe that too much of this spending will take the place of other discretionary, affecting the most vulnerable citizens in this country.

The second reason that I cannot vote for this piece of legislation, as much as I believe in much of it, is the process. I think at the very end of this process there were several decisions made, one having to do with a sensitive environmental land dispute issue in Minnesota, the Boundary Waters, and I respectfully disagree with the way this is being done.

I will not do any bashing on the floor of the Senate. I don't want to do that. But I will not support this piece of legislation, I want to go on record.

Mr. President, I ask unanimous consent to have a letter printed from the Paralyzed Veterans of America. They say, "Don't Rob America's Veterans Again."

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

VETERANS AND TOBACCO-RELATED ILLNESSES

VA compensation benefits should not be taken away for tobacco-related illnesses. Nicotine addiction is a medically recognized disability. DOD was culpable in veterans becoming addicted to cigarettes, and therefore these are bona fide service-connected disabilities. Smoking was not "willful misconduct."

Taking away tobacco-related VA compensation benefits because it is inconvenient for VA to process them, because they are costly, or because it is politically incorrect or unpopular, is a very dangerous precedent to set. What will be next, excluding benefits for bad diet or an unpopular war? There is no sound legal or moral basis to take this benefit away from veterans.

While some argue that veterans made the choice to smoke, no veteran chose to become addicted to nicotine and tobacco products. The tobacco companies, with the unwitting assistance of a military which encouraged and subsidized smoking, made the choice for veterans by getting them addicted to cigarettes.

This is not a new benefit that will be eliminated for the future. This is current law—benefits are already being granted—and what Congress is considering is taking away a veterans benefit.

Veterans are being singled out for unfair treatment. Other federal beneficiaries will continue to receive disability compensation for tobacco-related illnesses; no one is proposing to abolish SSDI benefits. If passed, this will create an inequitable, unjust and unconstitutional situation under the equal protection clause for one class of individuals—veterans.

Prohibiting compensation for tobacco-related illnesses will have adverse effects on veterans seeking other benefits—related compensation (such as cancer resulting from chemical exposure), and certainly access to health care.

VA's projected savings for prohibiting tobacco-related claims are highly exaggerated. Experience to date shows that it is very difficult for veterans to prove these claims; approximately 7,400 claims have been filed, of some 3,100 that have been adjudicated thus far, fewer than 300 have been granted.

Any effort to take the money away from veterans tobacco-related compensation, in order to pay for pork-barrel transportation projects is an absolute outrage. This is election-year politics at its worst.

Congress must not support this outrageous proposal; Don't Rob American's Veterans!

CONGRESS: DON'T ROB AMERICA'S VETERANS AGAIN!

Congress wants to take billions of dollars from veterans' disability compensation in a money grab to increase overblown spending for transportation and highways.

As a result, thousands of sick and disabled veterans will be denied earned disability compensation.

Congress wants to exploit a veteran's use of tobacco as a convenient excuse to stop paying benefits where tobacco use may have had any role in a disability—even though the Department of Defense encouraged, subsidized and promoted tobacco use among servicemen and women.

Yet, Congress is not penalizing other Americans for their use of tobacco. Social Security, for instance, will still pay for tobacco-related disabilities.

Congress has already slashed billions from veterans' health and benefits programs, only to spend the money elsewhere.

To those in Congress who support this outrageous proposal, here's our advice: Quit your own bad habit of continually robbing veterans' programs.

Don't Rob America's Veterans!

A message from: AMVETS; Blinded Veterans Association; Disabled American Veterans; Jewish War Veterans of the U.S.A., Inc.; Military Order of the Purple Heart of the U.S.A., Inc.; Non Commissioned Officers Association of the USA; Paralyzed Veterans of America; Veterans of Foreign Wars of the United States; and Vietnam Veterans of America, Inc.

Mr. WELLSTONE. Mr. President, I think they are right. There are too

many veterans out on the streets that shouldn't be. There are too many veterans that are struggling with PTSD that are not treated. There are too many veterans that, as they get older, are not clear what care there will be.

We have a flat-line budget that is not going to work for veterans. I think it is a big mistake to have taken this money out of what should have been an investment in veterans health care.

I yield the floor.

FOOD STAMPS AND ISTEA

Mr. HARKIN. Mr. President, I was listening to the debate on the House floor. They are debating the agricultural bill which has the food stamp provision and the crop insurance in it. There is an amendment pending over there that would strip out the food stamps.

The reason I want to take this time on the floor is because I heard some comments made on the House floor that they could pass that by the conference report, strip out the food stamps, send it over to the Senate, and we would pass it today and they could send it down to the President.

I want Members to know right now we had a vote here, 92–8, on that bill to keep the food stamps for immigrants, to keep the crop insurance and the agriculture research altogether. In fact, there was a 77–23 vote on a Gramm of Texas motion to recommit—77–23.

Let me make another statement, Mr. President. If that action takes place in the House, I can see no way that ISTEA could ever be passed here this afternoon before we go home on break.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

UNIVERSAL TOBACCO SETTLEMENT ACT

Ms. SNOWE. Mr. President, I want to address the Senate this morning with respect to the national tobacco policy legislation that has been on the floor this week. I hope in the final analysis we will be able to come to a common agreement and find common ground on this critical issue and legislation. Clearly, the significance of this issue and the promise of related legislation cannot be overstated with respect to the fact that it certainly could improve the health of our Nation's children.

As a Member of the Senate Commerce Committee, I had the opportunity to work on the original legislation that was reported out of the committee by a 19–1 vote. The committee voted overwhelmingly for the bill because we thought it was important and necessary to move the debate forward on this critical issue. There is no question that the bill which is now on the floor of the Senate is very different from the legislation that was considered in the Commerce Committee, where we began the process of defining and refining the issue, and knew full well that amendments would be offered on the floor to improve it and to reflect the interests and the desires of the Members of this body.

Unfortunately, what ultimately occurred is that we had a total rewrite of the bill through the White House.

It is not unusual to have the White House involved and be an integral part of the discussion in terms of shaping legislation. But, ultimately, the bill was significantly rewritten in most pieces. I can't say it wasn't improved in some places, but other areas raise significant questions. It is one thing to amend a bill and change it on the floor; it is quite another to have this issue altered in a way that is outside of the scope and purview of the committee, and which has now resulted in some of the problems that have contributed to the delay of this legislation and its passage.

But be that as it may, I hope in the final analysis we don't overlook the reason why this legislation is on the floor of the U.S. Senate, what brought us to this point, why this legislation was crafted, and what we hope to accomplish from the passage, ultimately, of this legislation.

First and foremost, we have to remember this legislation was the result of a settlement reached by the tobacco industry and 40 states attorneys general across the country more than 11 months ago. And the bottom line is that the proposed settlement would not have been reached if it weren't for one simple truth: tobacco products have been killing and continue to kill 420,000 Americans each and every year—and every day, 3,000 children become addicted to tobacco and one-third will eventually die as a result of tobacco-related disease.

If it weren't for this simple truth, the tobacco industry would not have been subjected to years and years of lawsuits and litigation, and this comprehensive settlement would not have been reached. And the fact is, if not for this simple truth, the industry would not have settled with States such as Minnesota recently to the tune of $6 billion, and three other States across this country. And that is why they were interested in reaching this agreement, because they knew what the truth was. And the most insidious aspect of this whole tobacco debate is the fact that this dangerous and addictive product was marketed to children.

In listening to the debate this past week and hearing the many arguments that have been put forward from divergent points of view, I believe that we cannot afford to forget, nor can we overlook the fact, that this product was deliberately, in a calculated fashion, targeted to young people and teens—even to children as young as 11-year-olds. This product was marketed to individuals who were not old enough to vote, not old enough to drink, not old enough to enlist in the military, not old enough to make any of the life-altering decisions that should be made by adults, and not old enough, ironically, to even purchase this product legally. By the way, these facts aren't just based on hypothetical views or assumptions or conjecture; these are based on more than 40,000 documents that have been unveiled during the course of recent litigation and in crafting the proposed settlement.

When you look at the documents, it provides a disturbing glimpse into the mindset and tactics of the tobacco industry. From this paper trail, we have learned of repeated efforts by the industry to manipulate scientific research, racially stereotype minorities in marketing plans, contrive the nicotine levels in cigarettes, and play down the risks of smoking. They even demonstrated the manner in which they studied the smoking habits of teenagers, to the extent that they would exploit the teen market so they would have the lifelong support of a group of Americans. They even considered ways to make cigarettes taste better for teens. So this was a very deliberate, calculated effort to hook kids on tobacco. The thousands and thousands of documents outline this effort.

That is the crux of this issue. This is not to say that Americans didn't know that smoking cigarettes was harmful; of course, they did. The question is, "Did the industry deliberately contrive the nicotine levels to make it addictive and then to attract young people so they would smoke throughout their lifetime?"

For the answer, listen to some of the industry's own documents. "The basis of our business is the high school students," said one memo. Another one said, "It is a well-known fact that teenagers like sweet products. Honey might be considered." Another one said, "If our company is to survive and prosper in the long run, we must get our share of the youth market." Another memo said, ". . . to ensure increased and longer-term growth . . . the brand must increase its share penetration among the 14–24 age group . . . which represents tomorrow's cigarette business." Another one said, "Today's teenager is tomorrow's potential regular customer."

So these are glaring demonstrations of unscrupulous and unethical conduct on the part of companies.

And that is what brings us to the floor of the Senate. The industry discovered and knew the truth, and they could not escape their past practices. And that is why they entered into a settlement with 40 attorneys general.

While last June's proposed settlement may have been the catalyst for

comprehensive tobacco legislation, it did not mean that Congress could not change that settlement. We were not a party to those negotiations, but we have a right to make changes, and it had to come to Congress.

And what has been the result of these industry documents and their intent to market an addictive product to young people in America? This has been the result: More than 5 million children under the age of 18, alive today, will eventually die from smoking-related diseases unless current rates are reversed. Approximately 4.1 million kids age 12 to 17 are current smokers. Almost 90 percent of adult smokers began at or before age 18. Among high school seniors who have ever used smokeless tobacco, almost three-fourths began by the ninth grade. And 3,000 of our children will become addicted to this deadly product every day.

That is what this is all about. That is the debate. That is the heart of this issue, Mr. President.

In my State of Maine, we have one of the highest rates of teen smoking in America and we have the highest rate of smoking for individuals between the ages of 18 and 30. In fact, a full 38 percent of high school students in Maine currently smoke cigarettes, and 16 percent of high school boys use smokeless tobacco. That is what has happened. Smoking is habit-forming and 35 percent of males between the ages of 18 to 34 reported smoking cigarettes in 1996. That is the result of what we are talking about. That is why we are here in the U.S. Senate debating this comprehensive framework.

If this habit was harmless, we would not be here today. But tobacco is not harmless, and we know it. Furthermore, this harm has been spread by an industry that has marketed to young people, which has resulted in a senseless loss of life. Now, we have the responsibility to take action.

For those who oppose doing anything, regardless of what the content of this legislation is, I say to them: What is the alternative? What else will we do here in the U.S. Senate? The bottom line is that this is our only chance. We only have one opportunity and it is before the U.S. Senate. It is a historic opportunity to bring to an end these past practices and, more importantly, to help young people in America so they don't become addicted to this deadly tobacco product for the rest of their lives. That is what this debate is all about. I hope the essence of this issue doesn't get lost as we look at it from a variety of dimensions, because there is no possibility of ever dealing with this kind of framework ever again. This is our chance once and forever.

So I hope that once we get to the point of having gone through all of the amendments, the debate and discussion, it doesn't defeat the ultimate passage of comprehensive tobacco legislation. Those objections cannot override this one important national interest, which is to change the tobacco culture in America, and to hopefully stop young people from smoking, or help them never to start in the first place.

Thank you, Mr. President. I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that during the pendency of H.R. 2709, and actually beginning now, David Stephens and John Rood of my staff be permitted to be on the floor.

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

The PRESIDING OFFICER (Mr. GORTON). The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the submission of S. Res. 235 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

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

IRAN MISSILE PROLIFERATION SANCTIONS ACT OF 1997

Mr. LOTT. Mr. President, pursuant to the consent agreement of April 3, I now call up H.R. 2709, the Iran sanctions legislation.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2709) to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. There is 90 minutes equally divided under the previous order.

Mr. LOTT. Mr. President, I just want to clarify the procedural situation. As the Chair just said, it is 90 minutes on the underlying measure, and then 90 minutes on the Levin amendment, if need be to use that time. It is the intent that we go forward to completion of this act and that we have a recorded vote at the end of that time.

I am really pleased the Senate is finally completing action on this very important piece of legislation. Senator LIEBERMAN and I introduced the Iran Missile Proliferation Sanctions Act on October 23, 1997. It has 84 cosponsors in the U.S. Senate. This is not really a complicated piece of legislation. It is designed to address one of the most pressing security issues we face in the world, Iran's determined drive to acquire ballistic missile production capability.

This legislation requires specific targeted sanctions against any foreign entities providing direct support to Iran's missile development efforts. The House passed companion legislation on November 12, 1997, without a single dissenting vote. House action modified certain provisions of the legislation to meet concerns of the administration, most notably—and I have made this point to the President in my discussions with him about this legislation—that he is granted a waiver, and that was requested by the administration, and that was included in the bill when the House passed it.

The House also passed legislation adding the Chemical Weapons Convention to the package. Our legislation addresses a clear and present danger. Iran is a terrorist state under U.S. law. Last year, a German court found Iranian intelligence directly responsible for murder committed on German soil. Earlier this very week, the Government of Argentina found Iran responsible for a terrorist bombing of a Jewish synagogue. The same Iranian Government responsible for terrorist murder around the world is engaged in efforts to acquire nuclear weapons and the means to deliver them. They already have chemical weapons. They are working on biological weapons. This is a very serious matter.

Much of the knowledge that Senators and administration officials have on this issue cannot be talked about here in the Senate because of their very sensitive intelligence issues. But every time I receive a briefing, I become more alarmed about what Iran has and what additional capability they are trying to acquire.

Their missile program has been advanced tremendously by the assistance from a wide range of Russian entities. The details, as I said, are classified, but it is comprehensive and it is ongoing. I urge every Senator to review the intelligence information. A summary is

available right now in S-407 for Members' review. The intelligence community will brief any Senator on the extent and impact of Russian cooperation. I have had that briefing and continue to review intelligence information. Let me assure the Senate, Russian cooperation is deeply disturbing. It is widespread. It has made the day Iran is able to target American forces and American allies closer by years. If I went into the details of the capability they have acquired and how soon they could have the ability to use that, everybody in the Senate and the United States would be alarmed.

The basic facts are not in dispute. Iran wants ballistic missile production capability. Russian assistance has materially advanced Iranian efforts. American diplomatic efforts to halt assistance have not succeeded. That assistance continues today. That is why we have H.R. 2709 before us today in the Senate.

We have not rushed to judgment on this issue. Last November, we did not act after the House sent us the legislation, and I received specific calls from the President's National Security Adviser asking that we not act. In the last week we were in session, this legislation could have been passed, probably on a voice vote, immediately. But, in response to the administration's efforts and assurances that they were going to get some cooperation, we said all right, we will see if we get some results by waiting.

In January, the administration asked for a 3-week delay to compare assessments with Israel, our ally most directly threatened by Iranian weapons of mass destruction. In February, the administration asked for delay until Vice President GORE'S March meeting with then Russian Prime Minister Chernomyrdin. In March, the administration asked us to wait until April. In every instance, I consulted with Senators on both sides of the aisle, talked to Senator LIEBERMAN, checked the intelligence information, listened to the requests from the President's National Security Adviser and the Vice President, and continued to make an effort to give them time to see if we could get some results, get some action. It did not happen. It did not happen again and again and again.

In April, though, we said there had to be an end to this or the Senate's credibility would be in doubt, if we continued to just hold this out there and not act. And, also, if we do not act soon and this continues—the capabilities that they are acquiring are extremely dangerous, to say the least.

So we entered into the unanimous consent agreement in April, the middle of April, to consider this legislation today. We said we would do it by or on May 22. For 6 entire months, we have tried to give more time for this matter to be addressed, for there to be some indication that Russia was in fact able to deal with these companies and these individuals who were involved in this intelligence, scientific, and ballistic missile capability exchange. It did not stop. Again, I cannot go into details, but there were specific instances of things we were concerned about. The overwhelming majority of them did not stop, did not change.

We have had at least five delays that have been requested by the administration and granted by the Senate. President Clinton has had ample time to allow his diplomatic approach to work. I would point out, however, the administration has refused to make sanctions decisions which are required by law, and there clearly have been some instances where those sanctions could have and probably should have been implemented. A number of Russian actions supporting Iran's missile program require U.S. sanctions under the Missile Technology Control Act. In fact, if the administration had acted last year, as called for under that law, this legislation probably would not be necessary.

The administration often asks for bipartisanship regarding foreign policy, and I think that is as it should be. I have tried more than once to be cooperative and to make sure that we proceeded in a bipartisan way. We have done that. I have done it sometimes while coming under heavy criticism from the media or members of my own party. But I thought, and I think, it is the right thing to do. I try to accommodate whenever and however I can. This legislation, though, should not be delayed further. It could not be more bipartisan. I reiterate, 84 Senators on both sides of the aisle are cosponsors of this legislation.

I hope the administration will reconsider its opposition. I think it actually could be helpful. I think the fact we have had this legislation pending has been helpful. It has given the administration leverage. Unfortunately, the leverage has not produced results.

I fear that the Russian Government does not have sufficient capability to stop this exchange from occurring. They do not have the export control laws that we do. They do not have the ability to go to a company in Russia as easily as we do and say, "Do not be engaged in this very dangerous process." Or if they do, they haven't been able to carry it out so far.

There are those who are going to say, "Well, there have been some changes. We have a new government there. Chernomyrdin has been replaced by a new young Prime Minister. He is talking good."

They have made some recommendations, but some of the things we have been told have happened we do not have the evidence of yet. Again, we are being told that within the last 10 days greater assurances have been given by Russian officials. This has been going on for months, really years, and now all of a sudden they say, "Well, wait, there is a new leader on the block; he is going to make a difference."

If we go forward today and accept the amendment of Senator LEVIN from Michigan and pass this legislation, it still has to go back to the House. It will probably be 10 days or so before the House can act. There will be a little more time to see if, in fact, these new leaders in Russia can begin to make a difference. The President, I reiterate, has waiver authority, and he may decide that this is such a sensitive national security issue at this particular time that he needs to veto it. He can do that. But I think that the Senate should not delay any longer.

There is beginning to be a pattern around the world of some of our friends, supposedly, and allies, or countries that we are trying to work with, contributing to very dangerous weapons proliferation and nuclear activity. Think about it. Do we want Iran to have this ballistic missile capability? Not only chemical and biological weapons, but they would like to have nuclear weapons and the ability to deliver them in the region or in the world. I don't think so.

It is time the Senate delivered a clear message on this—a clear bipartisan message. I really think it will be helpful in getting this process, that Russia and others have been participating in, stopped now before it is too late.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. 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. KYL. 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. KYL. I yield the Senator from Kansas 10 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, thank you very much. I appreciate the Senator from Arizona recognizing me to speak on this very important act.

The Iran Missile Proliferation Sanctions Act is more important now than ever. I chair the subcommittee in the Foreign Relations Committee which deals with Iran. We have had a number of hearings on this particular issue. We just had a hearing last week on what all Iran is doing around the world.

It might be of interest for many people in this body to know that, according to the State Department's last report, Iran is operating in some 21 countries around the world with either terroristic actions taking place or building the base for further expansion of

their activities and interests and terroristic actions to happen.

I am sure a number of people have already noted as well the recent finding by the Argentine Government of Iranian-backed terrorists involved with the horrendous bombings that took place in that country earlier this decade. The recent nuclear test by the Indians drives this point home even more. It is more urgent now than it was even 10 days ago to alert the world, and Iran in particular, that the United States will not tolerate an Iranian nuclear program, period.

The administration has already shown lack of resolve in its recent decisions to waive the sanctions on Total and Gazprom under the Iran-Libya Sanctions Act. This, in my estimation, was a grave mistake, as the world has now received the message that it is once again free to fill the Iranian coffers and help it pay for the development of its nuclear capability, as well as fund its terrorism activities overseas.

In the most recent State Department report that was out less than a month ago, Iran is the leading nation around the world sponsoring terrorism as a state. In the State Department's most recent report, Iran is the leader in this most ignoble category.

We need to make the world understand that Iranian development of an indigenous missile capability, combined with nuclear capability, is dangerous to everyone. While Iran has been quite open in its calls to annihilate Israel, a nuclear-capable Iran will threaten countries far beyond its borders. The very countries which are now planning to refill Iran's coffers are the countries which will be at risk in the future.

The Iran Missile Proliferation Sanctions Act is not a country-wide sanction. What we are proposing here is intended to sanction specific entities known to be providing Iran with missile technology. This bill is an effort to stem this dangerous flow to Iran and is designed to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

There is good intelligence about which Russian entities are involved. Some of them are involved in joint space cooperation with the United States. These companies should know that there will be costs if they engage in behavior which so obviously threatens our security interests, the security interests of the region, and the security interests of the entire world, from the leading sponsor of terrorism around the world, which is the Iranian regime.

The administration claims it is making progress with the Russian Government on this matter, that we need to give them time to implement the relatively new decree tightening the export of dual-use technology.

We keep hearing about the progress we are making with the Russians, but we do not see it. I might note as well, there were recent bills passed in the House of Representatives going at the administration in this country about the sharing of dual-use technology with China and saying that this was wrong what the administration has been supporting.

How can we believe them that they are going to be able to stop the Russians when they are providing some of this in a questionable dual-use area to the Chinese?

Mr. President, we do not undervalue what the Russian Government is trying to do. We are all encouraged by the progress that is being made. But the fact remains that the transfers continue.

Just 2 weeks ago—2 weeks ago—the Government of Azerbaijan intercepted a transfer of materials going from Russia to Iran which would have significantly enhanced Iran's ability to produce missiles indigenously.

If the Russians are working so diligently on this program, this bill poses no threats and in fact really would help them in these efforts. The bill would not sanction the Russian Government. That is a very important point to make. It does not sanction the Russian Government.

In fact, if the Russian Government is serious about stemming the flow of this technology, this bill only helps them. After all, it is going after companies which are now breaking Russian laws.

Mr. President, there is no reason why the U.S. taxpayer should be providing any taxpayer dollars to companies that are colluding with Iran to make that country an even greater danger to the United States, the leading country sponsoring terrorism around the world that is seeking to get this technology.

We cannot allow this river of technology and assistance without doing everything possible to stop it. This bill works towards that goal. I encourage my colleagues to vote for it. I encourage the administration to sign it and to help us stop the flow of this technology to the leading terrorist regime around the world that seeks to get these weapons that can strike at U.S. interests. This bill is clearly in the United States' best interests.

Thank you, Mr. President.

I thank the Senator from Arizona for yielding time to me.

The PRESIDING OFFICER. Who yields time?

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, if others do not wish to speak at this time, I will. And at any time that a Member of the minority would like to make a presentation, that will certainly be all right.

I ask unanimous consent to have printed in the RECORD two letters that pertain to the chemical weapons treaty implementation portion of this legislation, a letter from the Chemical Manufacturers Association and a letter from the American Forest & Paper Association.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CHEMICAL MANUFACTURERS ASSOCIATION,
Arlington, VA, May 7, 1998.

Hon. JESSE HELMS,
Chairman, Senate Committee on Foreign Relations, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the Senate is scheduled to take up H.R. 2709 later this month. This legislation contains provisions necessary to assure full implementation of the Chemical Weapons Convention (CWC) in the United States. The Chemical Manufacturers Association (CMA) is committed to timely implementation of the CWC, and urges you and your colleagues to pass the CWC implementing provisions as quickly as possible.

CMA and its member companies strongly support the Convention. We have a long history of involvement in the CWC, from the early stages of negotiation, to Senate debate on ratification to international implementation. Throughout the CWC's history, we have held the view that it should be implemented as quickly and efficiently as possible.

The CWC imposes on the U.S. government an obligation to make a full declaration of affected government and commercial facilities. Absent the implementing legislation, however, there is no statutory basis to compel commercial facilities to declare their CWC-related activities. CMA believes that the CWC-related provisions of H.R. 2709 is the only route available for the orderly implementation of the Convention.

The CWC-related provisions of H.R. 2709 are identical to S. 610, which passed the Senate on May 23, 1997. Thus, both Houses of Congress have already approved these provisions. CMA supported S. 610 as a reasonable approach to meet U.S. obligations under the CWC and protect industry's interests. We continue to support the CWC implementing provisions contained in H.R. 2709.

If CMA can provide any additional information on its position regarding implementation of the Chemical Weapons Convention, please have your staff contact Claude Boudrias, CMA's Associate Director of Federal Legislative Affairs, at 703/741–5915, or Marybeth Kelliher, Senior Manager for International Trade, at 703/741–5923.

Sincerely,

FREDERICK L. WEBBER,
President and CEO.

AMERICAN FOREST & PAPER ASSOCIATION,
Washington, DC, May 21, 1997.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I am writing with regard to the upcoming mark-up of S. 610, the Chemical Weapons Convention Implementation Act of 1997. Upon review of bill, the American Forest & Paper Association (AF&PA) would like to offer its support, in general, of many of the bill's provisions. While we believe it is unfortunate that the scope of the Chemical Weapons Convention

("CWC" or "treaty") is overly broad, S. 610 contains a number of provisions that the forest products industry believes are crucial to ensuring that implementation of the CWC is reasonable and meets the stated purposes of the treaty.

Among some of the provisions of importance to the forest products industry are the following.

Section 403. We strongly support the prohibition of requirements under the treaty for chemical byproducts that are coincidently manufactured. Due to the broad nature of the category of "discrete organic chemicals," as defined by the treaty, it is critical to recognize that inclusion of coincidental byproducts of manufacturing processes that are not captured or isolated for use or sale would exceed the stated purposes of the CWC.

Section 3(11), (12) and (13). We strongly support the listing of covered "chemical agents" in the bill. It is our understanding that additions or deletions from the list would only be permitted by legislative amendment, and not through the administrative regulatory process. We believe maintaining congressional authority for any list modifications is necessary to ensure that any such modifications adhere strictly to the intent and purposes of the treaty, as ratified.

Section 303(b)(2)(B). We also support the provision prohibiting employees of the U.S. Environmental Protection Agency and the U.S. Occupational Safety and Health Administration from participating on inspections conducted under the treaty. The treaty should not be used as an omnibus vehicle for regulatory inspections unrelated to its intended purpose. We believe that it would be inappropriate to include such government officials on an international inspection team formed for the purposes set out in the CWC, and would merely serve to detract from the intent of the inspection.

I would be happy to discuss these points with you further, and appreciate the opportunity to provide this information on behalf of AF&PA's members.

Sincerely,

JOSEPHINE S. COOPER,
Vice President, Regulatory Affairs.

Mr. KYL. Mr. President, as I just noted, there are actually two parts of this legislation. One of them has to do with the implementation of the chemical weapons treaty which was ratified in the Senate last year.

The legislation passed about a year ago. It was finally dealt with by the House, and comes back to us. I do not know of any objection to it. And I will not take the time to summarize it except to say that in general terms it makes it a crime for Americans to produce or use or manufacture these chemical weapons.

It provides protections for American citizens and businesses in terms of search and seizure and takings, so that with respect to the inspection regime that is established under the treaty, there is protection of American citizens' constitutional rights, and if anyone has a question about that legislation, I am prepared to try to answer that today.

But by far and away the issue that is before us today of most interest to Members is, of course, the Russian missile assistance to Iran. The majority leader spoke eloquently on the patience that the Senate has exercised in withholding action on this important legislation until this time.

But there does come a time when, as the majority leader said, the Senate does have to finally act here. We believe that by passing this legislation, it will actually have a positive impact on the leadership of Russia which has had a very difficult time ensuring that the assistance provided to Iran is stopped.

Now, one might say, "Well, that doesn't make a lot of sense if it is the policy of the Russian Government that this assistance not be transferred to Iran." But the fact of the matter is, it is difficult for the Russian Government, as the majority leader said, to ensure that there is no transfer of technology or material to the Iranian missile program.

When confronted with evidence that this has occurred, in some cases the Russian Government appears to have tried to take action against it; in other cases, as the majority leader said, that has not happened. So this legislation should provide a basis not only for the United States to specifically direct attention to the matter, but also for the Russian Government to have a very specific basis for enforcing its laws and policies against the providing of such technology to Iran.

Mr. President, let me just outline in very brief terms some of the open-source information about the kind of technology and other assistance that has been provided by Russian firms, individuals, and other entities to the Iranian program.

One of the Russian ICBM missiles—or at least intermediate-range missile—is called an SS–4 in our terminology. And important missile components and instructions of how to build that missile have been sent to the Iranians.

This is important because this missile has a much greater capability than the one that is most likely to be produced soon. This missile, in the Iranian term, is called the Shahab-4. It would have the capability of reaching cities in Europe, Mr. President. So it is not just a regional weapon, but a weapon that will challenge countries in Europe as well as in the Middle East. That weapon, according to open-source material, could be deployable within as little as 3 years.

In addition to that, construction of a wind tunnel for missile design and manufacture of missile models, and even the sale of missile design software has occurred.

Moreover, missile guidance and propulsion components, as well as the necessary advice and equipment to produce these components in Iran has been provided. In that sense, Mr. President, let me note that it is not Russians who are actually building these missiles for the Iranians, it is Russians who are providing much of the material and the assistance and the technology for the Iranians to do it themselves. So they will have an indigenous capability.

In addition, more than one special metal alloy which Iran can shape into missile casings and even alloy foil in thin sheets used to shield guidance equipment had been provided, in one case, according to open-source material, was stopped in another country after it left Russia.

Training of Iranian technicians at Russian institutes and the recruitment of top Russian missile specialists to work with Iran has all occurred within the most recent months or years.

As I said, the Iranians are using this technology to produce two missiles: One we call the Shahab-3, the other the Shahab-4. The Shahab-3 has a 1,300-kilometer range roughly, depending upon what kind of warhead is included on it, and is capable of targeting Israel, as well as other targets in the Middle East. According to open-source material, development of this missile could be completed in 12 to 18 months.

I mentioned the Shahab-4, which is capable of reaching Central Europe, and the fact that development could be completed in 3 years.

Mr. President, since the Senator from Connecticut, I think, is preparing to speak, let me just summarize one other aspect of this assistance; that is the Russian nuclear assistance to Iran, not specifically the target of this legislation, but of equal concern to us.

Russia has assisted Iran in a number of ways, including a contract to construct a nuclear reactor and a deal to provide nuclear fuel for the reactor for 20 years, and to take back spent fuel for reprocessing. It has agreed to train Iranian nuclear technicians to operate the plant, to construct three additional reactors when the first contract is complete.

In 1995, in response to U.S. pressure, Russia agreed to limit the scope of nuclear cooperation with Iran and canceled plans to sell gas centrifuge enrichment technology, and heavy water moderated reactors.

However, Russia has exceeded the limits it agreed to place on its nuclear cooperation with Iran. According to an article in July 1997 by The Washington Post, the United States intelligence reports "document[ed] a series of high-level technical exchanges between Russia and Iranian engineers," which covered matters beyond the Bushehr reactor, including advice on how to mine and process uranium.

Finally, Mr. President, just this month, The Washington Times disclosed that U.S. intelligence reports indicate that Iranian nuclear officials were negotiating to purchase tritium from Russia and were slated to view a demonstration of gas centrifuge technology used to enrich uranium for nuclear weapons during a visit to Moscow later this month.

At a meeting just last week, we specifically asked the Russian Ambassador if he would try to see to it that that demonstration project was not held because its only purpose is to assist the uranium nuclear program. He indicated personally a desire not to see that meeting go forward, but we will see whether it does.

Tritium, which I mentioned, is, of course, important for the boosting of nuclear weapons and would be an important way for the Iranians to make a nuclear technology more robust than it might be otherwise. These are serious matters.

The Russian Government, whether complicity or simply negligence, has not been able to stop the transfer of these materials and this technology. The United States cannot simply sit by and hope for diplomatic actions to work. In the Senate and the House, we recently passed money for a supplemental appropriations bill which will be applied to both Israeli theater missile defense systems and the U.S. theater missile defense systems so we may at an earlier day be able to meet the threat that the Iranian missiles might pose.

There may be a window of vulnerability. That is why it is important for us to try to slow down and stop the assistance that Russia is providing to Iran. This is very important legislation. I hope our colleagues will support it strongly, sending a strong signal to Russia that it should not be providing or allowing to be provided this important technology to Iran.

I yield whatever time the Senator from Connecticut desires.

Mr. LIEBERMAN. I thank the Chair and I thank my friend and colleague from Arizona not only for yielding but for his principal support of this legislation and for his outstanding statement.

I rise to support the Iran Missile Proliferation Sanctions Act and to thank all of those in the Senate who have cosponsored it, principally the distinguished majority leader of the Senate for his strong leadership in this effort. It has been purposeful. It has been balanced. I think it has been quite realistic.

I think we have before the Senate a measured response to a real problem. The real problem is the development by Iran of ballistic missile capacity, longer-range ballistic missile capacity, which, when combined with attempts within Iran to develop weapons of mass destruction, holds the potential to change the balance of power within the Middle East.

It is destabilizing. It is threatening to our troops and forces on the waters within the Middle East region. It is threatening to our allies within the Arab world, moderate Arab nations. And it is threatening to our ally, Israel. That is in the short run.

In the longer run, the development of longer-range ballistic missile capacity by Iran could threaten our allies in Europe in a wider circle around Iran and, eventually, of course, could threaten us directly here in the United States of America. We are dealing here with a very, very serious and concrete challenge to world order and America's national security.

This measure has been introduced and principally led by the majority leader. I am privileged to have joined with him in that. It is cosponsored by more than 80 Members of the U.S. Senate—84 is the total, I believe. It is in that sense a profoundly bipartisan response to this genuine national security problem.

I think one of the reasons this measure has gained the broad support that it has is not only because the problem is real, the threat to security from Iran having long-range ballistic missile capacity being real, but because the approach taken in the bill is targeted.

I will go directly to the language of the bill. "Sanctions shall be applied to every foreign person with respect to whom there is credible information indicating that person"—and of course "person" is given a broad definition of a natural person—"is an alien or a corporation, business, association, partnership, society, trust, or any other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its presence, people, or place of business, in a foreign country or any foreign governmental entity operating as a business enterprise in any successor or subsidiary of any entity."

So this applies to any entity that comes within that category, that first transferred items on the MTCR, the missile technology control regime annex, or items that the United States opposed for addition to that annex that contributed to Iran's efforts to acquire, develop, or produce ballistic missiles.

We are talking here about entities that are helping Iran gain the capacity that I have described, as the Senator from Arizona and the Senate majority leader have all described, "to develop ballistic missile capacity or provide technical assistance or facilities which the President deems to be of concern, because of their direct contribution to Iran's efforts." Again, to acquire or develop ballistic missiles or attempt to transfer such items or attempted to provide technical assistance or facilities.

That is very direct. Apply sanctions to entities that have actually done something wrong, done something wrong in the judgment of the President of the United States as reported to Congress every year regarding any credible information that occurrences by these entities have transpired to help Iran gain the capacity that we do not want them to gain.

That applies a series of sanctions in response to that evidence, and gives the President, incidentally, the authority to waive those sanctions if he either obtains additional information that diminishes the content of the original finding or the President determines that the waiver is required, is essential, to the national security of the United States.

So, it is very targeted and not the broad based, "don't do any business with this country or that country." But on a finding of credible evidence by the President of the United States that a person, a company, a governmental agency or institute has been assisting Iran in obtaining ballistic missile capacity, then these sanctions are applied and the President may use a waiver.

What are the sanctions? I will describe them generally: stopping arms sales under the Arms Export Control Act to these entities; stopping the transfer or sale of dual-use items under the Export Administration Act; and the cessation of any U.S. grants or loans or other benefits to these entities.

Why should we be helping companies or governmental agencies abroad that are contributing to the development of this Iranian ballistic missile capacity which will so threaten our security?

So it is a very measured approach which, again, I think is at the heart of why this bill before us has over 80 percent of the Senators supporting it, a truly bipartisan measure.

Mr. President, there are those who will say that things are changing in Iran. So why pass this legislation? Well, from the best that I can determine, there are the beginnings of some changes in Iran. The changes, certainly, have not gone far enough to alter the essential character of the center of that regime, which is still fundamentally hostile and threatening to the United States and threatening to our security. It is still the major sponsor, state sponsor of terrorism in the world which, to the best of our knowledge, has resulted in the deaths of many Americans and many citizens of other countries that are allies of America. Just the finding by the Argentinian security, law enforcement forces earlier this week announced—these are tough cases to investigate—they have traced two attacks, two bombings on Jewish institutions in Argentina directly back, by their judgment, just repeating what I have read in the newspapers, back to Iran. And so it goes.

So the election of the new President, President Khatami, of Iran, who has been making statements that are more moderate, more open, both in terms of Iran's domestic policy and even international, who gave the important interview to CNN in which he suggested the possibility of opening informal contacts with the United States of America, he still made some statements that are extremely hostile and

negative toward us and some of our allies. But, nonetheless, I take these to be encouraging signs. But what remains the fact, as best any of us can determine, is that the much more radical elements within the Iranian Government are still in control of the apparatus of that government—the military, the intelligence, the foreign policy—and, in fact, there is no indication that any of the sponsorship of terrorism has stopped.

In the meantime, the Senator from Arizona has suggested, as we have heard in classified briefings which cannot be discussed in detail here, the Iranians get ever closer to developing, in a headlong thrust, full force, full-throttle thrust, to developing long-range ballistic missiles. Maybe it is going to be hard to stop him from doing this. But the intention of this bill, it seems to me, is an exercise in common sense, the exercise of traditional principles of self-defense. This legislation will help us to delay the date on which Iran will achieve long-range ballistic missile capacity with which it can deliver weapons of mass destruction on those it chooses as enemies, as targets.

Let's think about it optimistically. Perhaps in that period of time, we will see a fruition of some of the obvious interests, obvious concerns of the people of Iran as expressed in the election of Mr. Khatami for a change. I hope so.

The people of Iran have no inherent reason—let me put it another way, Mr. President. There is no inherent conflict of interest, strategic interest between the people of Iran and the people of the United States. Unfortunately, since the revolution that occurred in Iran in the late 1970s, we have been set on a confrontational course which threatens the stability of the region and the world and does nothing good for the people of Iran—a gifted people with a proud history.

So I am hopeful about the changes that are possible within Iran, but, by any reasoned judgment, we have a long way to go yet. These missiles are being developed rapidly and they are going to be aimed at us and our allies. Therefore, this proposal still seems to me to be extremely important and, as I say, very measured and targeted.

Mr. President, there are those who say, well, OK, you are right, there is a threat from Iran. But this measure is really targeted at Russia. Not only is there hope of change within Iran, but there is even, of course, more substantial change that has occurred, and the hope of change, within the Russian Government, particularly on this issue. So why provoke the Russians? It is the threat of these sanctions from Congress that matters, not the realization of it.

Let me say first, Mr. President, that on the face of the bill, there is no mention of Russia. This is a piece of legislation that is targeted at any people, any entities, any government, anywhere on the globe that the President has reason to believe is contributing to Iran's development and acquisition of ballistic missile capacity. It could apply to, and might in the past have applied to, companies in allied countries of ours in Western Europe who, in one way or another, may have attempted to sell or sold items to the Iranians, which they have now used or are using in the development of a ballistic missile capacity, or even in the development of weapons of mass destruction.

Certainly, some evidence suggests that there may be entities within the People's Republic of China who have transferred items, sold items to the Iranians that are used in the development of these threatening programs. North Korea, our relations with them are much more limited; nonetheless, that is another possibility. But it is true, to the best of our knowledge today and in recent years—

The PRESIDING OFFICER. All time controlled by the Senator from Arizona has expired.

Mr. BIDEN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Forty-five minutes remain to the Senator from Delaware and an additional 90 minutes on any amendment proposed by the Senator from Michigan.

Mr. BIDEN. Mr. President, how much time does my friend need?

Mr. LIEBERMAN. I thought we had more time available. I am glad to finish up within 5 minutes.

Mr. BIDEN. Mr. President, I will yield 5 minutes to the Senator, who disagrees with my position, as well as I will yield time at the appropriate time from our time to my friend from North Carolina as well.

The PRESIDING OFFICER. The Senator is recognized for 5 more minutes.

Mr. LIEBERMAN. I thank the Senator for his extraordinary graciousness, since we are in disagreement on this particular question. Let me summarize the remainder of my argument.

We know from intelligence sources, some of which had been reported in the press and referred to by the Senator from Arizona, that in recent years, as best we can determine, a number of companies, institutes, and subdivisions within Russia have been involved in transactions, usually for business purposes, with Iran, which are of material technical assistance to Iran, to help in their ballistic missile development program. So, yes, this legislation will apply to Russia.

We know this has been raised from the highest level of our Government—the Vice President, the National Security Adviser, and others, like Ambassador Frank Wisner and Mr. Gallucci, with the Russians to end this cooperation with Iran. Progress is being made.

On January 22, which I believe is the exact date, former Prime Minister Chernomyrdin issued an Executive order in which he stated the intention of the government to begin to set some policies for trying to control this activity. Within the last week, although I don't believe we have seen the details of it in this country, the Russian Government has promulgated a detailed series of regulations to carry out Chernomyrdin's order of January of this year. So there is a good-faith effort being made at the governmental level.

Yet, our intelligence sources—to speak as broadly as I must in these cases—tell us there is still evidence that there are entities within Russia that are continuing to cooperate with Iran in the development of ballistic missile capacity. That is why I think we have to go ahead with this legislation today. But why? I think it is very important to say that it is not directed at the Russian Government. In fact, unless there is clear evidence of complicity by the Russian Government in one of these transfers, sanctions will not go to the Russian Government. They will go to companies, institutes, or subdivisions. I hope our friends, in return—particularly the new government of Mr. Kiriyenko, the National Security Adviser—to give him a title he may not officially have—and the deputy defense minister, Mr. Kokoshin—will clearly understand that this is not directed at them. In fact, when we adopt the amendment to be offered by the Senator from Michigan, which will put the effective date of the gathering of relevant evidence to the date of the Chernomyrdin order in January, then, I think, we will have a law that basically says that America will sanction entities within Russia that are not complying with the clear policy of the Russian Government.

In that sense, I think this is a very important measure, one that will contribute to our security, one that should not affect our bilateral relations with Russia, and one that could be the basis, I hope in fact, for us going forward to build a bilateral policy with Russia that understands that the strategic reality of the world has changed after the cold war, and that we are no longer in a situation of a bipolar world where each of the great powers, the Soviet Union and United States, are facing each other with intercontinental ballistic missiles and nuclear warheads, and that we are working well together to build down in our weapons through the nuclear weapons, START I and START II; but that each of us, Russia and the United States, faces threats from the proliferation of the possession of weapons of mass destruction and the world-changing capacity to deliver those weapons with ballistic missiles.

So we ought to work together to try to limit the spread of that technology and the danger it will represent not only to the United States and their allies but to Russia and their allies.

I thank my colleagues for their support of this bill and for giving me the opportunity to speak to it today. I hope that we will adopt it unanimously. I look forward to seeing its implementation and the increase in our security in one of those areas that we know will represent the greatest threat in the generation ahead.

Mr. President, I ask unanimous consent that an article from the January 1998 Reader's Digest be printed in the RECORD.

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

[From Reader's Digest, June 1998]

MISSILE THREAT FROM IRAN

(By Kenneth R. Timmerman)

Last August an American spy satellite spotted a scar of fire on the out-skirts of Iran's capital, Teheran. It was the unmistakable signature of a rocket-engine test. On the ground, engineers and technicians watched a powerful liquid-fueled missile engine bolted to a test stand shoot a plume of fire.

The engine firing, conducted at the secrecy-shrouded Shahid Hemat Industrial Group research facility, sent tremors through Western intelligence agencies:

First, the successful test marked an ominous advance for the anti-Western Islamic government of Iran. New-generation ballistic missiles could give the regime a decisive military edge in the Middle East and Central Asia.

Second, the new missile program bears the fingerprints of an old adversary that is now supposed to be an American ally—Russia. Iran's rocket engines, originally acquired from North Korea, were upgraded in Russia. Technicians at Iran's test facility included engineers from NP. Trud, a prestigious Russian rocket-motor plant that helped develop the missiles that targeted the West during the Cold War. And Iran's new missiles are based in part on Soviet SS-4 strategic rockets.

Iran, whose leaders have chanted "Death to America," is believed to be less than a year away from test-firing a ballistic missile, the Shahab-3, and is developing more powerful versions. "The deployment of these missiles, using just conventional warheads with modern guidance, adds a giant measure to Iran's ability to blackmail allies of the United States," says former CIA director R. James Woolsey.

But the threat goes even further. The CIA states that Iran is also developing chemical, biological and even nuclear weapons. This, from a regime that the State Department has labeled a terrorist threat.

A GROWING PARTNERSHIP

After Islamic radicals overthrew the Shah of Iran and seized the U.S. embassy in 1979, Washington slapped an arms embargo on Iran. Undaunted, Iran conducted an international campaign of assassinations and terrorism, pursued a clandestine nuclear-weapons program and waged a bitter war with neighboring Iraq (1980-88).

In that war, Iran launched missiles bought from North Korea or assembled from parts made in China. When the U.S.S.R. collapsed, Teheran began shopping in the huge arms supermarket of the fledgling Russian Federation.

In a confidential meeting in Germany, Reader's Digest interviewed an Iranian former intelligence officer who confirmed Western intelligence reports that Russians began working on Iran's long-range-missile projects in 1994. At that time, Russian technicians visited the top-secret Iranian Defense Technology and Science Research Center near Karaj, 50 miles northwest of Teheran, Iran subsequently began receiving assistance from Russia's state-run missile plants and technical universities. Russian advisers worked at Iran's missile plants in Esfahan and Semnan, as well as at design centers in Sultanatabad, Lavizan and Kuh-e Bagh-e-Melli on the outskirts of the capital.

"After that, Iran's missile program jelled," says Patrick Clawson, an Iran analyst at the National Defense University in Washington, D.C.

THE UNITED STATES IN RANGE

With Russian help, Iran is working to field two families of missiles in the near future. The Shahab-3 is the closest to deployment. It will carry 1,650 pounds of explosives at least 800 miles—allowing Iran, for the first time, to hit every major city in Israel, including Jerusalem. It would also reach vital Persian Gulf oil fields—and the bases in Saudi Arabia and Turkey where American forces are serving. A Shahab-3 carrying the anthrax germ could kill millions.

Intelligence sources say that a number of engine tests for the Shahab-3 have been observed, and that development will be completed in early 1999, with production soon after. A senior White House official told Reader's Digest that the United States now believes Iran has most of what it needs to mass-produce the Shahab-3. "It may already be too late to stop them," he said.

An even more powerful missile in development, the Shahab-4, will carry a one-ton warhead 1,250 miles—making it capable of devastating cities in countries as distance as Egypt. The Russians are also helping a solid-fuel design team at the Shahid Bagheri Industrial Group in Teheran develop a 2,800-mile missile, capable of reaching London and Paris, and a 6,300-mile missile that could strike cities in the eastern United States.

DIPLOMATIC STONEWALL

At high-level meetings with Russian officials, including President Yeltsin himself, the United States has repeatedly expressed concern over Russian arms sales to rogue nations such as Iran. But when Vice President Al Gore pressed Russian Premier Viktor Chernomyrdin on February 6, 1997, Gore received a categorical denial.

Two months later, in April, Iran tested a new missile engine. After analyzing the evidence, U.S. officials concluded that the Russians had transferred technology from SS-4 rockets to Iran—a clear violation of the Missile Technology Control Regime that Russia signed in 1995. It also violates the 1987 Intermediate-Range Nuclear Forces Treaty, in which the United States and the Soviet Union agreed to destroy all such missiles, including the SS-4.

Yet each time the United States presented new evidence of Russian assistance to Iran's long-range-missile program, Russian Foreign Minister Yevgeny Primakov and other officials denied that this was Russia's policy. "While we appreciate such assurances," State Department official Robert Einhorn told the Senate last June, "we remain disturbed by the discrepancy between them and what reportedly is occurring."

In fact, U.S. and Western intelligence sources have confirmed that several hundred Russian engineers and technicians travel regularly to missile facilities outside Teheran helping the Iranians draw up missile-production blueprints. Russia may have transferred to Iran a supercomputer made by a U.S. company to complete the work. And when the Iranians run into technical snags, they fly to top-secret military institutes in Russia to see how the Russians solved similar problems.

"This is not a private operation by some crazy engineers," an Israeli official told Reader's Digest in an interview in Tel Aviv. "The contracts [to assist Iran's missile program] have been signed by companies that are at least partially owned by the Russian government."

Last July President Clinton assigned veteran diplomat Frank Wisner to conduct a joint investigation with the Russians into the missile allegations. His Russian counterpart was Yuri Koptev, head of the Russian Space Agency, which intelligence sources say is aiding in Iran's missile program. (Koptev denies such involvement.)

Talks on Russian-technology transfers to Iran continue. Meanwhile, Russian technicians still travel to Iran, and shipments of missile components continue to reach Iran.

"It must be made clear that doing business with our enemies will cost them if they want to do business with us," former U.S. Under Secretary of Defense Paul Wolfowitz says of the Russians.

U.S. laws require the President to impose sanctions on countries that assist certain nations in building ballistic missiles and nuclear weapons. But the Administration has refused to invoke sanctions, including those in a law co-authored in 1992 by then-Senator Gore and Sen. John McCain (R., Ariz.). Now Sens. Joseph Lieberman (D., Conn.) and Trent Lott (R., Miss.) have introduced new legislation with sanctions that could involve:

Russia's space program. The United States is pumping $140 million a year and invaluable expertise into Russia's space program. This aid could be stopped.

U.S. contracts. Russian companies working in Iran have some $2.5 billion in contracts with the U.S. government and U.S. defense contractors. The United States could bar them from American business.

High-tech exports. Russian firms in Iran have been buying advanced U.S. technology. Such high-tech exports could be barred.

In addition to these sanctions, the United States could step up assistance to Israel's Arrow antimissile program to ensure that Israel will have adequate defenses by the time the Iranian missile go into production, possibly in 1999.

The United States could also increase pressure on Teheran. Instead, the Clinton Administration has been seeking to open a "dialogue" with the Iranians, a gesture interpreted by some of Teheran's ruling clerics as a sign of American weakness.

Some American leaders are determined to send a different, stronger message, not only to Teheran but to Moscow as well. "Russia's transfer of missile technology to Iran is an issue of enormous national security importance to the United States and its allies," warns Senator McCain. "It threatens to further destabilize the region—and risks undercutting U.S.-Russian relations."

Mr. LIEBERMAN. I thank the Chair. I yield the floor.

Mr. BIDEN. Mr. President, my friend from Michigan has 90 minutes on his amendment. I wonder, in order that we can—we have been able to allocate time and I want to make sure that everyone who speaks to our position gets

a chance to—whether or not he would be willing to yield off the 90 minutes 4 minutes to our friend from North Carolina.

Mr. LEVIN. The Senator from North Carolina requested 6 minutes. I would be happy to yield 6 minutes to my friend from North Carolina.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. I thank the Chair. I thank the Senators from Michigan and Delaware. I will stay within the 6 minutes.

Madam President, I strongly support H.R. 2709. I come to the floor, however, rather worried about the administration's decision last week to waive sanctions against a French energy company that is doing a massive billion-dollar oil deal with Iran. The President's decision to waive imposed sanctions on the French energy company was done under the guise of national security. I have to wonder, and we all wonder, whose national security is he referring to when he chooses to waive the sanctions? Certainly, it is not the national security interests of the United States for Iran to improve its oil-exporting capability so that it can turn around and then use the same money to fund missile development. I certainly can't believe it is in the best interests of the State of Israel to have Iran improving its foreign cash reserves for the very same reasons.

Iran is improving its cash reserves, and they are improving their missile technology. Just in January of this year, the CIA told the Senate that Iran would be able to target ballistic missiles at Israel much sooner than the 10 years that we had previously been led to believe. So, therefore, I have to conclude that he made this decision in the national interest of France and Russia. I think that is a very poor reason to make a decision of this magnitude.

Here we go again. We are passing a good bill to impose sanctions on individuals who transfer missile technology to Iran. But section 105 of the bill permits a waiver based on the national security interests of the United States. The part that concerns me is the waiver. I am concerned about how the President has interpreted this in the other Iranian sanction bills. I think there should be no waiver. I do not trust the President's decision on waivers. Given that Israel was the only sovereign state, outside Kuwait, that was attacked by Iraq during the gulf war as they were attacked by missiles, I think there should be language in this bill and in the Iranian-Libyan section that mandates consultation with Israel before we choose to waive any sanctions for missile production or oil production. I think we owe it to our friends—the true friends in the Mideast—the Israelis.

I hope that such legislation wouldn't be necessary and that the President would be more frugal in his actions.

So I plan to introduce this as freestanding legislation. I hope we could consider this sometime in the very near future. We should be consulting with Israel before making decisions affecting their interests, just as much so, and more so, than we should be with Russia and France. Israel is a country that is most threatened by missile production by rogue states like Iran and Libya.

I know there are some who think the Iranian regime is moderating itself. I personally don't think they are. But even if they are, I don't think that we should be lulled into a sense that we have turned the corner in our relations with Iran. They only respect the United States for its power. They simply laugh at us when we are weak. They take the President's waiver as a sign of weakness—not as a gesture of improved relations.

The Mideast is still an extremely volatile area. The United States is at its best when we stand behind our true ally, the Israelis, as they have been our true ally. They have been our sea anchor in a turbulent part of the world. We should negotiate from a position of strength—not when we accommodate murderers and terrorists who pretend to be government figures. We should be supporting our true ally in the Mideast. Again, I strongly support the legislation.

I yield the remainder of the time, and I thank the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I yield myself such time as I may consume, up to the time I have allotted to me.

I was asked by someone yesterday after a meeting at the White House on this issue, What did I think about this sanctions act? And I said: "Good act, bad timing." Good act, bad timing.

The extent to which this act that we are about to vote on, this sanctions bill, is of value is a little like nuclear weapons: Their value is in their nonuse; their value is in their threat of use.

The administration has made significant progress over the 6 months we gave them with the threat of this bill in place. It has had the best of all worlds. It has allowed those in Russia who very desperately want to cut off this program and this relationship with Iran the ability to say, "we must do this or we will lose much more than we will gain," without having to put themselves in a position politically in their own country in which they appear to be publicly buckling to the pressure applied by the United States.

So, although I have no disagreement with the principle of H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997, and I have no doubt that it addresses an urgent concern we cannot ignore, I have a great deal of doubt about whether we should be voting for it now and sending it to the President now.

Madam President, to state the obvious, the cold war is over. One of the great wonders of it is that the world was spared any use of nuclear weapons during that cold war, and almost—almost—any use of chemical or biological weapons. The proliferation of weapons of mass destruction and the means to deliver them, however, could bring about the very holocaust that we have managed to avoid over the past 50 years.

So, everyone here is united in one objective: to stop, inhibit, curtail the proliferation of weapons or the means of delivering those weapons. How do we best do that? Is the best way to do that, relative to Iran's missile program, to impose these sanctions now? Will this bill, by its passage, finally turn off the last few drops of water coming out of that spigot? Or will it enhance the prospect that the cooperation with Iran—which began years ago and has continued in diminishing amounts up to now—will be increased, reversing the momentum of the last 6 months?

It seems to me, as rational persons—and we all are, obviously, on this—we have to examine that question. For me, the instinct to punish Russia for what they did in the past is overtaken by my fear that the proliferation will increase. To the extent that I have a disagreement with my friend from Connecticut or my friend from Arizona, two of the brightest people in this body, it relates to how I come down on that question.

One or another country may think it needs these weapons to protect it from its neighbors or gain the attention of the great powers. The fact is, however, that weapons of mass destruction threaten us all, especially when the countries that seek them are ruled by murderous despots or inflamed by ethnic or ideological causes.

Today, two sets of neighboring countries—India and Pakistan, and Iran and Iraq—pose the greatest threat that weapons of mass destruction might actually be used. India and Pakistan have to be restrained from using such weapons against each other. I was reminded by someone today, we are talking about a response time of 3 minutes—3 minutes; a pretty short leash, quite a hair trigger—when we are talking about Pakistan and India. The same would apply to Iraq and Iran, who have managed over the last decades to kill hundreds of thousands of each other's citizens. So these two sets of neighbors—India and Pakistan, Iran and Iraq—it seems to me, are most likely to get the world in trouble. Iran and Iraq have to be prevented from obtaining such weapons and from using them,

not only against each other but also against the whole Middle East region, if not the world.

Some foreign entities, notably Russia, have continued to assist Iran's ballistic missile program intended to give Iran long-range ability to deliver weapons of mass destruction. This assistance must stop, and it must stop now.

Since early last year, U.S. officials from the Clinton administration, including the President and the Vice President, have raised the matter with their Russian counterparts, Yeltsin, Chernomyrdin, and Kiriyenko. They have all agreed it is hardly in Russia's interests to give Iran the capacity to fire long-range missiles with weapons of mass destruction. Special envoys Frank Wisner and Robert Gallucci have worked with Russian Space Agency Chief Yuri Koptev to help Russia determine what it must do to stem this assistance.

Let us get a little background here, because we all kind of mentioned it. Here you have a former empire that has crumbled around the ears of Russian leaders. They are left with a number of the old apparatchiks in charge of huge, bureaucratic entities, departments, who have, off and on for the last 9 years, been free agents to some degree or another.

The idea that Yeltsin has his finger on, and knowledge about, and the ability to control every one of his disparate agencies out there is, I think we would all acknowledge, not nearly, nearly a reality. So, since early last year, American officials have been working very hard, pressuring, cajoling, and educating the Russian leadership as to why this is against the Russian leaders' own interests and how to gain control, how to gain control of their own entities.

There is an irony here. If we said to our constituents that there is this outfit in Russia that doesn't control what is happening in a department in one of the six nuclear cities in Russia, or doesn't have control over a department in Moscow, they would say: "Wait a minute, isn't this the same outfit that ruled with the iron fist, so that they would be able to not only have a command economy, but to command everything?" But the fact is, the Russian leaders do not have that ability any more. And they do not know how to gain it.

So I start off with the proposition that this is a very different circumstance than if we were dealing with the U.S.S.R. and this program were going on. If I were to have turned to even Gorbachev, or any of his predecessors, and said, "you are transferring this technology to Iran," and had them say, "we didn't know that, or were unaware of the extent of it," having been here 25 years and dealt with them on that issue for 15 years, I would have said unequivocally on this floor, "that is flatout a lie; they cannot not know that."

But it is clear that, although much was known in some quarters, a lot was not known. So you actually have the Russian leadership saying, "How do we set up export controls? How do we gain control? You have been doing this. How do you all do it?" —we have not done it perfectly, by the way, but—"How do you do it?"

The fact is that troubling aspects of the Russian assistance to Iran program continue to this very day. I know that. All of us on this floor have gotten a briefing. We know that. And with each passing day, Iran comes closer to obtaining the ability to have long-range missiles that can rain down chemical or biological destruction on Israel, Saudi Arabia, and U.S. Armed Forces in the region, and, obviously, to understate it, that is a real problem.

So, what do you do about this? The executive branch, in my view, has made real progress, important progress, that this bill before us, I believe, will sacrifice. Let me give you a few examples.

Last year, Russia expelled an Iranian Embassy employee who was involved in seeking assistance for Iran's missile program. Russia's Federal Security Service, the FSB, says that Russia also deported a member of an Iranian military delegation.

The FSB adds, in a statement of May 15, that two officials at a Russian research center were arrested, convicted, and sentenced to prison for trying to "enter into an agreement with a foreign firm to design homing electronic devices for missiles."

They also foiled an effort by Iran's SANAM industry group, to get missile parts from a Russian firm, NPO Trud. The FSB statement also adds that, "All the activities of the SANAM group on the territory of Russia have been terminated and prohibited."

On January 22, Russia issued Order No. 57 establishing what are called "catch-all controls" over the export of any material or technology that might contribute to Iran's programs to develop weapons of mass destruction or long-range missiles.

Last week, Russia promulgated implementing directives for that order requiring that each entity involved in high-tech material or technology exports set up a review committee to screen proposals and specifying "red flags" that would require referral of proposals to high-level officials for approval. Those "red flags" are precisely the sort of criteria that we would want Russia to use. For example, they name certain Iranian entities that are automatically suspect no matter what they want to buy. That is a take-no-chances approach that suggests the seriousness on the part of Russia.

The pace of diplomacy is slow, Madam President, and so is the pace of Russian bureaucracy, and so is the pace of putting together a Russian Government that can control Russia. I understand and share the frustration that my colleagues feel in this regard. But, as the kids say, let's get real. When was the last time we turned Russian policy completely around, and how long did it take?

When we didn't like the Soviet Union deploying SS-20 intermediate-range missiles in the European theater, we had to build and deploy Pershing missiles in response before they would sign the Intermediate Nuclear Forces Treaty. The process took 10 years. It took a similar period of time for the Soviet Union, later Russia, to admit it was violating the ABM Treaty in building a large phased-array radar near Krasnoyarsk. And there are a lot of other examples of how long this takes.

My colleagues will say the assistance continues, that these institutions and firms are just looking for ways to get around Order No. 57, and that there are still bureaucracies that oppose Yeltsin and Kiriyenko on this issue; and I will reply, "Yup, you're right, that's exactly what has happened."

What on Earth does anybody expect? Do my colleagues expect Russian officials to be grateful when we catch them doing something stupid and call them on it? Do they expect the institutes, that cannot pay for their personnel, or their factories that pay their workers in goods to barter on the market, to be happy when we tell them that they have to turn down hard currency from Iran?

Look, we have a satellite industry that is apoplectic today—an American satellite industry that is apoplectic today—because the House took action and the Senate may take action curtailing their ability to launch these satellites into space from other launch systems around the world. Why? They are going to lose billions of dollars. Mark my word, you are going to start hearing from their employees saying, "What have you done to my job?" Right? We all know that. We shouldn't yield to the company or the employee if it is against the national interest, but we are going to hear it.

What would happen, do you think, if all of a sudden we were to say, "By the way, stop doing" such and such, which is the only thing that allows you to make any money at all, to even be given goods you can barter on the street to keep your apartment? I don't say this by way of justifying anything Russia is doing, but there is a report from an organization I have great respect for, the American Jewish Committee. The American Jewish Committee had a report written called "The Russian Connection: Russia, Iran, the Proliferation of Weapons of Mass Destruction." It is a very good report. I recommend it to everyone.

They point to an article that was written in Russia about missile specialists who worked in Iran during the past few years. It says that specialists were recruited by Iranians in collaboration with the Federal Security Service—which is now going to be part of stopping this.

Then the article goes on to say that the policy of assisting the missile program began in 1994, when the then-chief of Yeltsin's bodyguard service was involved in export policymaking, and that it was done—for what? For hard currency, for money.

Now we have convinced Yeltsin and a new government in Russia—which is probably the most pro-American government that has existed in the last 90 years in Russia, maybe in Russian history—we have them taking all these steps to cut this off. OK? So far, so good.

The American Jewish Committee report points out that the reason they did this was for money. Now we go ahead and we cut off any money that we are going to send these Russian entities in existing bilateral arrangements we have. What do we think Russian leaders are going to do? Are they going to say, "You know, we now lost the American support that we, the new Government in Russia, want, and we don't want to be selling this missile technology anyway because it is against our interest, so at least we could have told the folks in those departments that there was something coming, but the Americans are going to cut off that money, we're not going to get that, but, by the way, still don't follow through on this Iranian program?"

It is lose-lose. They not only lose the money that encouraged them to enter into these arrangements in 1994, because of our efforts to stop it and because they were not quick enough and thorough enough in stopping it, they have now lost any other aid they have.

Again, I am not approaching this from an ideological point of view. I am not approaching this from a point of view of who is right or who is wrong, whether they did the right thing or the wrong thing. I am trying to approach this from a practical point of view: How do we assure that what was going on doesn't continue? How do we stop proliferation?

This same report published by the American Jewish Committee makes a very, very important point in a section entitled "American Policy Options."

It says:

> The United States faces tough choices in addressing the issue of Russian-Iranian missile cooperation. Both the Clinton administration and its critics confront the fact that American leverage is probably limited.

Then it goes on to say:

> However, the threat of sanctions will not in itself be sufficient. The threat of missile proliferation is serious enough to warrant offering improved carrots.

Let's get this straight. Everybody has kind of figured this out—let's review the bidding.

The Russians were bad guys. They sold technologies to people who were even worse guys. The combination of that is against the interests of the United States, and particularly against the interests of Israel. We have to turn it around and stop it.

We went ahead, and after the last couple years—with great pressure during this year, thanks to congressional leadership having the sanctions sitting out on the table—convinced Yeltsin, and now the friendliest government that ever existed in Russian history toward the United States, the two new young guys in positions of power, not only that it is against their interests, but also that they better stop. And there is some evidence they are stopping it.

They are finding where at least some of the technology leaks are and they are turning them off. And now here we are after they had begun the process saying, "Aha, but you did do it." Of course they did it. And what we're going to do is to say, "we're going to cut your water off from this end of the spigot. We're going to cut it off."

And if the objective is America's interest and indirectly Israel's interest, which is an American interest, how does that make sense? Let me add one other dimension here.

I said: "This is a good act, bad timing." Let us review the bidding and what is going on in the Asian subcontinent right now. Regarding India and Pakistan, we are breaking our neck, some of us on this floor personally, the President, Democrats, Republicans, pleading, cajoling, doing everything we can with Pakistan not to up the ante. We are doing everything we can to take an Indian Government that has overstepped its bounds against its good judgment, in my view, and say, "Tone down what you're doing." We are trying to put a lid on this.

So what are we doing? Some of us, as well as the administration, are doing everything from picking up the phone and calling Sharif in Pakistan, to saying, through the administration, to Yeltsin, "You, Yeltsin, have a relationship with India. Call them. Tell them. Cooperate with us."

Every Republican and Democrat who has any contact in China is trying to get China to put pressure on Pakistan. And in the middle of this gigantic effort, that is literally worldwide, at a moment when every nation in the world, particularly the nuclear powers, fully understands the potential consequence of Pakistan's nuclear testing now and India's heated rhetoric—now, when all this is going on—what are we doing?

In fairness to the leader, this was under a unanimous consent agreement, and put off from back in November, but what are we doing? We are coming along invoking a sanction potentially that is going to make it more difficult by anybody's standard to get worldwide cooperation.

Who are the nations that can most influence Pakistan or most influence India right now, beyond the United States? I will bet that if we ask all the staff in the back who are experts on this—whether they are for these sanctions or against them—I bet that if we asked everybody in this Chamber, and I put a list on the board saying, "Which are the most likely countries to be able to influence Pakistan," and put Russia, France, Germany, England and China—I bet you would all pass the test and say, "China." And why would you say that? Because China has been selling them missile technology.

Now, I wonder who would have the most influence on India. The answer is Russia, for similar reasons. So thus it seems to me, Madam President, that this is a good idea at a very bad moment.

We also have a new government in Russia. We have two young people—and every analyst to whom I have spoken, conservative or liberal, Democrat or Republican, or who has testified before the committee or spoken to my staff has said, "These two new guys are keepers. They're the best shot we have." They are the best shot we have. Now they have gone out and put their new, fragile reputations on the line in that new government, and said, with regard to assistance to Iran's missile program, "Shut it down." And the first bit of reward we are going to give them is sanctions against entities in their country.

Now, look, some former President, whom I will not name, once said, "Life is not fair." I am not suggesting to anybody that it would not be fair to impose these sanctions. By any measure, it is fair, because they did not play by the rules. They broke the agreements. So it is fair; but is it smart? Is it in our interests? Is it a good idea? In my humble opinion, the answer is no, it is not smart, it is not a good idea, it is not in our interest. The sanctions we mandate will be resented and they will be resisted and, in my sincere view, they will fail where diplomacy is succeeding.

Some aspects of this bill seem calculated to anger Russia rather than to secure compliance. One is the "credible evidence" standard for sanctions. According to the report on this bill, the standard is meant to require sanctions when information is merely "sufficiently believable as to raise a serious question * * * as to whether a foreign person may have transferred or attempted to transfer" sanctionable items of technology.

This is kind of the "shoot first, ask questions later" approach to international relations. This is cold-war

posturing in a warmer environment, with the friendliest government we have ever had an opportunity to work with, and it will likely fail.

Fortunately, our action today is not the end of the process. The President is very likely—very likely—to veto this bill. And if we have the amendment of the Senator from Michigan accepted, which I expect it to be, we will have to go back to conference.

And I say to you, Madam President, and to my colleagues, that I hope Russian officials and firms that follow this debate will hear the message my colleagues are sending. If Russian assistance to the Iranian missile program does not cease within a matter of weeks, I truly believe that this body will override the President's veto and set in stone this counterproductive sanctions bill.

I also say to my friends who believe that this sanctions bill is warranted on the merits, if you just do it based on weighing the scales, that you are giving up nothing by delaying here. Can anyone show me that there has not been real progress over the last 6 months?

So if in 2 weeks or 6 weeks or 8 weeks this progress has not continued, this sanctions bill can be brought back up. But to pass it now, I honestly believe, will be counterproductive.

Russia's legal and administrative actions so far, while insufficient, show their good intent. There is also a strong foundation on which to build. But the edifice of enforcement must be built quickly. Only speedy Russian action is likely to avert the sanctions regime mandated in this bill.

In closing, let me note my deep objection to the other body's insistence upon attaching the Chemical Weapons Convention Implementation Act to this measure. This is a practice that has to stop. It is irresponsible, absolutely irresponsible, in my view. Combining the two bills, the Chemical Weapons Convention Implementation Act and the Iran Missile Proliferation Sanctions Act, both of which should be sent over here—I am not suggesting that they shouldn't do that—to tie them together in the hope that it will force the President to sign the bill is holding hostages that relate to our national interest as Americans.

They did the same thing with the IMF. They did the same thing with the United Nations arrearages by attaching abortion language. Each of these issues warrants debate, but not tied to one another. Attaching the Chemical Weapons Convention Implementation Act to this bill serves merely to delay for many months and to put at risk a bill that is important to our national interests. That was an irresponsible action, in my view, that ill-befits a coequal branch of government, the House of Representatives.

CHEMICAL WEAPONS CONVENTION IMPLEMENTATION—AT LAST

Mr. President, title two of the measure that we are passing today—the Chemical Weapons Convention Implementation Act of 1997—deserves some attention. Final passage of this bill is long overdue. Its enactment, despite its flaws, will serve the national interest in very real ways.

U.S. ratification of the Chemical Weapons Convention last year was not easily achieved. In the end, however, all the Democrats in this body and most of our Republican colleagues joined to fashion a 74–26 majority for ratification. Nearly one year ago, this body passed the implementation bill that is once again before us.

Final passage of that act will serve our national interest in several ways. First, it will enable the U.S. Government to require industry to comply with the data declaration provisions of the convention. In addition, this law will provide protection to confidential business information that U.S. firms may be required to submit.

The filing of a complete national data declaration will finally put our country in compliance with this convention. That is no small matter. Until then, the United States cannot exercise effective leadership in the organization for the prevention of chemical weapons—the implementing body for the convention. And make no mistake: It will be U.S. leadership that guides the organization toward effective verification and enforcement of compliance with this convention.

The United States has a tremendous stake in enforcement of the Chemical Weapons Convention. Our interests are world-wide, and U.S. troops are often stationed in far-flung locations. Wherever U.S. forces go, they will be far safer if chemical weapons are removed as a military threat.

In its first half year since entering into force, the Chemical Weapons Convention has already had some successes. China, India, and several other countries have admitted for the first time to having chemical weapons programs. The weapons and weapons facilities that they declared have been inspected and will eventually be destroyed. The information that they have provided will enhance our ability, moreover, to monitor their chemical establishments and to search out any suspicious activities.

The Chemical Weapons Convention has also taken some important steps toward universality. Both India and Pakistan have joined; China has joined; Russia has joined; and even Iran has joined.

The Chemical Weapons Convention Implementation Act embodies compromises between treaty supporters and treaty opponents. I supported this compromise bill last year because it was important then—as it is now—to facilitate U.S. compliance with the convention. I support it today for that reason and because the administration has assured us that it is more important to enact this measure than to spend more time correcting the faults in it.

Let me make clear, however, that I still have very serious concerns about the impact of some of this bill's provisions on implementation of the convention.

In particular, I do not believe we should be granting the President discretionary authority to deny an inspection based on national security grounds, as would be done by section 237. By signing and ratifying this treaty, the United States—with the advice and consent of 74 members of this body—agreed to allow certain inspections, subject to our constitutional requirements. With few exceptions, denial of a duly authorized inspection would violate the convention.

Even if the President never exercises this authority, the mere inclusion of this provision in the legislation will encourage other countries to deny inspections on national security grounds. If we should enact the so-called "national security exception," we can be sure that China, Iran, and other countries will seize upon the precedent we set and use it to undermine the effectiveness of the verification regime.

I have similar concerns regarding section 253, which would exempt from reporting and routine inspection requirements unscheduled discrete organic chemicals that are coincidental byproducts and are not isolated or captured for use or sale. While waste streams are not, in themselves, a threat to the object and purpose of the chemical weapons convention regime, monitoring of such streams does afford one of the most convenient and non-intrusive means of determining whether a facility is worthy of concern in the first place.

I am also troubled by:

The broad compensation scheme in section 213 that does not even require a plaintiff to prove its case by a preponderance of the evidence in order to receive taxpayer funded compensation for the loss of trade secrets; and the limitation in sections 212 and 238 on the Government's power to require contractors to submit to inspections.

Finally, I regret that this legislation does not undo the damage to our national security that I fear will be caused by condition 18 to the resolution of ratification for the convention. That condition provides that no chemical sample taken by the international inspectors may be removed from the United States for analysis. While it may offer some further protection to U.S. manufacturers against possible industrial espionage, it also opens a huge loophole for countries that may violate this convention.

I firmly believe that the convention's provisions and the other conditions to our resolution of ratification provide sufficient protection for the confidential business information of U.S. firms. Indeed, insistence upon U.S.-based analysis of U.S. samples will actually make it easier for foreign spies to obtain that information, by effectively specifying the laboratories for them to target. And I dread the stain upon our collective conscience if a future violator of this treaty should ever make use of the exemption we are carving out, and then use those illegal chemical weapons against U.S. forces or innocent civilians.

Opponents of the convention insisted upon condition 18, arguing that no good would ever come from on-site inspections anyway. I hope and believe that they will come to realize the error of their ways and will accept the need to make this treaty as effective an instrument as possible. Strict verification is crucial to making sure that Iran, China, and other countries with undeclared or formerly undeclared chemical weapons programs are given as little an opportunity as possible to hide illegal weapons stocks or production.

That said, however, final passage of this act is still an important accomplishment. By facilitating U.S. compliance and leadership, it opens the door to further success in the campaign to rid the world of one of its most heinous inventions.

Mr. President, I now close with a statement that addresses the "carrots" that the American Jewish Committee report calls for and that sets forth some proposals in that area.

NON-PROLIFERATION: AN OUNCE OF PREVENTION IS NOT ENOUGH

As we near the end of the 1990's, there can be no doubt that future historians will highlight this time as the decade in which the Cold War was ended and the Soviet Union was dissolved. Even so far-reaching an action as the enlargement of NATO, to which this body recently gave its consent, will be seen largely as an outgrowth of the cataclysmic changes in Moscow that upended the bipolar structure of post-World War II international relations.

How else will historians characterize this decade? Will we be seen as having turned to peace? Or will historians say that we turned merely to further war in a new context?

The Good Friday Agreement offers hope for peace in Northern Ireland. The Oslo Agreement and related efforts in the Middle East offer hope for peace in that region as well, despite the many obstacles that still litter that path. The Dayton Accords offer similar hope for Bosnia and, indeed, for the Balkans as a whole.

The wars and massacres in Africa are another matter. We are trying to create new structures to prevent or control such conflict, but our failure to avert millions of deaths in central Africa will lead future generations to remark on how poorly we had learned the lessons of the first holocaust.

THE THREAT OF WEAPONS OF MASS DESTRUCTION

The final judgment on this decade may well hinge, however, on how we handle the threat of other holocausts—those made possible by weapons of mass destruction. The potential for such horrific acts may well have been increased by the end of the Cold War. And a failure to contain that risk could radically alter the judgment of history, assuming that anyone survives to write it.

Weapons of mass destruction pre-date the Cold War. In the 1760's, England used primitive biological warfare to kill American Indians in Pontiac's Rebellion. Chemical weapons were used in World War I. And the two atomic bombs that helped to end World War II demonstrated mankind's ability to bring about the apocalypse in the blink of an eye.

During the Cold War, the United States and the Soviet Union amassed by far the largest stockpiles of weapons of mass destruction ever seen. Experts will argue over whether the use of all those weapons would have caused a "nuclear winter" that would end all human existence. There is little doubt, however, that the resulting human, economic and environmental devastation would have destroyed our modern civilization.

The great irony of the Cold War, however, was that the tight leadership of two blocs by the United States and the Soviet Union kept nearly all of this Armageddon arsenal under their firm control. There were a few cases in which chemical weapons were used. By and large, however, the terror of "Mutually Assured Destruction" kept the nations of the world in line and prevented any descent into the abyss of all-out war.

The end of the Cold War has reduced dramatically the risk of a nuclear holocaust sparked by war between the United States and Russia. Strategic arms reductions under the START Treaty have begun the process of stepping back from the brink. Russia will eventually ratify START II, and I think we can look forward, in the coming years, at least to START III as well. The CFE Treaty continues to regulate conventional weapons in Europe, moreover, so as to limit the risk of hostilities that could spark a larger conflict.

There has also been progress on chemical and biological weapons. Russia has joined us as a State Party to the Chemical Weapons Convention and will destroy at least 40,000 metric tons of chemical agent. President Yeltsin admitted that Russia had violated the Biological Weapons Convention and ordered an end to Russia s offensive biological weapons program. We still lack confidence that Russia is not hiding some illegal chemical or biological weapons or weapons capabilities, but the trend is toward a day in which no massive capability of that sort will remain.

The greatest risk that is not yet contained is that some other country, or even a terrorist group, might use these horrendous weapons. While such countries and groups are unlikely to unleash a holocaust, the scale of destruction they could cause would still be astounding—and our own cities or bases could well be their targets.

Rogue states and criminals have tried to get Russian and former Soviet nuclear weapons material and technology during this decade, although with little success. Countries such as Iraq, Iran and Syria have had better success gaining Russian and/or Chinese chemical weapons technology and material (including equipment and precursor chemicals), biological weapons material (including production equipment), and ballistic missiles or missile technology.

These transfers of weapons and technology have taken a toll on regional stability. India and Pakistan now threaten each other with ballistic missiles, and India's recent nuclear tests could lead Pakistan to test as well. It was hard enough to maintain the "balance of terror" between the United States and the Soviet Union. Can India and Pakistan maintain that balance without descending into war, with their history of border wars and bloody terrorist incidents? I hope they can avoid a regional holocaust; but clearly, the risk of that is real.

Russia, China, North Korea, and various Western companies have contributed to India and Pakistan's missile and nuclear weapon programs. There has been a profit motive in those deals, as well as supposed security interests on the part of China and Russia.

But how valuable are company profits, or foreign exchange for North Korea, if the result is nuclear war? Where is the security for China if radioactive clouds should pass over its territory as its neighbors descend into chaos?

The same questions apply to those who would assist Iran or Iraq to develop weapons of mass destruction. Will the paltry profits in assisting Iran's ballistic missile programs really matter if Iran can attack Russia and its neighbors with chemical weapons? Do the Russians really think that Saddam Hussein can be trusted with fermenters that could be used to produce biological weapons? Will China really benefit if its assistance to Iran should put weapons of mass destruction in the hands of a regime that sympathizes less with Beijing than with Islamic ethnic groups in western China?

Russia and China are both great powers. But you have to wonder, sometimes, what they are thinking. And you really have to wonder when North Korea will realize that ballistic missile exports to unstable countries won't do much for a people already reduced to eating tree bark.

AN OUNCE OF PREVENTION IS NOT ENOUGH

What should the United States be doing to stop the spread of long-range missiles and weapons of mass destruction? The short answer is: a lot more than we're doing now.

I don t say that to denigrate current U.S. programs or the U.S. commitment to non-proliferation. No great power is as active as we in trying to prevent proliferation. Nobody has as many programs as we do to detect proliferation activities, to stop them, to pressure illegal buyers and sellers, to develop military weapons and tactics for operations against sites with weapons of mass destruction, and to assist the former Soviet states, in particular, in safeguarding and destroying dangerous material and in reorienting their military industry to the civilian economy. We spend over $600 million a year on the assistance programs alone.

But the fact is, my friends, that we are failing to do all that we can to stop proliferation. Some of our failures are understandable. No intelligence system can detect everything, and we risk the loss of sensitive sources whenever we démarche a supplier country or let classified information leak to the press. U.S. diplomacy cannot move every supplier to stop every unwise shipment, and economic sanctions are a tool that succeeds only occasionally. India's recent nuclear tests, in the face of U.S. law that forced the President to impose multiple sanctions, underscore the difficulty of stopping a state once it has substantial indigenous capabilities.

What ought to embarrass us, however, is that we are failing also to take actions that we know are workable. Thus, we combined the threat of sanctions with a promise of economic incentives to freeze North Korea's nuclear weapons program. Can we not offer similar multi-national incentives to North Korea to stop exporting ballistic missile equipment and technology? Won't that be cheaper than battling No Dong missiles around the world?

Similarly, we are failing to reach most of the highly-trained scientists and technicians who developed weapons of mass destruction and ballistic missiles for the former Soviet Union. And that is no small problem! There are well over a hundred thousand such skilled personnel who served the Soviet death machine at its peak. Anywhere from ten to fifty thousand personnel still have skills that a rogue state or terrorist group would like to obtain, and are underpaid or unemployed today. That is not just a problem for those personnel. That is a powderkeg just waiting to explode!

What should we be doing about this? We should plug the holes in our current non-proliferation assistance programs. We should endorse and build on the "nuclear cities" initiative that Vice President GORE and then-Prime Minister Chernomyrdin began in March. We should make a special effort to assist Russia's biological warfare specialists who want to cease working with dangerous pathogens. And we should consider outright subsidies to keep Russian arms experts busy on socially useful projects.

IMPROVING EXISTING PROGRAMS

What are the holes in our current non-proliferation assistance programs? Several non-proliferation assistance programs are managed by the Departments of State, Defense and Energy. They provide vital assistance to help safeguard Russian nuclear weapons material, to dismantle Ukrainian long-range bombers, to support projects that could provide commercial job opportunities for former weapons specialists, and occasionally for a one-time operation like purchasing Kazakhstan's nuclear material or Moldova's bombers.

One program that supports commercial initiatives in the former Soviet Union is the Department of Energy's Initiatives for Proliferation Prevention (or IPP). The President's proposed Fiscal Year 1999 budget would reduce that program's budget from $30 million to only $15 million. This is a short-sighted step at precisely the wrong time. Under its new program manager, IPP is finally bringing projects to the point of commercialization. Fifteen projects have achieved completely commercial funding and 77 now have major private co-funding.

If the IPP budget for FY 1999 is reduced by $15 million, IPP will have to cut back its new projects to find socially useful employment for Russian chemical and biological weapons experts. Those weapons are well within the reach of rogue states, as UNSCOM has documented in Iraq. Do we really want to leave hundreds or thousands of Russian experts underemployed, and thus vulnerable to offers from the likes of Iran, Iraq, or Libya?

We must not cut back one of the few programs to combat the risk that Russian experts will sell critical material or expertise to those states. Given its important objective and the increasing success of the IPP program, restoring the $15 million cut is truly the least we can do.

Another important non-proliferation tool is the Nonproliferation and Disarmament Fund, which is managed by the State Department. This fund has been used for several urgent and sensitive non-proliferation operations over the years, including the purchase of unsecured highly enriched uranium from Kazakhstan. The flexibility that it affords policy makers to take advantage of non-proliferation opportunities is a vital resource.

Recent operations have taken their toll, however, on the Nonproliferation and Disarmament Fund's reserve. The Fund had a $12 million reserve at the beginning of Fiscal Year 1997, but only about $4 million by the beginning of FY 1998. Annual appropriations of $15 million, while welcome, give the Fund insufficient flexibility to truly fulfill its mission.

We need to increase our investment in the Nonproliferation and Disarmament Fund, either by establishing a higher annual funding level or at least by replenishing the Fund's reserve. Our nation has received good value from the Fund in the past, and we should do what it takes to keep the Fund healthy.

A third important program is the Energy Department's Material Protection, Control and Accounting (or MPC & A) program, which has been upgrading security at Russia's nuclear sites. This program uses a lab-to-lab approach that builds trust and cooperation. It has forged ties with every single Russian nuclear facility of concern. This program not only improves security, but also encourages transparency regarding Russian operations and helps to build ties that can lead to projects under other non-proliferation assistance programs.

The time is ripe to apply the same lab-to-lab approach to Russia's chemical weapons sites. Russia has declared some 40,000 metric tons of chemical weapons stocks that must be destroyed under the Chemical Weapons Convention. Physical security for those toxic chemicals is only rudimentary: guards, fences, and single-key padlocks that are sometimes falling apart. While a rogue state might have to steal and transport a ton of this material to gain a militarily useful amount, a terrorist group could wreak havoc with much smaller quantities.

We should encourage the MPC & A program to help Russia slam the door on that risk. A $10 million start in Fiscal Year 1999 would be money well invested.

I have written to the Armed Services Committee and the relevant appropriations subcommittees regarding these programs, which I hope will be addressed in their bills. If they are not, I will work with other concerned colleagues to raise these issues on the floor.

WEANING RUSSIANS AWAY FROM BIOLOGICAL WEAPONS

Revelations regarding Iraq's biological weapons, along with defector accounts of Russia's massive biological weapons program, are making their mark on our psyche. We are beginning to accept that, whether U.S. military

planners wanted biological weapons or not, other countries and terrorist groups might be all too happy to try them out. Thousands of Russian scientists and technicians have biological weapons experience, and a rogue state assisted by such personnel could cause unspeakable harm.

The National Academy of Sciences, using Nunn-Lugar money from the Department of Defense, is working with the International Science and Technology Center in Moscow—a multi-country program managed by the State Department—to support cooperative research projects with Russia's civilian biological weapons experts. This is an interesting program which encourages those experts to find socially useful outlets for their biological weapons expertise.

But the National Academy's program also keeps these experts working with dangerous pathogens, rather than applying their skills in less dangerous areas of work. So if you're a Russian biological weapons expert who wants to get out of that nasty business, you may find yourself unemployed—or recruited by rogues. But if you want to stay on the fringes of it, the United States will help you.

Does that make sense? I don't think so, although it's true that this program will give us useful windows into the work of these personnel—and perhaps some lines into Russia's Ministry of Defense labs that we fear may be engaged in illegal biological weapons work—for about $8 million per year.

Don't blame the National Academy of Sciences, however, or even the Department of Defense. The original 1996 contract between those organizations called for the Nunn-Lugar money to be used "to support the conversion of former Soviet BW research personnel to work on international public health issues."

But that changed after we passed a law to prevent Nunn-Lugar money from being used for defense conversion. That law is section 1503 of the National Defense Authorization Act for Fiscal Year 1997. I suppose it was adopted because defense conversion is difficult and costly. That's true. But here we are, with a law that lets us keep several hundred experts working with diseases that Russia developed as weapons. But it won't let us help those experts—or a few thousand others who used to work on those weapons—to move into really useful work on the many other diseases that afflict mankind.

We can understand why that law was adopted. But as Mr. Bumble says (in Charles Dickens's "The Pickwick Papers"), sometimes "the law is a ass, an idiot." That law needs to be changed, to allow the National Academy's original concept to go forward. We need a much larger program to encourage Russia's biological weapons experts to apply their knowledge in safer areas of research and development, as well as the small program for those Russian experts who continue to work with dangerous pathogens. I will introduce legislation to remove any legal roadblock and create that larger program.

THE "NUCLEAR CITIES" INITIATIVE

On April 27, the Russian Ministry of Atomic Energy announced plans to sharply reduce the number of institutions involved in nuclear weapons research and production. The cuts will begin this year, and in five to seven years Russia may close a dozen nuclear weapons research and production facilities.

This is big news. The Russian Federation is finally admitting—publicly—that its nuclear establishment is far too large. From the standpoint of our strategic arms relationship with Russia, downsizing of the "nuclear cities" is a welcome step.

But what will become of the scientists and technicians who do not stay in the downsized Russian nuclear establishment? There are over 100,000 personnel in those "nuclear cities." Let's say that 25,000 stay with the consolidated Russian labs, and that only a quarter of the rest have skills that a rogue state or terrorist group would like to buy. That would still leave 20,000 underpaid or unemployed experts on the market. What will be done to reduce the risks posed by that large pool of desperate people?

One answer is the Nuclear Cities Initiative. In March, Vice President GORE and then-Prime Minister Chernomyrdin agreed to develop a new initiative for Russia's vast complex of "nuclear cities," each the equivalent of our Los Alamos or Oak Ridge National Laboratories. Last month, Energy Secretary Peña and Russia's new Minister of Atomic Energy, Yevgeny Adamov, signed an agreement to begin this initiative.

The "Nuclear Cities Initiative" is a major step that deserves our wholehearted support. It would include business training for Russian personnel and a major effort to find commercially viable projects to provide jobs for former nuclear weapons experts. Fiscal Year 1999 funding of $30 million, say, would get that initiative off to a good start and might be matched by some of the money that Russia receives for its weapons-grade material sold to the United States.

But I doubt that even this initiative will be enough. For one thing, the obstacles to finding commercial funding for viable civilian projects are really substantial. Personnel in the "nuclear cities" were isolated for decades from even the Soviet Russian economy, to say nothing of market economics. Russian legal and political structures are still unresponsive, moreover, to the needs of foreign investors.

Russian officials often ask for an "investment conference" to put them directly in touch with prospective investors. I propose a more useful jump-start of the commercialization process: a presidential commission with substantial representation from U.S. industry. Most U.S. firms will not yet risk real money on new technology from Russia's isolated laboratories. But 50 years ago, an automobile company president showed Western Europe how to recover from World War II. Our high-tech industrialists might best be able to get Russia to create an inviting business climate.

BEYOND COMMERCIALIZATION

Finally, we must ask ourselves whether our current non-proliferation programs are "penny wise and pound foolish." Does it really make sense to bar funding for defense conversion, except in programs that find commercial sponsors? Maybe there will never be enough commercial sponsors to employ Russia's experts in ballistic missiles or weapons of mass destruction. That is a real possibility. So, do we just walk away? Do we tell them to pack their bags and move to Iraq, Iran, or Libya?

The law also bars using Nunn-Lugar funds for environmental clean-up efforts in the former Soviet Union. Such funds should not be used simply for environmental objectives. But what if that's the safest way to use the talents of nuclear, chemical or biological arms experts? Why isn't any socially useful employment of those personnel worth subsidizing, in order to keep them inside their own countries and away from their original areas of expertise?

The key to this puzzle is the word "subsidizing." Is that what we want to do? Not ideally. But is it a reasonable approach when others do not suffice? Or is it our primary objective to make Russia's weapons experts adapt to a capitalist economy, even if the result is to leave some of them poverty-stricken and prey to offers from less squeamish countries?

I am not afraid to subsidize Russian arms experts, if that's what it takes to keep them out of their old trades. We spend billions of dollars on defense. We're already looking at over $700 million in non-proliferation assistance requested for next year. That may employ 10,000 or 12,000 people. (Much of the money goes for equipment used in weapons security or dismantlement.) Why not add another $250 million per year—with Russia putting up some funds as well—to employ another 20,000 or more Russian specialists on unrelated projects, so long as they help their country and stay away from weapons work?

Does that sound too much like welfare? Call it welfare, if you wish. But ten years of that welfare will purchase a lot of security for us. Those will be ten years of dramatically reduced risk that the fallout from the collapse of the Soviet Union will be radioactive. They will be ten years in which many

Russian experts will retire and no longer be of concern, ten years for the Russian economy to recover and employ the rest of its skilled scientists and technicians, ten years for diplomats to solve some of the conflicts that tempt countries to amass and use weapons of mass destruction.

Increased investment in non-proliferation assistance will not solve all our proliferation worries. But it will help—at a cost that we can afford. I plan to introduce legislation to do this.

Let me make clear that the deficiencies in our non-proliferation programs do not reflect a lack of vision on the part of Congress or the executive branch. Rather, they stem from the daunting and multi-faceted nature of the challenge we face.

Helping Russia to reduce and reorient its vast defense complex is an unprecedented activity. The task requires multiple efforts; what works for missile dismantlement under the START Treaty may not be appropriate to chemical weapons destruction or to offering new careers to biological weapons experts.

We have had to start with small steps, moreover, and for good reasons. First, each program can succeed only once it gains the trust and cooperation of former Soviet experts and bureaucracies. Second, a massive effort could become unbearably costly. And third, we must make sure that our programs support reorientation of defense facilities, rather than unwittingly underwriting the development or export of weapons of mass destruction. So we must see what works, adapt, and build upon the successes.

To truly succeed, however, we must not be afraid of building something big. We should seek international participation and financing. But even the most expensive programs, if well conceived and executed, will be bargains compared to the cost of even a single war in which weapons of mass destruction were used against our troops or our cities.

Let me return, then, to the question I posed at the beginning: How will historians characterize this decade? Indeed, how will historians characterize the efforts of this body? Will we be seen as having seized the opportunity of this decade? Or will historians say that we were still too enamored with weapons, too cheap to pay the price of peace? In the coming weeks and months, we will have a chance to put our money where our hopes are. I call on my colleagues to join together in taking at least the little steps, and perhaps some big ones as well, toward a more comprehensive program of non-proliferation assistance. We will not only feel good doing that, we will do some good, as well.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I have been authorized by the Senator from Michigan to use up to 8 minutes of the time that he still has reserved. I ask unanimous consent to speak for 8 minutes.

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

Mr. BINGAMAN. Madam President, I speak about the other part of this bill. The Senator from Delaware just made the point that this bill we are intending to vote on today contains two very different pieces of legislation in it. Title I is of the Iran missile proliferation sanctions. That goes on for twelve pages. Title II is the Chemical Weapons Convention Implementation Act. That goes on for 82 pages.

I will speak about the Chemical Weapons Convention Implementation Act for just a few minutes. Much of what I want to say is good news. Implementation of the treaty is making important and significant progress. It has been just over a year since the treaty entered into force. As of May 14, 1998, 168 nations signed this historic treaty; 108 nations have ratified the treaty.

This is a landmark treaty that provides us with the means to rid the planet of an entire type of lethal weapon that could threaten every one of our nations.

The threat has already been effective in identifying nations with chemical weapons capabilities. Among the Chemical Weapons Convention states possessing chemical weapons capabilities are some of the countries we have been talking about extensively here in the rest of this debate: Russia, China, India, Pakistan, Iran. I point out that China and India were among the states that previously denied having chemical weapons. So by opening their facilities to inspections required by this convention, those states were forced to demonstrate their ability to provide chemical weapons.

There is a lot of good news that I want to allude to here, but let me point out three concerns that I have that people need to be aware of as we go forward with this debate and the vote that is intended here.

The first of these concerns relates to the fact that the treaty requires an initial declaration of capabilities of both government and commercial entities for all states that are party to the treaty. So far, there are 28 countries, including Iran, that have failed to submit their initial declarations. The Technical Secretariat for this convention must ensure that those declarations are forthcoming, and other states' parties should take measures to ensure their compliance.

One of the unfortunate facts I want to point out is that the United States is one of the states that is not in compliance. The U.S. Government has declared government-owned facilities related to its chemical weapons program, but we have yet to declare commercial industrial facilities required for the treaty. This is an important matter to which I hope the administration is devoting priority attention. If the treaty is to be an effective vehicle as we intend it to be, our leadership in implementation efforts will be critical to its ultimate success.

There are two other matters I want to mention here. The first concerns section 234(f) of this treaty, of this implementing language in H.R. 2709 regarding the analysis of chemical samples that may be taken during an inspection. The provision contained in the legislation before the Senate, though perhaps desirable for our purposes, our limited purposes, could result in a circumstance that we would not want to see happen.

Let me explain. Provisions in the treaty regarding permissible equipment to be brought in by an inspector restrict their qualitative analytical capabilities. These restrictions could quite feasibly lead to ambiguities in analysis. It could require that a sample receive additional examination. Under the treaty's provisions, the analysis should be conducted at three laboratories designated by the Technical Secretariat. Only one of those laboratories is located in the United States and the other two lie outside our borders.

Section 234(f) in this implementing legislation would require that no sample taken in the United States is allowed to be examined out of our borders. So clearly we are putting in law here a provision which contravenes the terms of the treaty. It is evident to me this is a problem that needs to be addressed at some stage in some way.

The second matter that I want to bring to people's attention is the right to refuse challenge inspections. During the early days of negotiating the Chemical Weapons Convention, members of President Reagan's team insisted that all countries must allow challenge inspections to occur at any time in any place. They did so in order to ensure that this very difficult treaty could have some real teeth in it. Unfortunately, the legislation that we have before the Senate today would give the President the power to deny a request for a challenge inspection if he determines that the inspection could pose a threat to national security interests of the United States.

The problem with this provision is that assigning ourselves the right to refuse a challenge inspection obviously raises the prospect that others may also choose to refuse a challenge inspection, and that guts a key provision of the treaty that we intended to see enforced.

I hope that these are matters that can be corrected. I think it is unfortunate that this legislation has come to us on the floor with these particular two provisions in it. I hope very much that we can find some solution to this either in future legislation or in some action by the administration.

The Chemical Weapons Convention is a very important treaty that we have entered into. We have every reason to want to see it be effective. These two provisions that I have pointed to undermine the effectiveness of it and also undermine our credibility in trying to urge other states to comply with the treaty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I ask unanimous consent to speak up to 8 minutes on the Iran Missile Proliferation Act and have that time charged to Senator LEVIN who will be offering an amendment. That is pursuant to Senator LEVIN's desire, as well.

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

Mr. WYDEN. Madam President, it is hard to imagine a greater threat to international stability than the rogue nation of Iran coming into possession of weapons of mass destruction.

There are three important reasons why the Iran missile proliferation act should be passed at this time.

First and foremost, the Iran missile proliferation act is, above all else, a nonproliferation measure. It is intended to halt the spread of missile technology to Iran. With the alarming news that India has tested nuclear weapons and, in reaction to this, Pakistan is now considering testing its own weapons, we see the prospect of a dangerous spread of nuclear technology that only underscores the need for further U.S. resolve in combating the proliferation of weapons of mass destruction.

The second reason this legislation is important now is because of the lack of cooperation on the part of the Russians. Generally, the United States and the Russians have a clear, common interest in halting the spread of advanced weapons technology, including missiles. Although there has been some movement within Russia to halt the spread of missile technology to Iran, there is clearly not enough being done. Coupled with reports that Iran may be actively acquiring biological, chemical, and even nuclear weapons, the case for this legislation is clear.

Finally, this legislation is needed to bolster our Iran policy and to send a clear signal that the United States will not tolerate the spread of missile technology to Iran. Earlier this week, President Clinton decided to grant a waiver from the Iran and Libya Sanctions Act to a huge energy project by a French firm and others. Many of my colleagues and I urged the President not to grant this waiver; yet, a decision was made to do so. I believe that this sends the wrong signal to the international community with respect to investment in Iran.

Foreign investment could enable Iran to rebuild its energy sector and vastly increase its economic strength, allowing it to acquire vast assets that it could use to re-arm and acquire terrible weapons of mass destruction. While I disagree with the President's decision to grant the waiver for the French and Russian energy project, I feel even more strongly about the transfer of missile technology to Iran.

Let us make no mistake about it, Iran has become the most serious threat to stability in the Middle East. Israeli and American intelligence have recently discovered that, due largely to technology obtained from Russia, Iran may soon have the capability to begin assembling and testing ballistic missiles capable of reaching Israel and other vital targets in the Middle East.

Russian companies are providing Iran with crucial technologies, including wind tunnels for the design of missiles, lasers, and special materials for missile construction. There are even reports of over 9,000 Russian advisers working in Iran on a variety of military projects, and Iran tested a Soviet-designed rocket engine last year.

Iran, one of America's foremost self-proclaimed enemies, has been linked to numerous terrorist attacks, ranging from taking hostages and hijacking airlines to carrying out assassinations and bombings.

Now is the time to send a clear signal to the world community that selling missile technology to Iran is totally unacceptable. I urge my colleagues to support this vital measure, which takes concrete steps to halt the spread of ballistic missile technology to Iran and will act to support the preservation of peace and stability in the Middle East.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Madam President, I am informed the yeas and nays have not been requested.

At this time, 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. KYL. Madam President, Senator LEVIN has time, and he is prepared to proceed.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. How much time do I have?

The PRESIDING OFFICER. The Senator has 25 minutes 40 seconds.

Mr. LEVIN. Madam President, the amendment that I will be sending to the desk will change the trigger date for sanctionable activity from August 8, 1995, which is currently in the bill, to January 22, 1998. I will explain why I am seeking to do that in the next few minutes.

The bill the Senate is debating requires the President to submit periodic reports on foreign persons who, on or after August 8, 1995, have provided or attempted to provide material, technology, technical assistance, or facilities that contributed to Iran's efforts to acquire, develop or produce ballistic missiles. Those who are identified as assisting Iran's ballistic missile effort will be subject to sanctions for at least two years, preventing them from buying military equipment and technology, and controlled dual-use goods and technology, and from receiving U.S. economic aid.

The bill includes two waiver provisions, one in case the President learns of new information that shows that a foreign person did not provide assistance initially included in one of the required reports, and one in case the President determines that imposing sanctions would not be in our national security interest.

I am a cosponsor of this legislation, and I strongly support the legislation's goal, Mr. President—to stop assistance to Iran's ballistic missile program by foreign entities.

I am concerned, however, about the bill's use of August 8, 1995 as the trigger date for determining behavior to be sanctioned.

My amendment would change the trigger date in the bill for determining behavior to be sanctioned from August 8, 1995 to January 22, 1998. This is the date on which the then-Prime Minister of Russia, Viktor Chernomyrdin, signed a government decree to strengthen Russian export controls on dual-use items that could be used either for weapons of mass destruction or for missiles to deliver such weapons.

Madam President, we need to strengthen the President's ability to apply sanctions to foreign entities—whether individuals, companies or educational institutions—that provide assistance of any kind to the current efforts of Iran to develop ballistic missiles that could threaten their neighbors.

But I believe that the more appropriate trigger date for the behavior subject to sanctions is January 22, 1998 rather than August 8, 1995 for the following reasons:

The United States Government has been working with the Russian Government intensely for the last few years to encourage them to stop all assistance by any entity in Russia to Iran's efforts to develop a ballistic missile. Our government has engaged the Russian Government at the highest levels—President Clinton directly to President Yeltsin—and at numerous levels below the Presidents. Vice President GORE made this a crucial and central issue in the Gore-Chernomyrdin Commission, and put this on then-Prime Minister Chernomyrdin's agenda for immediate attention. In addition, the Administration appointed Ambassador Frank Wisner to work with his specially appointed Russian counterpart, Yuri

Koptev, the head of the Russian Space Agency, to seek progress in stopping assistance from Russian entities to Iran's ballistic missile program.

Ambassador Wisner was recently succeeded by Ambassador Robert Gallucci, the diplomat who negotiated the North Korean Agreed Framework and led UNSCOM inspection teams in ferreting out Iraqi weapons of mass destruction after the Gulf War. So our government has been highly energized and motivated and they deserve credit for their efforts, which are continuing still.

These efforts have met with mixed success. In some cases, the activities have stopped. In other cases, the activities have continued. And in other cases, the information is inconclusive as to whether or not the activities that the Russian Government has said they are trying to stop and which we surely want stopped, and which the world needs stopped, in fact have stopped.

However, in January of this year, the Russian Government took an important step that we had been encouraging them to take for some time. On January 22, then-Prime Minister of Russia, Viktor Chernomyrdin, issued a broad decree, known as the "catch-all" decree, to strengthen export controls over all dual-use goods and services that could be used to proliferate either weapons of mass destruction or the missiles to deliver them.

This decree states that Russian entities engaged in foreign trade "shall refrain from export transactions involving any dual-use goods or services not subject to Russian Federation export control regulations should such entities be aware that such goods and services will be used to develop or employ nuclear, chemical or biological weapons or missile means of delivery . . .". The decree goes on to state that "Should Russian entities engaged in foreign trade have reason to believe that such goods and services may be used for the aforesaid purposes, they shall submit the pertinent application to the Russian Federation Governmental Commission on Export control."

Madam President, this Russian decree is a broad and sweeping prohibition on the export of any goods and services, if there is reason to believe that those goods or services could be used to develop or employ a weapon of mass destruction or the missiles to deliver them.

Our Government strongly encouraged the Russian Government to issue that decree.

And of great significance, the January 22 decree is broader and stronger than the Missile Technology Control Regime. The Missile Technology Control Regime deals only with the proliferation of missile technology for certain classes of missiles. The January 22 decree is an effort by the Russian Government to strengthen controls over the export of technology, goods, and services that can lead to the proliferation of all weapons of mass destruction as well as the missiles to deliver them.

So this decree covers the weapons of mass destruction and their components and the materials that go into them. It is much broader than the Missile Control Technology Regime, which just relates to missiles. The Missile Technology Control Regime, to state it more correctly, covers just missiles, whereas the Chernomyrdin decree of January 22 covers the weapons of mass destruction that we are trying to preserve and protect the world from, as well as the missiles that could deliver them.

This is an important step by the Russian Government. That decree, which we pleaded with them to adopt and to publish, deserves to be supported and deserves to be encouraged.

My amendment uses their decree as the basis for our action—their decree—and that reinforces its effectiveness instead of ignoring its issuance.

Madam President, it is not clear to me that all the activities of the Russian entities that have or could contribute to Iran's ballistic missile program would even be proscribed by the Missile Technology Control Regime that the Russians signed in August of 1995. But the January 22 decree, being much broader, would prohibit those activities because they fit under the decree's broad category of "export transactions involving any dual use goods or services" that "may" be used to develop or employ nuclear, chemical, or biological weapons or the missiles to deliver them.

So, summarizing the amendment, the amendment strengthens the original intent of the bill. It recognizes the efforts of the Russian Government to address the problem of assistance to Iran's ballistic missile program through the January 22, 1998, decree. By using that decree as the trigger date for behavior that is sanctioned, the bill reinforces that decree, both recognizing the action that the Russians took at our request and using the restrictions in that decree which are more comprehensive than those entailed by the Missile Technology Control Regime.

Our Nation shares a common goal with Russia of trying to stop all assistance from Russian entities to Iran's missile program. Russia has taken some steps, but more steps and more cooperation are needed. I believe that if we acknowledge the efforts they have taken and encourage them to continue, we can avoid a counterproductive result. That result could make it harder for Russia to succeed in its efforts to stop such assistance. And our goal should be just that—to do what works, to do what leads to a better result.

In all likelihood, if this legislation becomes law with my amendment, it will still require sanctions to be applied, because there is evidence that some Russian entities have provided assistance to Iran's ballistic missile program since January 22, 1998.

Finally, I note that the bill before the Senate contains two Presidential waivers. They are there for important reasons. The more significant of the two waivers is a national security waiver which the President can use to waive the imposition of sanctions if doing so "is essential to the national security of the United States."

This legislation is not intended to force the President to impose a sanction if doing so would harm U.S. national security. If the President determines that it is necessary for him to waive the imposition of sanctions in the interest of national security, then under this bill he may do so. That is in the bill itself. That is not touched by my amendment. But that is why the waiver is included in the bill before us.

Madam President, I believe that the sponsors of the bill have indicated support for my amendment. Senator KYL is on the floor. I will let him speak for himself in that regard.

I yield the floor. I appreciate their support.

Mr. KYL. Madam President, the amendment is acceptable to everyone on this side that I know of. Therefore, we can move the process along and have it accepted formally and conclude the debate. I think our colleagues would appreciate having the opportunity to vote.

AMENDMENT NO. 2444

(Purpose: To change the date of behavior subject to sanctions relating to Iran missile proliferation)

Mr. LEVIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an amendment numbered 2444.

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

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

The amendment is as follows:

On page 2, beginning on line 15, strike out "August 8, 1995—", and insert in lieu thereof "January 22, 1998—".

On page 6, beginning on line 24, strike out "August 8, 1995—", and insert in lieu thereof "January 22, 1998—".

Mr. KYL. Mr. President, there is a reason why this bill picks August 8, 1995, as the date after which Russian companies should be sanctioned for their proliferation behavior. The reason for this is very simple: August 8, 1995, was the date upon which Russia joined the Missile Technology Control Regime (MTCR). In so doing, the Russian Government undertook an international obligation to curtail its proliferation behavior. Unfortunately, as

we have seen, the Government has not lived up to that pledge.

At the time that the United States favored Russian membership in the MTCR, the Senate was assured by the Clinton Administration that Russia had all of the necessary, effective export controls in place. Well, we see just how accurate that claim proved to be. Two years later the United States began uncovering evidence of the degree to which Russian assistance has sped up Iran's missile program.

In retrospect, clearly the United States should have waited until an effective, Russian export control regime had been established before favoring Russian membership in the MTCR. As an aside, I hope the Clinton Administration will learn from this experience. There has been a great deal of talk lately about encouraging China to join the MTCR. I would hope that the United States would wait an appropriate period of time to see whether China's export controls are truly effective enough to warrant membership in the MTCR.

Finally, I have reservations about the Levin amendment, because it seeks—at a minimum—to "grandfather" Russian missile proliferation activities before January 22, 1998. But I will not oppose this amendment because, among other things, proliferation on the part of these companies has been so rampant even since January 22, 1998 that few companies in Russia, if any, will benefit from this shift in dates.

Mr. LEVIN. Mr. President, I yield the remainder of my time so we can, hopefully, adopt this amendment.

The PRESIDING OFFICER. All time is yielded. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 2444) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SHELBY. I rise in support of the Iran Missile Sanctions Act, H.R. 2709.

Mr. President, I would like to make three important points regarding this legislation.

First, the Administration's efforts to get Russia to stop assisting Iran's ballistic missile program have been an abysmal failure.

Second, there is a broader failure of United States proliferation policy—a failure of monumental and potentially deadly proportions.

Finally, the Senate must now take a greater role in addressing the proliferation crisis. Passage of the Iran Missile Sanctions Act is a first step.

Since the fall of the Soviet Union, many in the United States have been greatly concerned that Russian entities were providing assistance to other state's ballistic missile programs. As evidence mounted, the Clinton Administration responded with diplomatic efforts from the working level up through the high level Commission chaired by Vice President GORE. Diplomatic efforts were supplemented with economic incentives.

When additional reports of new and ongoing assistance emerged, including transfers to Iran in probable violation of the Missile Technology Control Regime, Congress waited for the Administration to impose the sanctions required. When sanctions were not imposed, some in Congress sought additional legislation to "encourage" the Administration to impose sanctions.

The Administration again urged the Congress to wait—to give the diplomatic process more time, to give the Russians time to get an enforcement mechanism in place. Administration officials have repeatedly assured us that they have the problem under control.

They are wrong.

The Congressional Research Service summarizes the situation aptly when it reports that:

> Despite official denials from Moscow through 1997, evidence is growing of a pattern of missile technology transfers to Iran by Russian enterprises, institutes, and individuals, with direct and indirect Russian Government involvement, in violation of Russian commitments under the Missile Technology Control Regime (MTCR). Russian assistance could significantly accelerate Iran's indigenous missile program . . .

There is ample intelligence information that supports this assessment, and I believe it is important for Senators to have the opportunity to review this information. Therefore, Senator KERREY and I directed the Select Committee on Intelligence staff to prepare a compendium of the classified intelligence reporting on this subject and it is available for Senators to review in S-407.

My second point is that the Administration's failure to stop Russia from providing assistance to Iran's missile program is only part of the broader failure of the Administration's nonproliferation policy.

There is an ongoing pattern of assistance by Russia, China, and North Korea to rogue states and to other states such as India and Pakistan. There is also a pattern of weak Clinton Administration response to this proliferation. There is a connection. The Indians cited the weak Clinton Administration response to China's proliferation of missiles and nuclear assistance to Pakistan as one of the reasons they decided to test nuclear weapons.

Some states seek weapons of mass destruction for prestige or in an attempt to enhance their global role. Countries like India and Pakistan justify their efforts by citing regional security concerns.

Others like Iraq, Iran, and North Korea seek these weapons to threaten and intimidate their neighbors, in particular U.S. friends and allies, to threaten forward-deployed U.S. forces, and ultimately to threaten the United States itself.

Such states do not wish to confront U.S. conventional military forces—the best in the world—with conventional weapons alone. They prefer to threaten our forces, or our cities, with asymmetric weapons of mass destruction to deter us from carrying out policies to protect our global interests.

If states believe they can change the calculation of risks and benefits, they have a strong strategic incentive to acquire these missiles. Our near-total vulnerability to the ballistic missile threat only furthers their incentives.

Without stronger disincentives, other states will continue to seek the financial, political, and strategic advantages that may be gained through proliferation, and through taking advantage of our patience and vulnerabilities.

They have repeatedly offered carrots without wielding or credibily threatening the stick.

Indeed, in many disturbing ways, the Administration's policies toward Russia and China may have enabled or even encouraged proliferation. By failing to respond to dangerous proliferation acdtivities to the maximum extent possible under domestic and international law, they have led others to question the will and ability of the United States to take strong measures to punish proliferators.

Unfortunately, the Executive Branch has not yet come to this realization.

It appears to be difficult to get this Administration to act with resolve, either by adding backbone to its proliferation policies or by responding to existing and future threats by developing additional means of deterrence and defense. It is difficult to persuade them to make diplomacy and arms control agreements tools of policy rather than policy objectives in-and-of themselves.

However, the Congress can not simply stand back and point our fingers at the White House. We must do all that we can do to demonstrate that America has the will and the ability to respond.

We must provide adequate funding to the Intelligence Community and to our military forces to detect and deter, and to prevail when deterrence fails. We must put in place the legislative mechanisms to enforce a robust counter-proliferation policy. We must continue to force the Administration to disclose dangerous proliferation activities. And we must make sanctions mandatory.

Challenging, deterring, and defending against proliferation won't be easy or cost free. But it is the right thing to do.

Mr. President, American lives are at stake.

The Senate must act. Mr. President, I urge the adoption of the bill before us.

Mr. DASCHLE. Mr. President, I come before the Senate today to indicate my support for H.R. 2709, the Iran Missile Proliferation Sanctions Act.

The message this bill sends to the international community is clear. The patience of the American people and their elected representatives is not infinite. If diplomacy fails to produce satisfactory results, the United States is prepared to take decisive action to protect our security and that of our allies by imposing sanctions on those who violate international agreements restricting the transfer of ballistic missile technology.

In my judgment, it is time for Congress to send this message. And it is long past time for those who violate international agreements to heed the message.

I appreciate that diplomacy has produced some positive results in this area and may ultimately yield more progress. Nonetheless, these efforts fall short of what is needed to halt the illegal transfers. In the absence of immediate and conclusive evidence of a dramatic reversal of Russian behavior, stronger measures are needed, and H.R. 2709 is an appropriate vehicle.

The end of the Cold War has affected our national security policies in many ways. It has reduced the likelihood of a large-scale conventional conflict on the European continent. It has made it much less likely that either the United States or Russia will intentionally use nuclear weapons against the other. And it has allowed us to meet the remaining threats to our security with slightly smaller defense budgets. These are obviously positive developments.

On the other hand, the post-Cold War period has been marked by the emergence of a new threat—the spread of weapons of mass destruction and the means to deliver them. Let me run down the current state of affairs with regard to weapons of mass destruction.

First, at the end of the Cold War, five countries—the United States, Russia, China, Great Britain, and France—had declared themselves nuclear weapons states. Unfortunately, as proven by India's actions just last week, the true number in the nuclear club is much larger.

Second, the Pentagon suspects that as many as 20 countries have chemical weapons programs, and that a slightly smaller number have biological weapons.

Third, the Defense Department believes that about 15 countries currently possess ballistic missiles, and that the number could grow to more than 20 by 2000.

It is these disturbing trends that the United States and many other nations in the international community are trying to combat.

Reversing these trends is a daunting challenge. If there is to be any chance of even slowing the spread of this threatening technology, the United States must act decisively and firmly when confronted with actions that violate existing agreements designed to proscribe this type of behavior. It is in this context that we must view efforts by several Russian entities and individuals to assist the Iranian ballistic missile program.

The status of the Iranian missile program should be of particular concern to U.S. security officials. Iran is located in a critical region of the world. Vital U.S. economic, political and military interests are at stake.

Tens of thousands of U.S. troops are within easy reach of the Iranian missiles speeding through their development stage.

The entire state of Israel, a staunch ally and friend, would be well within range of the Iranian missiles.

Concern about Iran's intentions are further heightened by the fact that many intelligence analysts believe the Iranian government has repeatedly supported and sponsored terrorist activities.

Both supporters and opponents of H.R. 2709 agree on one fact: Russian entities and individuals have played an important, if not crucial, role in the Iranian ballistic missile program. Even Russian officials acknowledge the involvement of Russian companies in these illegal activities. It has been publicly estimated that, largely as a result of this assistance, Iran could soon field missiles with sufficient range to threaten the entire Middle East.

Where people differ is over what to do about this assistance.

Opponents of H.R. 2709 argue the bill's sanctions are a blunt instrument that will not achieve the intended result of stopping Russian assistance. They prefer to allow more time for the Administration's diplomatic efforts to bear fruit.

Mr. President, I take a back seat to no one in my appreciation for the negotiations the President and his advisers have conducted with their Russian counterparts on this complex issue. These negotiations have produced positive tangible results. Russian cooperation with Iran has ended in a few specific cases. In addition, the Russian government has issued and agreed to enforce decrees intended to stop the missile trade.

Yet, despite the Administration's best efforts and the progress they have engendered, and notwithstanding a score of Russian promises, the fact remains that Russian assistance to the Iranian missile program continues. After months of negotiation, it appears that talk alone is not going to be sufficient to end Russia's involvement with Iran's ballistic missile program.

If we are to convince Russia and the world that we intend to protect ourselves and our allies, the time has come for more than talk. If we are to enforce international law prohibiting transfer of ballistic missile technology, it is time for action.

Mr. President, passage of H.R. 2709 is the appropriate action to take at this time. However, Senate passage of H.R. 2709 need not be the final word on this critical issue. If we adopt the Levin amendment, the bill will go back to conference with the House. There is still a very limited amount of time for the Russian Government to convince this Congress that it has heard our concerns and moved to end cooperation with the Iranian missile program. Failing an immediate and dramatic reversal in Russian behavior, it is time to redefine the playing field for those currently violating these laws and those contemplating future transgressions.

To those parties, enactment of the Iran Missile Proliferation Sanctions Act will underscore that the United States stands ready to defend its own security interests and those of our close allies; that the United States will do all it can to stem illegal efforts to spread ballistic missile technology; and that the United States will ensure that violations of international law will not go unpunished.

I ask my colleagues to join with me in voting for H.R. 2709.

Mr. ALLARD. Mr. President, I rise as a strong supporter and a cosponsor of the Iran Missile Proliferation Sanctions Act of 1997. This bill addresses the very serious concern of proliferation of ballistic missiles. While this bill is directed at Iran, the problem of proliferation is one of the United States' most serious problems. The problem must be addressed.

Iran has been actively pursuing better and more sophisticated ballistic missiles. If the Iranians acquire more long range missiles with a range of at least 1300 miles, then many of our troops and allies in the Gulf region will be seriously threatened. While we know that Iran has already received some of the missile components, we must stop them from receiving the critical support and know-how to move forward.

There have been many reports of technology transfers between Russia and Iran. Russia has been actively assisting the Iranians in their efforts in not only technology, but also in their research and development programs. While Russia has promised the Administration that they are not doing this, even the Administration states that there is a real disconnect between their words and their actions.

I believe that this bill is important to stop this disconnect and let the world know that this activity can and should not be tolerated. If we do nothing, then who will. I believe nobody will. And, if we do nothing, within a year Iran could be capable of being able to deploy missiles that could deliver

nuclear or chemical warheads about 850 miles. These missiles could reach Tel Aviv Israel, Turkey, Saudi Arabia and many of the air bases where our Armed Forces are located.

But let me also address a problem that is not being discussed concerning serious military activity between Russia and Iran, with the assistance of the United States. Last year, the Overseas Private Investment Corporation became involved in an office complex project in St. Petersburg, Russia, the Nevsky 25. This project is jointly owned by a main U.S. investor in Golub & Company from Chicago with 10 percent ownership, the St. Petersburg Property Fund with 10 percent, European Bank for Reconstruction and Development with 40 percent, and the Rubin Central Design Bureau for Marine Engineering with 40 percent.

My concern is that the Rubin Central Design Bureau is a Russian state-controlled military company whose main product line is military submarines. Rubin is the builder of the Russian Kilo-class submarine and has sold 4 Kilo submarines to Iran, 4 Kilo submarines and 2 Project 636 Kilo submarines to China, and counts Algeria as one of its customers.

Rubin got involved in commercial activities to supplement their submarine production. They have become active in the field of oil and gas, high-speed rolling stock, power generation, and marine ecology.

Igor Spassky, the Rubin Bureau head, is quoted as saying,

> The main reason for these commercial ventures is to help us survive. There is a major responsibility for the company to preserve its intellectual potential and capability for the design and development of submarines. (Janes Navy International 11/1/96)

Even with these commercial interests, defense work still accounts for 60–65 percent of Rubin's work.

OPIC has tried to assure me that Rubin does not have access to assets of the property until the OPIC loan is paid in full and that they are monitoring the situation. The problem is even after the loan is paid, OPIC will have assisted in providing a flow of income for Rubin to continue to build its Kilo class and nuclear ballistic missile submarines. Also, knowing Russia's record in proliferation and this legislation addresses this problem, I am afraid that this project can only help Rubin in providing future funding for these submarines.

Also, OPIC has said that they are assured that only commercial activity is taking place in this office complex. Again, while this may be the case, the activity of concern is being used with the funds becoming available to the company to engage in their military activities.

OPIC did say that this is a concern and that they are monitoring it but that this is not a high priority. I believe if this bill to stop missile proliferation is important enough to vote on then sales of submarines which can deliver ballistic missiles, which may be assisted with U.S. funds is just as important.

Mr. President, before I end I want to encourage all my colleagues to vote in favor of the Iran Missile Proliferation Sanctions Act of 1997 and to take serious the problems of proliferation and the problems of being involved with state controlled military complexes who are engaging in commercial activity in order to supplement their military activity and sales.

Ms. MIKULSKI. Mr. President: I rise in strong support of the Iran Missile Proliferation Sanctions Act. I am proud to be a cosponsor of this legislation.

This legislation is very simple. It says you can have normal economic and political relations with the United States—or you can join America's enemies in building weapons of mass destruction. You cannot do both.

This bill applies sanctions to organizations that transfer missile hardware or technology to Iran. It would ban U.S. economic assistance and the export of technology to anyone who is helping Iran develop the means of using weapons of mass destruction.

Iran has a robust chemical and biological weapons program. As we debate this legislation, Iran is building the Shihab 3 missile. This ballistic missile could carry conventional, biological or chemical weapons to Israel, to the Gulf states or to American interests within 800 miles of Iran.

Imagine these weapons in the hands of a country that is our sworn enemy. A country that supports the most radical, anti-American terrorist organizations on earth. A country that does everything it can to derail the Middle East peace process.

These missiles could destroy Tel Aviv. They could reach our NATO allies. They could threaten the thousands of American troops in the Gulf.

Russia has played a central role in helping Iran to develop these weapons. Despite past assurances, Russian scientists and engineers are using their skills to threaten America's national security.

The United States has done a lot to help Russia build a prosperous democracy. Since 1991, we have given Russia over four billion dollars in assistance. We have done a great deal to build a cooperative partnership with Russia.

As the ranking member of the VA-HUD subcommittee that funds the space program, I have been a strong supporter of US-Russian cooperation with the space station.

I supported Russia's participation in the space program for three reasons:

1. Their technical expertise
2. To build stronger links between the United States and Russia
3. To ensure that Russian scientists and engineers had civilian work—so they would not sell their skills to rogue governments

Russia has failed to live up to their promises on the space station. I have no question of their technical competence. But I have strong concerns about their failure to meet their end of the bargain. They have not adequately funded their share of the space station, resulting in delays and a cloud of uncertainty that hovers over the entire program.

Even more troubling is Russia's role in the proliferation of weapons of mass destruction. Russia has exported technology, material and expertise to help Iran develop ballistic missiles. They can't do this—and expect to have business as usual with America on the space program.

Mr. President; our foreign policy must reflect our values. We cannot stand by while any country threatens our national security, or the very existence of our closest allies. I urge my colleagues to join me in supporting this legislation.

Ms. SNOWE. Mr. President, I rise in support of the Iran Missile Proliferation Sanctions Act of 1997.

Last week, our nation's intelligence apparatus was surprised by the Indian government's decision to test a hydrogen bomb. Pakistan may follow suit with a retaliatory test. The fact that last week's test caught our intelligence community by surprise raises serious questions about our ability to monitor such developments. However, while the prospect of a nuclear arms race on the Asian subcontinent could threaten our long-term security interests, the United States enjoys productive relations with the two regional adversaries.

Iran, however, is neither a democracy nor a friend. While the new President, Mohammed Khatemi, is seen by some as a "moderate," his government continues a twenty year tradition of bitter hostility towards the United States. Iran remains opposed to the peace process, its role in the bombing of the Khobar Towers in Saudi Arabia in 1996 is still not known, and it is still vigorously pursuing efforts to acquire weapons of mass destruction, including a nuclear capability. We must not be caught off guard with Iran as we have been with India and Pakistan.

When this measure was introduced last fall, I had hoped that events would prove it unnecessary. I furthermore remained optimistic that the meetings of the Vice President with then Russian Prime Minister Viktor Chernomyrdin would have convinced Russia of the seriousness of the issue of Iran's efforts to develop weapons of mass destruction.

I had hoped the Administration would have done a better job of convincing the Russians of the seriousness

of this matter. I had hoped that the Russian government would have realized that whatever financial benefits they get from such help to Iran are far outweighed by the loss of investment from the United States. Even more importantly, I had hoped that Russia would realize that such assistance to Iran does not contribute to political stability in such a turbulent part of the world. Unfortunately, none of these developments have come to pass.

I was disturbed to learn that Iranian nuclear officials just visited Moscow to view a demonstration of gas centrifuge technology—which if successfully mastered will provide Iran the easiest type of material to use in a nuclear weapon. If such a sale occurs it would be a gross violation of a promise made by President Yeltsin to the President in May 1995 when the Russians agreed not to sell centrifuges to Iran. This follows the sale of a radioactive gas called tritium which can be used to increase the size of nuclear warheads and that a second sale is being discussed.

In addition to this development, I was disturbed to learn how close Iran came to obtaining some 22 tons of missile-grade stainless steel from Russia as reported in the April 25th edition of the New York Times. While I do not believe Russia supports the further development of weapons of mass destruction, I am concerned about the Yeltsin government's ability to stem the proliferation of dangerous weapons technology and equipment. When this shipment of steel can be halted by customs officers in Azerbaijan but not in Russia, we are entitled to ask serious questions about Russia's ability to cooperate in limiting the global spread of weapons components.

Mr. President, I understand that Iran has begun a program to build a missile called the Shahab 3 which has an 800 mile range. This range is double the capacity of a SCUD missile and is long enough to reach Israel and Saudi Arabia. This type of missile would give Iran more power with which to threaten the West's strategic interests in the Middle East only seven years after we fought a war with Iraq—another state that may still be trying to acquire weapons of mass destruction. We cannot allow Iran, just as President Bush did not allow Iraq, to assert control over the majority of the world's oil supply.

Mr. President, we should not view this bill as an anti-Russian statement. This bill does not detract from our support for Russian democracy or Moscow's efforts to build a strong free-market economy. However, it does reflect our concern over the actions of many firms in Russia that have an interest in trading with either rogue states or nations that are inclined to develop the ability to deploy weapons of mass destruction. Under this legislation, Russian firms will have to choose with whom they want to do business—the United States or an Iranian regime that has yet to show the moderation promised by the election of President Khatemi. Since persuasion and shared intelligence with Russia may not be sufficient to stop Iran from acquiring dangerous weaponry, this bill has become regrettable but necessary. I urge my colleagues to support it today before this menacing military threat from Iran grows even larger tomorrow.

Thank you and I yield the floor.

Mrs. BOXER. Mr. President, as an original cosponsor of the Iran Missile Proliferation Sanctions Act, I cannot stress enough the importance of this legislation and I am grateful that it is now being considered before the full Senate.

Iran's desire to obtain ballistic missiles is a direct threat to peace and security in the Middle East, and therefore, a clear threat to U.S. national security. Limiting the spread of weapons of mass destruction and ensuring stability in this strategic region must remain among the highest priorities for the U.S. and our allies.

Iran is a leading sponsor of international terrorism and has been linked to numerous bombings, hijackings, and assassinations. This rogue nation provides financial support and political training for terrorist groups such as the Islamic Jihad, Hamas, and Hezbollah. Just this week, the Argentine government announced they have proof that Iran was behind the 1992 bombing of the Israeli Embassy and the 1994 bombing of the Jewish Community Center in Buenos Aires.

According to news reports, Iran is months away from developing missiles that can reach Israel, Saudi Arabia, or the frontiers of the NATO alliance. Considering that Iran is already suspected of possessing chemical and biological weapons and is trying to acquire nuclear weapons capability, the threat of Iran possessing missiles capable of reaching U.S. forces in the Middle East is truly frightening.

This legislation would require the President to report periodically on individuals, companies, and research facilities who have provided material, technology, or technical assistance that could help Iran develop ballistic missiles. Once these suppliers have been identified, they would be subject to sanctions making them ineligible for export licenses and U.S. aid.

I believe this legislation will be a valuable tool in slowing Iran's program to develop ballistic missiles. I hope that the Senate overwhelmingly passes this legislation, and I want to thank the Majority Leader, Senator LOTT, for all his hard work on this important issue.

Mr. LAUTENBERG. Mr. President, I rise to support the Iran Missile Sanctions Act. I am a cosponsor of this legislation, and I hope the Senate will approve it without delay.

This legislation will impose sanctions against entities—individuals, companies, and research facilities—that have provided Iran with the technology and materials required to develop ballistic missiles. Those identified as assisting Iran —or as attempting to do so at least once—will be subject to sanctions for two years. These entities will be ineligible for export licenses for arms or controlled goods and technology. Additionally, they will not be eligible to receive U.S. assistance. The President would be authorized to waive sanctions if he determines that it would be in the U.S. national security interest to do so or if additional information which demonstrates that the alleged acts were not committed by the sanctioned person is available.

The need for this legislation is clear. There is growing evidence that Russian companies and research facilities continue to provide Iran with the technological assistance and the materials necessary to develop ballistic missiles capable of reaching U.S. forces in the Middle East and our stalwart ally Israel. According to public reports, with the help of Russian entities, U.S. officials estimate that Iran could deploy the medium range Shahab 3 missile within 12 to 18 months. That missile is capable of targeting Israel, other Arab countries in the Middle East, and U.S. troops in the region. According to public sources, Iran could also deploy the Shahab 4 missile within three years. That missile reportedly would be able to reach targets in Europe.

The Russians are not building these missiles for the Iranians. Rather, Mr. President, they are providing the material and training necessary for the Iranians to develop an indigenous capability. Make no mistake about it. The development of these Iranian missiles will be very destabilizing in the Middle East.

Mr. President, to its credit, the Administration has made the transfer of missile technology a very high priority in dealings with Russian officials, including the recent talks between Vice President GORE and former Prime Minister Viktor Chernomyrdin. Special Envoy Wisner has worked on this issue aggressively, and the State Department's Robert Galluci has been doing the same. I commend them for the attention they have focused on this very sensitive matter and the effort they have made to persuade Russia to clamp down on exporters.

Clearly, some progress has been made. On January 22, Prime Minister Chernomyrdin issued an Executive Order stating the Russian government's intention to set policies that will more effectively control the exports of technology to Iran. Nonetheless, public reports indicate that the cooperation is ongoing and that the transfers continue.

Because the stakes are so high, we don't have the luxury of time. And

while I hope the Administration's efforts will succeed in persuading the Russians to clamp down on these technology transfers, this Senator believes time is running out. The missiles being developed by the Iranians are capable of delivering chemical weapons throughout the Middle East. They are lethal. They threaten U.S. troops. They threaten our ally Israel. And in the long run, they will threaten our European allies. America needs to use every appropriate tool in its arsenal to prevent the Iranians from developing these missiles which will threaten our interests in the region. And we need to use those tools now.

Mr. President, the sanctions in this legislation provide another tool. They are appropriately targeted against the entities—the companies, individuals, and institutes—that are cooperating with the Iranians. They are not targeted at the Russian government. If used effectively, these sanctions—or the threat of these sanctions—can help the Administration in its efforts to clamp down on those entities that are cooperating with the Iranian government.

For the stake of promoting stability in the Middle East, I urge my colleagues to approve this legislation.

Mr. DOMENICI. Mr. President, I rise in strong support of Iran Missile Proliferation Sanctions Act before us today. At the same time, I am uncomfortable about the implementing legislation for the Chemical Weapons Convention attached to it.

Proliferation of weapons of mass destruction poses the gravest risk to domestic and international security in the post-Cold War era. Based on this assessment of U.S. security concerns, it makes sense for the Senate to pass legislation designed to prevent or, at a minimum, curb proliferation threats in every possible instance.

The Iran Missile Proliferation Sanctions Act will help to attain our nonproliferation objectives. A very important national security objective is to prevent Iran from obtaining and improving its weapons of mass destruction. A critical concern is Iranian acquisition of ballistic missiles, especially those with a range of 1,300 kilometers or more. Such capability would pose an unacceptable threat to U.S. forces in that area, not to mention our allies throughout the region.

This Sanctions legislation is a careful and sound approach to non-proliferation. The legislation should offer the Administration additional leverage in curtailing Russian assistance to Iran's missile programs, and I applaud those objectives.

Ideally, the implementing legislation for the Chemical Weapons Convention would have similar objectives—stemming the threat of proliferation. The goal of the Chemical Weapons Convention is to create a sufficient web of deterrence and detection capabilities so as to minimize the potential threat that chemical weapons pose to U.S. and global security. In order to attain this objective, the CWC relies on the most stringent verification regime ever before codified in an international arms control instrument.

The verification measures set forth in the CWC were carefully crafted over many years to ensure that the attained transparency in no way impedes private industry's ability to protect proprietary information.

In addition, measures for "challenge inspections"—a verification measure initially proposed by the Reagan Administration in negotiations over a decade ago—allow for inspection at any time and in any place. Otherwise, the CWC is rendered incapable of ferreting out undeclared activities. I remind you that this was a weakness of the nuclear nonproliferation regime that Iraq successfully exploited to hide a covert weapons program.

The proposed CWC implementation legislation, attached to H.R. 2709 "Iran Missile Proliferation Sanctions Act of 1997," seriously weaken the Chemical Weapons Convention in such a manner as to pave the way for rogue nations to capitalize on U.S. short-sightedness.

There are several aspects of the proposed legislation that are problematic. First, however, the following is clear: if the U.S. Senate ratified an international ban on poisonous gases, it makes no sense for the Administration to have negotiated legislation that renders the Convention impotent. Secondly, the U.S. Senate cannot ratify a treaty and then renege on its own commitment to provide effective and reasonable measures for implementation.

Mr. President, this legislation includes three provisions that are of concern:

(1) First, there is a measure that allows for the President to refuse a challenge inspection on the grounds that it "may pose a threat" to U.S. security interests. Presumably, Hussein did not want UNSCOM in his Presidential palaces for similar reasons. Other countries would no doubt follow suit. The White House is claiming that this is "harmless," because they do not intend to invoke it. If there is no intention to use it, then including this provision merely opens the door for other nations to follow our lead and diminishes our capacity to catch cheaters.

The CWC provisions on challenge inspections preclude abuse of the challenge inspection option. The treaty incorporates stringent measures to ensure that confidential or classified information remains secure. Moreover, the CWC provides penalties for any state that might opt to invoke a frivolous challenge inspection.

(2) Another dangerous aspect of the legislation is found in the provisions on routine inspections and sampling. Again, the verification measures and procedures of the CWC were painstakingly crafted to ensure privacy and confidentiality. Also, the ability to detect cheating at both declared and undeclared facilities is critical to the viability of the regime.

The proposed implementing legislation before the Senate allows for only one inspection per year at industrial plants. The treaty allows for two. This is a critical point. Given the number of facilities worldwide that will require inspection by a relatively small, highly qualified cadre of inspectors, most facilities will only be inspected once a year. However, the treaty allows for two routine inspections in case something suspicious or inexplicable is unearthed in the results from the first inspection.

The persons drafting this legislation may have assumed that they would be sparing U.S. chemical facilities from the tedious drill of coping with more inspections than necessary. However, this view is short-sighted and will hinder the inspectorate's ability to identify cheaters. Again, other countries will follow the U.S. lead.

Should inspectors come across suspicious evidence in another country and desire more information to clarify the activities at a foreign facility, the only option at that point would be to wait a year OR invoke a challenge inspection. A lot of deadly chemicals can be produced in a year.

In addition, challenge inspections were thought to be necessary to unearth undeclared clandestine activities. In all likelihood, invoking a challenge inspection will be fraught with tension. Do we want to escalate every unclear circumstance at any facility in any country to the level of a challenge inspection, when the original provisions of the CWC provide the means necessary to avoid this?

(3) One last provision within this legislation requires adjustment. I remind you, once again, CWC was carefully crafted to provide measures for stringent and comprehensive verification. The redefinition found in the implementing legislation would undoubtedly narrow the number of U.S. facilities required to make declarations. Please bear in mind, the U.S. cannot hold other countries to standards that we ourselves are not willing to meet.

Most commercial products have a mixture of chemicals in them. For example, a ballpoint pen contains a chemical that could be extracted and used to make poison mustard gas. Under CWC provisions, chemical manufacturers are required to include in their initial and annual declarations the production of mixtures with a low concentration in so-called Schedule 3 chemicals. U.S. chemical industry representatives and U.S. government officials agreed that 30% or less of a Schedule 3 chemical in a mixture constitutes a low concentration.

The U.S. implementing legislation changes that figure to 80%. In other words, substantially fewer U.S. facilities will be subject to completing annual declarations or inspections. The same will hold true for other countries that follow our example of assuming that 80% is a low concentration. We thereby increase the likelihood that proliferators will use industrial facilities to mask chemical weapons activities, averting detection.

The Chemical Manufacturers Association was extensively involved in designing the CWC verification measures. Chemical Manufacturers in this country were a strong and vocal group in support of this treaty. They consistently urged that stringent and comprehensive verification provisions be included in the treaty. The U.S. chemical industry did not ask for these provisions to protect their interests so who, then, do these provisions protect? The answer is simple: The provisions in the U.S. implementing legislation protect those who want to cheat on this treaty.

These restrictions on routine and challenge inspections will inevitably backfire on U.S. security interests. Keeping in mind that the U.S. is setting an example with its implementation of the treaty's provisions, these restrictions provide a great deal more latitude within which a rogue nation can maneuver to hide a chemical weapons program.

Intelligence sources repeatedly identify over two dozen states that either already have or are attempting to attain chemical weapons capability. In its first year, the CWC has begun to reverse that trend. In view of our most recent experience in Iraq, there is little reason to assume that lax verification measures for detecting or deterring weapons of mass destruction designs or capabilities will serve U.S. interests.

At this time, the U.S. itself is already in violation of the CWC, because it has failed to pass implementing legislation and commence with declarations and inspections. The U.S. Administration has come under intense pressure from Japan, China, Australia and the European Union to proceed.

The U.S. chemical industry is confronting pressures from their trading partners overseas, because it has not yet been subject to inspection. States that are complying fully with the CWC's reporting and inspection requirements are threatening to stop inspections on their territory if the United States, which has the world's largest chemical industry, does not soon allow inspections of that industry to proceed.

Due to these pressures, the U.S. chemical industry and the Administration want action now. However, we cannot allow these pressures to distract us from the fundamental problems with this implementing legislation. Short-sightedness on issues of U.S. and international security can be very dangerous over the long haul.

Proliferation of weapons of mass destruction and the means to deliver them are the most serious threat to U.S. security today. The aims of the Iran Missile Proliferation Sanctions Act are laudable and I fully support them. I supported the Chemical Weapons Convention last year, and I would wholeheartedly support passage of reasonable and effective implementing legislation for that treaty. Due to the pressures that our chemical industry is confronting and our current violation of the Convention, I will also support this legislation.

However, I will not do so without pointing to the hypocrisy of sanctioning entities who proliferate missile technology to Iran, and, at the same time, passing implementing legislation that opens the door for chemical weapons proliferators.

It is essential that we impede the flow of missile technologies to Iran. It is also critical that we pass implementing legislation and join the international community in eliminating chemical weapons and detecting defectors. However, it is critical that we do it right. This CWC legislation is all wrong. I would like to work with my colleagues to improve this implementation regime in the near future. Otherwise, our overzealous desire to shield ourselves will ultimately be used by those we would like to protect ourselves against.

Mr. KYL. Mr. President, I inquire, if all time has been yielded back, the amendment has been accepted, are we not ready to proceed to the vote on final passage?

The PRESIDING OFFICER. If all time on the bill is also yielded back, we are prepared to do exactly that.

Mr. KYL. There is no time on this side. I do not know about the other side.

The PRESIDING OFFICER. The Chair will observe the Senator from Delaware has 8 minutes remaining on the bill.

Mr. BIDEN. Mr. President, I will, in a moment, yield back the time I have left.

Mr. President, I will conclude by suggesting, again, I think this is the wrong time to do this. I think it has its greatest value held in abeyance, as long as significant progress is being made. I am fearful if this is signed into law by the President, in the near term it is going to have the exact opposite impact. But in the interests of accommodating people's schedules—although I am not sure how much we are going to accommodate because I am told there will be insistence there be a vote on the highway bill, and if that is true, we are not being able to accommodate anybody's time. But I am delighted to yield the remainder of my time.

Actually, 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. BIDEN. 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. BIDEN. Mr. President, I yield the remainder of my time. We are prepared to vote.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. BREAUX. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting the Senator from Massachusetts (Mr. KENNEDY), would vote "yea."

The result was announced—yeas 90, nays 4, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—90

Abraham	Faircloth	Lieberman
Akaka	Feingold	Lott
Allard	Feinstein	Mack
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Burns	Harkin	Roberts
Byrd	Hatch	Roth
Campbell	Helms	Santorum
Cleland	Hollings	Sarbanes
Coats	Hutchinson	Sessions
Cochran	Hutchison	Shelby
Collins	Inhofe	Smith (NH)
Conrad	Jeffords	Smith (OR)
Coverdell	Johnson	Snowe
Craig	Kempthorne	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

NAYS—4

Biden	Lugar
Chafee	Rockefeller

NOT VOTING—6

Bumpers	Inouye	McCain
Ford	Kennedy	Murkowski

The bill, (H.R. 2709), as amended, was passed.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

THE HIGHWAY BILL

Mr. STEVENS. Mr. President, I want to announce that the Appropriations Committee will hold a meeting at 2 o'clock to discuss ISTEA, and until that meeting is over, I will object to any proceedings on ISTEA.

Mr. LOTT. Let me say, because I know everyone is interested in this, this is a critical moment on a very important bill. The managers of the ISTEA II legislation have labored late into the night and all morning trying to make sure Members are aware of what is in the bill. I think they have done a good job. It might not be perfect in anybody's eyes, but we need to get it done. We need to get it done this afternoon.

There will be an opportunity for Members to express themselves, but I believe for all concerned the wise thing to do is to go to this bill as soon as we can, have a limited debate, and vote. It won't be easier on Sunday afternoon at 4 o'clock. It won't be easier in a week or a month.

I think we need to complete this legislation. We will work on both sides, as we have all along, to make sure that Members are satisfied with what we try to do.

Mr. DASCHLE. Mr. President, I concur with the remarks just made by the majority leader. We have 20 or 25 Senators, all of whom have planes to catch this afternoon, who don't want to miss this vote. I certainly hope that we wouldn't inconvenience a third to half of the Senate as we get to this crucial time.

I hope everybody will cooperate and work with us. We have to get this legislation done. My hope is that we won't leave until we get it done. I hope we could seek cooperation on both sides.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I am happy to yield.

Mr. STEVENS. Where is the report?

Mr. LOTT. Mr. President, we have the managers here on the floor that have worked on this legislation who are prepared to begin to discuss the legislation, to answer questions, and be prepared to go to a vote when the Senators are ready to do that.

I don't know the physical location. I presume that will be available.

Mr. STEVENS. As I understand, no one lives further from the Senate than I do and I have a wife waiting for me halfway home.

However, I am also a conferee. I have not seen the conference report. I was not given even the privilege of deciding whether I should sign the conference report. I do not know for sure what is in the bill as far as the jurisdiction of the committee I happened to chair at the time. I have not waited almost 30 years to be the chairman of this committee to see it emasculated in 5 minutes because people have to get a plane home.

Mr. LOTT. In response to the Senator from Alaska, I understand that he wants to see what is in it. I think he will like what he sees in it, both for him and his constituency and the country as a whole.

This is over a $200 billion bill that is needed in this country for safe, decent roads, bridges, and mass transit. We have drug it out for weeks and months and it is time to act.

Now, does every Senator deserve a right and an opportunity to see the formula and see how each State does and look at what it means for the Appropriations Committee and every committee? Yes, let's do it. Let's do it now. You will have an opportunity to look at this, and others should. But it is time that we get serious and get it done in a reasonable time in the best interest of America.

My father died on a narrow, two-lane road that wasn't safe and I am not going to stand any longer for us having inadequate roads and bridges in this country and for money to be sometimes spent in other places.

I am bending a little bit here, but I think everybody in this Chamber knows I tried to listen to everybody's needs, concerns on both sides, on tough legislation this week and this year. I am sympathetic. I wanted to look at the numbers. I have. I haven't seen the report. I don't know whether it is perfect. But it has been a laborious, tough, involvement and it is time that we bring it to a conclusion. Help me do that.

Mr. STEVENS. Mr. Leader, I regret deeply the death of your father. I have similar feelings when cancer comes before the Senate because my grandfather, father and brother all died from cancer. I understand those feelings.

However, I also understand that our committee has responsibility for the controllable expenses. This bill reduces controllable expenses, if I am told right, by at least 2½ to 3 percent. It further will require, if I am informed right, that if there is an increase in the highway tax revenues, we must spend them, even if it means changing the budgets for other subcommittees. If there is a decrease and the estimates are not met, I am told we will take the money from controllable accounts and put it in this account to pay for highways at the cost of all the other functions that are controllable.

Now, I think that is something that I have a right to look at and Senators have a right to debate if they want to do that. I regret deeply being in a position of apparently opposing my leader who I do support and am committed to, but I feel this process needs to be understood.

Again, I am only reporting what I have been told because I have not been privileged to have a copy of this yet, despite the fact that I am on that conference committee. Now, I have been here almost 30 years, and I have never seen this happen before. Never.

Mr. LOTT. If I could respond.

Mr. STEVENS. And it is not going to happen now without me seeing that report.

Mr. LOTT. I have been here 25 years as a Member of the House and Senate and 4 years before that as a staff member. I have never seen a highway bill that was done any differently than this. Maybe this one is even a little better.

I was getting calls at my home last night until 11:30. Senators were involved, Congressmen—negotiations going on right downstairs. There have been staff members and Senators and Congressmen coming in and out of there.

I know the Senator from Alaska, as chairman of the Appropriations Committee, has seen the computer runs previously.

Mr. STEVENS. Not one. You had my staff's estimate of that run. I asked repeatedly for a copy of it and the Senator from Rhode Island will tell you, he told me the other day they were not available yet. We had an estimate of the run, and it was run on our own computers.

Mr. LOTT. I would like you to meet Senator CHAFEE.

Mr. STEVENS. I met him at Harvard Law School in 1947.

Mr. LOTT. And Senator WARNER. We would like you to get together and look at the numbers and the language and I believe you will be happy.

Mr. STEVENS. Respectfully, Mr. Leader, there have been meetings all over this Congress for the last 2 weeks and I have tried to get into them and I was not allowed in. Now, we are going to have a meeting of our committee to find out how this affects the appropriations process. Until we know how it does, I hope you will understand, I respectfully object to proceeding with this bill until we have seen a copy of the report.

Mr. LOTT. I think the easiest thing to do to resolve this problem is for you all to go meet, stop talking about it, get what you need, and then we can go ahead.

Mr. STEVENS. Parliamentary inquiry. Is the report before the Senate yet?

The PRESIDING OFFICER. The report is not before the Senate.

Mr. CHAFEE. Will the majority leader yield?

Mr. LOTT. This applies to the Senator from Rhode Island. While the appropriators are meeting and having a chance to review the documents, I think this would be a good time for the managers to begin to talk about and explain what is in the bill, what the policies may be, answer questions of Senators. We can begin the process right now. I believe Senator DASCHLE thinks that would be a wise move. I believe that would be the thing to do at this point.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, we have charts here and we will make them available for anybody who wishes to see them. I know that most of the Senators' staffs have been briefed already today on this. Those Senators who have not, we certainly would be delighted to meet with them and go over this chart and give them a copy. I think that is the way to do business. It is true that the report is not yet before us, and that was understood when we commenced this discussion, with the idea to save as much time as we could. The report will be along. Certainly, it is a massive report. People are going to have difficulty absorbing it, but those are the time exigencies we are working under at this time.

Mr. President, pursuant to what the majority leader said, at this time I will discuss the philosophy behind this legislation and some of the difficulties that we encountered as we proceeded. The philosophy we had in this legislation was to repeat what took place, as far as the general philosophical approach in ISTEA I, which passed in 1991. Now, in 1991, the first time, we passed a measure that was truly a transportation bill rather than solely a highway bill. In other words, the philosophy in 1991 was to do the best we could to devise a system to move people and goods from point A to point B in the most efficient and safe manner. So, as I say, it was more than just a highway bill; it was a transportation bill.

Mr. President, so thus we have this legislation, which deals not solely with highways, as I said, it deals substantially with mass transit. Likewise, indeed, it encourages what they call "intermodalism," which is the blending of various methods of transportation. That is where the "I" comes from in Intermodal Surface Transportation Efficiency Act. That is where the original ISTEA acronym came from. We believe we followed out that philosophy in connection with this legislation, which sometimes we call ISTEA II.

Mr. President, we then came to the always-difficult part of determining how to divide up the funds. You have a limited amount of funds, and how do you divide them? So we have a formula that is worked out. In that formula, you take into account vehicle miles traveled, number of lanes, mile lanes in the State, you take into account bridge problems, and a host of other factors, and that becomes the formula.

When you run something like that, you frequently end up with difficulties. Not everything comes out just the way you want it. So we made adjustments to the best of our ability. One of the points that was cardinal in our approach on this legislation was that all the donor States—that is, the States putting in more than they get back—should at least receive— originally, we strived for 91 cents back on the dollar. In other words, every dollar a donor State put in, the effort was made to get 91 cents back because, in ISTEA I, we have a series of States who received back 88 cents, or even less than that in some instances.

Now, when you try to bring States up from below 90 cents or 88 cents, wherever it might be—for example, California, under ISTEA, was at 89 cents. You would think just bringing California up 3 cents for every dollar put in would be a simple thing. Well, mechanically, it is; but cost-wise, it is very expensive. So despite our sincere efforts to get everybody 91 cents back on the dollars contributed, the best we could do was 90.5 cents. Therefore, if you look down the list of those receiving moneys, you will find there is no State below the 90.5, and that is a very, very significant achievement. Now, do we have some States who are getting back more than a dollar? Of course, we do. Those are the donee States. But we believe that, taking into consideration all the factors, we ended up with a fair deal.

The average increase that was received across the country was 43 percent. That is the increase over ISTEA I. In some instances, States go to more than that. Alabama is at 60.6 cents in increase, for example. Some States were less. But that is what comes about when you strive to reach as much fairness as possible.

Let me say, there are frequently distorting factors that get into these equations. What would be an example of a distorting factor? A distorting factor would be a State that had received very, very significant additional amounts in a prior year—that is, when the formula was worked out under ISTEA I. Pursuant to that, that State received either a monstrous amount of projects, or very significant amounts of other moneys coming from various sources that distorted the picture of that State, so that you could not take that State with the very high additional amounts that it had received through projects, grants, project moneys, and expect to get a 40-percent increase on top of it. So that accounts, in some instances, for the fact that some States would be considerably lower than the 43-percent increase over ISTEA I.

So, Mr. President, I am prepared to talk with anybody about this. As I say, I think many staffs have been briefed. We have tried to keep certainly the conferees from the Environment and Public Works Committee briefed as we went along. We had a whole series of meetings to try to keep them briefed. It is true that when you do negotiations like this, you don't have 65 people from each side in the room. There has to be a limited number of negotiators in order to get moving along. We were fortunate in our negotiations. We always included, every step of the way, the ranking member and representatives from his side of the aisle. Likewise, I was tremendously assisted in this by the chairman of the subcommittee dealing with this subject. That is, the Infrastructure Subcommittee of the Environment and Public Works Committee, Senator WARNER of Virginia. It so happened that the ranking member of the full committee is also the ranking member on that Infrastructure Subcommittee. So that Senator BAUCUS was, in fact, wearing two hats.

Mr. President, I think the result is not everything all our way. No; it isn't. But that is what happens when you get into negotiations.

One of the things I am very glad about is that some of the language that was in the House bill was not accepted. In other words, it was dropped. Of course, there are some things that we had that were likewise dropped. But some of the provisions—for example, the so-called "mid-cost correction"—which would reopen this whole subject in 3 years we felt was not constructive. To go through all of this another 3 years from now would not be something we would countenance.

Mr. President, I am glad to yield to the distinguished ranking member and have him address his remarks to what we have been undertaking.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I want to first compliment the chairman of our committee, Senator CHAFEE, who has done, I believe, an extraordinary job. I wish Members of the Senate who were not in the conference committee could have watched the proceedings. They would have seen the chairman set a very civil, gracious, and respectful tone. That was the tone of the conference. Sometimes conferences get pretty acrimonious. This one was not at all.

Just a brief summary of the bill, Mr. President, on where we are.

This is truly a historic bill. That is a term that many Members of Congress use somewhat loosely around here. But this one really is. And I think even compared to the last ISTEA bill, this is historic. Let me tell you why.

For the first time, all the dollars that we as citizens pay in fuel taxes when we put gasoline in our cars, or diesel fuel in our pickups, will go into the highway trust fund. And all the dollars that come out of that trust fund will go back in the form of highway allocation, or mass transit allocation. We are not changing the distribution between mass transit or highways. But, again, all the dollars that come into the trust fund paid for by gasoline taxes will come out of the trust fund through to the State's allocation for their various highway programs, or, in the case of the mass transit account, to the mass transit account. That is a major change from the current practice. The current practice, for those of us who fill the gas tank and put dollars into the highway trust fund through our gasoline taxes and are not sure that those dollars are going to come back in the form of highway allocations, sometimes those dollars at the will of the Congress and the President are used for other purposes. That will no longer be the case. Dollars in, dollars out.

We also wrote into this legislation a guarantee called a "firewall" to make sure that happens. It is not totally 100 percent guaranteed, but for all intents and purposes, it might as well be.

After that huge increase, we have a lot more highway dollars coming out, not only because of the guarantee I mentioned but also because just recently Congress enacted legislation to ensure that the 4.3 cents-per-gallon gasoline tax previously used for deficit reduction is now going into the highway trust fund, which means 4.3 cents more than previously was the case. The rule of thumb basically is that 1 penny of gasoline tax—about $1.6 billion, or $7 billion—goes into the highway trust fund. This is a big increase. On average, States will receive about a 43-percent increase in highway funds for each of the next 6 years compared with what they have received in the past 3 years. It is again for those reasons.

I might also say that the attempt of the conferees, which I think was met, was for regional balance. This process started in the Senate about a year ago. Senator WARNER from Virginia, myself, Senator CHAFEE, and Senator MOYNIHAN, also for all intents and purposes, introduced separate bills representing different parts of the country, each part having generally a different point of view. Senator WARNER was essentially concerned proportionally more about the donor States; that is, those States which historically have been receiving from the trust fund considerably fewer dollars than they have been putting in.

Then there are the Western States, and small States which have unique circumstances because of low population density, and sometimes wide spaces, which also have a certain point of view.

Then, third, there are the Northeast States by and large—I grant you these are very rough estimates and a very rough explanation. But the Northeast States, which are more densely populated historically, receive quite a bit of highway funds as well as mass transit funds.

We try to give balance in this bill, first by ensuring that the donor States, those that would put so much into the highway trust fund but receiving a lot less, are guaranteed essentially 90 cents on the dollar—90.05 cents. There are some adjustments. That is basically it.

In addition, small States receive what small States believe would be a fair share. It is true that the Northeastern States don't get the same, on average, percent increase. But that is, to be honest about it, because those States in the previous ISTEA bill got quite a large chunk of money compared with other portions of the country.

So this is a guarantee to even things out.

For those who are concerned about the environmental provisions, let me say that this bill is environmentally sound.

There is the congestion mitigation account, which has more dollars in it than the previous ISTEA bill.

So the dollars are there for cities which do not meet the Clean Air Act standards—additional dollars—to undertake the various expenditures to reduce air pollution in their cities. That is there.

The enhancement provision is still fully funded. Those who are concerned about bike paths and trails are also going to be, I think, happy with the provisions in this bill.

We also rejected in the final hours some provisions which I think would have been very harmful to the environment.

There has been some talk about the PCB problem in New York. That was rejected. It is not in here.

I can list other attempts. I know some of the environmental conservation committees are worried about what was attempted to be put in this bill and the conferees rejected.

I might also just outline and remind us that each of us, as a Senator, is worried about fighting for our respective States. That is our job, that is what we ran for office for, and that is what we hired out to do—to represent our States the best we possibly can.

As you know, Mr. President, most Senators are not wallflowers. Most Senators are good advocates for their States. They are fierce advocates for their States, which obviously means that it is hard to get 100 points of view all accommodated, particularly when each State thinks it has a unique point of view that makes it a little bit different from other States. Add to that the further complication that there is another body; there is a House of Representatives. We in the Senate pass what we think is the best legislation for our States. The highway bill that passed the Senate passed by a very large margin. Senators liked the bill. It was good for our respective States and was a good compromise for all our States. But House Members have a very different view on the highway program compared to Senators. It is, very simply, because we Senators represent entire States; House Members don't represent entire States, except for a very few. There are about five or six very-low-populated States, like my State of Montana, which has only one Member of Congress. But most Members of Congress, who tend to be from populous States, such as New York, California, and Florida, for example, are really much more interested in their districts; what is the highway bill going to do for their districts, rather than for their States? Of course they care about their States. They care deeply about their States. But I dare say they probably care a little bit more about their district. After all, they run for reelection every 2 years. They want to show, legitimately and properly, to their constituents, the people who voted for them—or perhaps didn't vote for them—that they are doing the best job they possibly can for their district, which means the formulas, as the allocations, somewhat clash.

Senators are worried about Senate distribution. Senators are worried about State distribution. House Members are worried a little bit about State distribution, but quite a bit about how much their districts get. Hence, we have this phenomenon called demonstration projects. It is difficult to meld these two competing points of view together.

I mention all of this because as we in the Senate are here, now, voting on this conference report which is about to be before us—as we look at it, we might find it is not exactly what we would have preferred. It is not exactly the bill that passed the Senate. But when Members of the Senate look closely at what is in this conference report, I think they will find it is very close to the provisions that passed the Senate and should not be distressed. Certainly, it is important to point out that every State but for one, which is a very, very special case, will receive a significant increase in dollars per year allocated to the State. The average increase, and I must underline the word average, is about a 43-percent increase for all the States. That is not a small number. It is a large number. It means, for example, that it is increased from

The PRESIDING OFFICER (Mr. ENZI). The time of the Senator has expired.

Mr. BAUCUS. I ask unanimous consent to speak for 2 more minutes.

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

Mr. BAUCUS. So it, the current program, is roughly $18 billion, the current ISTEA which expired. This bill is $26 billion, roughly; hence, roughly a 43-percent increase. And a State, on average, will receive that 43-percent increase. So, while there are little "i's" that are not dotted properly according to some Senators, or "t's" that are not crossed properly according to some, I submit this is a good bill. It is good for the country. It repairs a lot of needed repairs. There are a lot of roads in our country that need repair and curves that need to be straightened out—in addition to our very good environmental programs in this bill. I just hope the Senate, when we see the conference report from the House, acts on it very quickly because then we will have finished our business, people home will be proud of what we have done, and we can get on to other business when we come back after recess.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to speak on this highway bill. Seeing there is no one else here, I will not limit time. But I want to, first of all, congratulate the chairman of the committee and the Senator from Montana, the ranking member, at having done what I think is an excellent job with a most difficult issue, an issue where you take a vast amount of money that comes in from gas taxes and seek to put it into a formula that is fair to all the States, and yet adheres to the purpose of the thing, which is an interstate highway program that runs from coast to coast, that runs from Mexico to Canada, and that does all the things that an interstate program is supposed to do. So there does need to be some adjustment, in terms of the dollars, with respect to the various States.

It is most difficult. I am here to support the bill. I think it is well done. Also, to remind Members that this committee has been working in this area for more than a year. This bill was brought to the Senate more than 2 months ago and passed, I think almost unanimously, and this proposition that comes before us today is very similar to what was passed here in the Senate.

One of the difficult parts, procedurally, of course, is that something quite different was passed originally in the House. In order to get this done, there has to be some conference. There has to be some communication. There has to be some allocation of differences between the House and Senate, and they were extreme, those differences, particularly in the area of the so-called demonstration projects, all above the formula line.

So it has been a very long process and one that has been tedious, one that has been difficult. I sympathize, I think, with the chairman of the Appropriations Committee in his feeling of not having been as involved as he would have liked to be. I suspect that is probably true of all of us. This is a large bill. It will be out here soon. We are saying, my gosh, we are being asked to vote in an hour or two on a bill of that kind? But the fact is, the real issues have been known for some time. The real issues have been talked about. The real issues have been in the daily reports. The real issues have been done by our staffs. So it is not a surprise.

Of course we don't know all the details, and unfortunately I have to say: How many of these bills that are 18 inches high has everybody read on the other issues? But the principles are there. And the principle is to try to spend about the amount of money that comes in on gas tax for highways; that is fairly reasonable—or for transportation. The idea of guaranteeing that each State will have 90.5 percent of what they paid in, that is pretty basic. We know that.

We have some things in there that I think are very important to all of us. We have increased the money that goes to national parks. All of us have national parks. And certainly if we don't have them in our State, we all use national parks and enjoy national parks. They have no other source for funding, and that is good. For Federal lands, of course, to the Presiding Officer and I, representing a State that is 50 percent Federal ownership—and some others are substantially higher—Federal land money is very important.

So these are the principal things that are there. These are the things that we know about. I think we have to remember that the deadline for reauthorization has passed. It passed last January. We had a temporary bill that went into place until the first of May. This is something that makes it impossible, if we do not have a bill, for States to go ahead and plan. And that is particularly true for those of us who live in the northern part of the country where we have a relatively short construction time, and States need to know what kind of money they will have to deal with. So I think it is vital that we get into this bill, that we find out the basic points that we need to be informed on, and that we move forward and, frankly, do this before we go on this recess.

I guess, as a practical matter, we can go on the recess and we will not know a great deal. The issues will still be about the same when we come back. The issue is not so much a matter of understanding as it is a matter of not everyone is going to be perfectly happy. In Massachusetts, for example, they had a huge allocation before, for a special project, so their formula this year looks a little strange because they don't have that huge project in.

So there is an effort to make it that way. So I hope we move forward. We have really been through this business of talking about whether we are going to spend the gas tax on highways or not. We went through that. We voted on that. We are ready to move forward. This is a very complicated program. I believe it is a good one. I believe the committee has done very well, and I urge my friends in the Senate to move forward and complete this discussion today.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have been a member of the conference committee on the ISTEA bill, and I want to express my appreciation to all those who played a leadership role in writing this legislation.

North Dakota is profoundly dependent on Federal support to maintain a strong road system in our State. As all of my colleagues know, we have a big area and we have a sparse population. If we are going to have a national road system, we have to have a national program.

I can tell my colleagues, it would be pretty grim going across North Dakota without the Federal Highway Program. Instead, we really have an outstanding network of roads across our State, although they are in deteriorating condition. You cannot drive around my State without noticing that the condition of our highway network is deteriorating, and deteriorating markedly. That is why it was so critically important that there be additional resources for the road and bridge program in the country and why I am so pleased at the result of the conference committee.

We have seen a very significant increase in funding. On average, States will receive a 44-percent increase. I am pleased my State will do somewhat better than that, but it is very much needed. Our State will receive $171.5 million a year. Under the previous program, we have been getting $111 million a year. So that is a substantial increase. It is very much needed in order to catch up with the maintenance conditions that currently exist in the State.

I will say, Mr. President, that there is a part of this funding mechanism that does concern me, and that relates

to the question of the funding. I am concerned about that part of the funding that comes out of the veterans' program. There is a group of us who opposed that funding mechanism in the Budget Committee and who opposed that funding mechanism on the floor of the Senate when we had an amendment to try to change it. I assure veterans in my State that we will take further steps to try to redress the wrong that is done with respect to that funding source in the highway legislation.

With that one exception, I think it is very important to thank those who have been the leaders on this matter. The Senate bill was far superior to the House bill, and we should thank Senator CHAFEE and Senator BAUCUS for their very strong leadership in allowing us to have a bill that is much closer to the Senate bill than to the House bill.

I thank our colleagues who were members of the conference committee, and I especially thank Senator CHAFEE and Senator BAUCUS. I thank the Chair and yield the floor.

Mr. DORGAN addressed the Chair.

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

Mr. DORGAN. Mr. President, I add my congratulations and my thanks to Senator CHAFEE and Senator BAUCUS especially. My colleague, Senator CONRAD, has described how important this piece of legislation is. I know both the chairman and ranking member worked very hard for a long, long while to make sure that the result was a result that is fair to all parts of this country.

A lot of people don't think much about road issues. Not many people think about roads when they are driving on a good road. They don't think about roads much until they hit a bad road. They don't think about bridges until they read a story or see a bridge that is in disrepair or has fallen down and caused a loss of life.

The investment in this country's infrastructure—roads and bridges—is critically important. In a State like North Dakota, that is 10 times the size of Massachusetts in landmass, yet with only 640,000 people living in the State, it is very difficult for us to maintain a broad network of roads and infrastructure without the kind of investment that will be made possible in this legislation.

The Senator from North Dakota, Senator CONRAD, mentioned the increase in funding that will exist with this legislation—from $111 million a year to about $170 million a year, just in excess of a 50-percent-per-year increase. That comes from the gas taxes that people pay when they drive up to the gas pumps and fill their car. That gas tax is used to invest in this country and invest in its infrastructure—roads and bridges. That is what makes possible this kind of legislation.

This is a wonderful step forward. I know some debated the size and debated the formula, but the fact is, this is the kind of investment that makes you feel this is a better country because of it. If you go to other countries—I won't mention them—if you go to a half-dozen or dozen other countries and drive on their roads, you immediately understand that they have trouble financing their infrastructure. Their roads are in disrepair, full of potholes, some barely built, some not graveled.

All you have to do is look at a country's infrastructure to see what kind of country it is. Is it a country which devotes the resources to roads and bridges and the things that make transportation possible and the transportation of grain and commodities and items of commerce back and forth possible? The answer is yes. One of the important things about this bill is, we decided long ago that transportation should be national in scope. If you are going to haul fresh fish or frozen shrimp from the State of Washington to the State of Maine, you are going to need roads across the center of the country, even if it is not very populated. Yes, you might drive through Wyoming and North Dakota. There aren't many people there. It is a lot less crowded than New York and California. But the roads to get from here to there are just as important as a mile of road in New York City. That is what the need of a national highway program is all about.

When Dwight D. Eisenhower decided to build an interstate highway system, he didn't say, let's spend all that money just where people live; he said, we are going to build an interstate highway system and we are going to build it to connect the entire country, and we are even going to make that investment in sparsely populated States because that is what allows people to move around this country.

That is the long way of saying this is a good bill and advances the interests of our country.

Let me make one final, quick point.

I have worked 5 years on a small piece of legislation that probably will not mean much to some, but it is in this piece of legislation we will consider this afternoon. In five States, it is perfectly legal in America to put one hand on the driver's wheel of a car and another on a fifth of whiskey. Drink and drive and you are perfectly legal. You just can't be drunk. No problem drinking while you drive. In 22 States, if the driver can't drink, it is fine for the people in the back seat or the person in the front seat next to the driver to drink while you drive.

For 5 years, I have tried to get that changed. Some say I have no right to tell some State that they have to have a prohibition on open containers in their State. Maybe they think I have no business doing that. I have a right to say to anybody anywhere in this country who drives into an intersection in any city, any State, that they ought to have some reasonable expectation they are meeting a car in which the driver isn't drinking or in which there isn't alcohol being consumed in the car. We have a right to aspire to that in this country as a sense of national purpose.

Drunk driving is a major problem in this country. Every 30 minutes, another family receives a call. My family received the call. A loved one was killed in a drunk-driving accident. Every 30 minutes, every hour, every day. This is not some strange and mysterious illness for which we do not have a cure. We know what causes it, and we know what cures it.

This piece of legislation today includes a provision that States will enact a prohibition on open containers, and it has a sanction if they do not. The sanction is not quite as strong as I proposed, but, nonetheless, it is still a sanction.

This advances some things that I have felt strongly about and worked on for 5 years. The Senate voted on this provision. It was somewhat controversial, but it passed the Senate, and I am very pleased that, in the conference with the House, we were able to keep this provision. I also know that because this provision exists and because this Congress took this step, lives will be saved. I commend those who worked with me to fight for that piece of legislation.

Finally, let me say thanks again to all of those who worked so hard. A lot of folks worked around the clock a couple days on this. Their names probably will not be called on the Senate floor, but thanks to them for their commitment.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we are only going to have an hour when the bill comes over, if that. I know many of my colleagues are eager to start the Memorial Day recess. I thought I might do a good turn for some people who have tickets to go ahead and speak now on the highway bill rather than waiting for my assigned time, which has been previously reserved under a unanimous consent request, to speak on the bill. So as a matter of courtesy to my colleagues, I wanted to go ahead and speak now.

Mr. President, we have before us a highway bill that will have a profound impact on our country. I am very proud of this bill. I am proud to have played a small role in making this bill happen.

I started 2 years ago in an effort to convert our tax system on gasoline into what I would call honesty in taxation. We had a situation where for almost a decade Americans were being

told that when they bought gasoline and paid taxes, that that money was going to build roads.

And yet last year, roughly 25 cents out of every dollar of gasoline taxes ended up going to general government to fund everything, except highways.

And yet, when Americans went to the filling station and stood there pumping gas in their car or truck, they could read right on the gasoline pump the bad news, that a third of the price of a gallon of gasoline was taxes, and the good news, that at least the taxes went to build roads. The only problem, as is often true with government, the bad news was true; the good news was not true.

I was able to get an amendment on the Finance Committee bill cutting taxes last year that shifted all revenues from gasoline taxes into the highway trust fund. Senator BYRD and I started a crusade at that moment to guarantee that the money collected in gasoline taxes that went into the trust fund was actually spent on highways. That crusade has reached a successful conclusion with the adoption of this bill. Under this bill, every penny collected in gasoline taxes over the next 6 years will be obligated to be spent on highways and on mass transit in this country.

The net result is a dramatic increase in resources to build new roads, to maintain the roads we have, and it is literally true that thousands of lives will be saved as a result of the adoption of this bill and the increased resources. It is true that millions of hours that people would have spent snarled in traffic will be saved so that they can spend more time at work earning a living, so they can spend more time with their families doing the things that parents want to do, spending time with their families and enjoying the fruits of their labor.

A second achievement of this bill is that we have taken a long step—big step—toward eliminating inequity in the distribution of funds. We have a National Highway System. And I would not have it any other way. But part of the problem with the National Highway System is that when you are building certain sections of interstates or you are building big projects, it produces a situation where some States are donor States, that is sending more money to Washington than they are getting back, and other States are beneficiary States, getting more money spent in their State during that time period than they received back.

My State in recent years has been a donor State. When we were building the big east-west interstate highway systems, we were briefly a beneficiary State. But under the last highway bill, which lasted for 6 years, Texas averaged getting back only 77 cents out of every dollar we sent to Washington in taxes.

One of my goals—and a goal that was championed in this bill by Senator WARNER—has been a goal of trying to guarantee that no State in the Union will ever get back less than 90 cents out of every dollar they send to Washington to be spent on highways, no matter what national project is being undertaken. We actually did slightly better than that in this bill. But that was our objective. I think it is a major improvement in highway construction, and I think it is fairer to our States than the old system.

I am, obviously, proud of a provision of this bill which provides money for border infrastructure and for international trade corridors. We have entered into an international trade agreement with Canada and Mexico. It has literally filled up my State with trucks hauling goods and services back and forth. The good news is that it is creating jobs on both sides of the border. It has brought great prosperity to my State. The bad news is it has literally pounded our roads and highways into dust in many parts of the State. It has made I-35 in my State a parking lot for hundreds of miles. And we are looking at a doubling of the truck traffic over the next 7 years.

So one of my major priorities in the bill was to begin to provide funding to develop international trade corridors and border infrastructure. We provide $700 million in this bill for that purpose. I really see it as the beginning of something bigger.

If you look at a map of America and you look at our Interstate Highway System, and you stand back from that map, the plain truth is that we, with just a few exceptions, we have an east-west interstate highway system. And what we need to do over the next 50 years is to build a north-south interstate highway system to go with it. NAFTA will require that we do that. And I think this $700 million will be a major step in that direction.

There are many other provisions of the bill that I could talk about that I am pleased with—greater flexibility for mass transit in my State, other provisions that are of a parochial interest. But I will talk about basically the big picture on the bill. The big picture on the bill, in trying to sum it up, is every penny collected in gasoline taxes in the next 6 years will be spent for transportation infrastructure—by dramatically reducing discrimination against donor States, at least within the level you can achieve it, and have a National Highway System. The combination of those two factors—honesty in taxation and dramatically reducing the inequity in the distribution of funds—will mean that Texas will get 61 percent more money under this highway bill than we did under the previous highway bill. Our total level will be $11.3 billion.

That money is desperately needed in my State, as I am sure the money from the bill is needed in every State in the Union, to build the highways we need, to maintain the roads we have, to rebuild bridges that are structurally unsound. And obviously this is a very important day for me.

I want to especially thank Steve McMillin, who has been my staffer working on these issues. It is literally true that his involvement and dedication and the hours he has worked, the quickness of his wit, has really been the difference between many of these provisions being in the bill and those provisions not finding their way into the bill. I have been constantly amazed at how well he knows the details of these issues.

I would also like to say that I appreciate the assistance and the work of two staffers who work for Senator BYRD—Jim English and Peter Rogoff. I do not think we have any staffers who knew more about the substance of this issue or did more than they did.

Often people who serve in the Senate get great credit for work we do. And often much of that work is done by our staffs. I wanted to be sure to single out these two staffers for Senator BYRD, and Steve McMillin on my staff who has rendered great service to my State and to the country.

Let me also say it has been one of the great privileges that I have had in public life in working with Senator BYRD on this issue.

When we joined forces here I felt it was like having a team of good, solid, strong mules attached to a wagon that has been stuck in the mud for a very long time, stuck in the mud as funds were taken out of the gasoline tax and spent on general government, really cheating the taxpayer and deceiving the taxpayer in terms of where money was going.

We have worked together for over a year, literally had dozens and dozens of meetings with our staffs, together with outside groups. We have worked together to build a nationwide coalition. We have undertaken, I believe, the only true bipartisan effort in this Congress. We have been successful.

Senator BYRD obviously was a critical part of that. It has been a great privilege for me to have been partners with him on this issue and to have an opportunity, at least in this way, to link my name with the premier legislator of our generation.

Mr. President, I want to congratulate BUD SHUSTER on this bill. This bill, I am sure, in many ways is the culmination of his successful career in the House. I am sure he hopes to have many other successes. But for the chairman of the Transportation Committee in the House to have put together a bill which achieves one of his lifelong objectives as a legislator, to assure that funds that are collected in gasoline taxes end up being spent for the purpose they are collected, this has

to be, at least to this point, the seminal achievement of his career.

I want to thank Senator CHAFEE for his leadership and his help in this bill. I want to thank Senator DOMENICI for working to see that we guaranteed money for highways, but that we didn't start a new entitlement program in the country.

Finally, I want to thank Senator LOTT for his leadership in pushing this effort forward. I do think this is an important bill and will certainly go down as one of the most important things we have done in this Congress, one of the most important things we have done in many Congresses.

Mr. DOMENICI. Will the Senator yield?

Mr. GRAMM. I am happy to yield to the Senator.

Mr. DOMENICI. Mr. President, I just wanted to say where you thank me, for whatever you did, I want to add to that statement to the best of our ability we have not sacrificed the other appropriated accounts to the increases in the highway bill. We have found offsets and other things. They could suffer at some time in the future, but what we put before the Senate when we approved this with the offsets already in there, even with the new programs for veterans that are in here, $600 million, we will not take the extra money out of the NIH and other accounts of government.

I told you I wanted to do that and you did not object on the floor, but this is the first time we could actually do it in the bill. We could think about it on the budget resolution, but we could do it on the bill.

Mr. GRAMM. My point, and I will yield the floor on this point, our objective was to guarantee that we spent money on highways, but we didn't want to start a new entitlement program. I think when you try to do something that has not been done before, it is often very difficult. But I think we can take pride in the fact that we do have all of the offsets in the bill. We are not going to bust the budget. We didn't start a new entitlement.

Mr. STEVENS. You said that for the third time. What is it, if it is not an entitlement program?

Mr. GRAMM. What it is is an earmarking of funds to be appropriated for the purpose that the tax was collected. The Appropriations Committee must still act for the money to be spent, but we have a guarantee that the money cannot be spent on anything else.

Mr. STEVENS. If the Senator will yield further, there are lots of programs where the taxes are collected for a particular purpose.

Take the airports and airways funds, for instance. There is a whole series of them. Those funds come from the appropriations process and they are appropriated.

You have created an entitlement in this bill, the most massive entitlement other than the Medicare trust fund entitlement, that I know. There is no discretion for anyone to change that except by an act of Congress, a subsequent act of Congress. There is no individual allocation of those moneys to meet needs.

The President will submit a budget in January. It will lay out what the highway department believes will be the return as estimated to have been brought into the Treasury from the year before and it will be spent. It will be spent according to this bill. There will be no review of what has happened in the year before, and we in the appropriations process would go over the budget request through the year and in September send a bill to the President to spend the money as we believe—that Congress believed, not the Appropriations Committee, but Congress believed—it should be spent.

That will not occur because this money will be spent according to the budget received from the Federal Highway Administration every year. That will be done by the Federal Highway Administration under their understanding of this law for 5 years. It will not be changed except by an act of Congress.

To this Senator, that is the most stringent entitlement that we have on the Federal laws in this country, that we have ever had.

Mr. GRAMM. Let me say this. We had a long, running battle over this issue. We had a long, running battle over this issue. Senator BYRD and I put before the Senate the proposition that the money collected in gasoline taxes ought to be spent. We thought it was wrong to have it diverted to other uses. We had a choice. The Senate voted overwhelmingly for it. We had two ways we could go. As the Senator knows, the House wanted to do an entitlement to take it completely out of the appropriations process and out of the budget. We rejected that.

We tried to find a compromise that would solve both objectives. One, not to take it out of the budget process, not to take it off budget, not to take it out of the appropriations process. But on the other hand, to be faithful to the commitment we made that the gasoline tax would be spent.

I think, given the commitment the Senate made overwhelmingly on the amendment that I offered with Senator BYRD, we did as well as we could do in meeting everyone's concern. I am proud of what we have done. I think it is a good compromise.

I conclude by again saying what a great privilege it was for me on this bill and my small involvement to work with Senator BYRD.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. STEVENS. Mr. President, I appreciate what the Senator from Texas has said. This Senator supported the concept that moneys which come in through gasoline tax should be spent for the purposes the taxes were collected. We have not had an argument over that.

Where we have the argument is over whether there should be a bill passed every 5 years that sets absolute corridors for the spending of money, with no discretion on the part of appropriators or the Congress itself to change—6 years, I beg your pardon. That is even worse.

The real problem we have with it is flexibility. I still haven't seen the bill. I have come to tell the Senate that I have visited with the chairman of the Budget Committee, for whom I do share with the Senator from Texas our admiration of the Senator from New Mexico as the chairman of the Budget Committee. Based upon his understanding of the bill, there is not a great problem, at least in the first 2 years of 1999 and the year 2000 with regard to the nondiscretionary funds that are within the jurisdiction of the Appropriations Committee being reduced because of the expenditure of more moneys to highways that are currently estimated.

Now, that is our understanding. We haven't seen the language yet. To my knowledge, no one in the Senate yet has read that language. Under the circumstances that we have, I have come to this conclusion after having the meeting with our committee members and listening to the staffs of the Budget Committee and the Appropriations Committee with regard to the impact of this bill on the appropriations process.

I will not insist upon the delay of this bill. However, I believe it may set a new unfortunate course with regard to the flexibility and expenditure of taxpayers' money and the ability to use the money for the purposes that have the most need at the time the bill is passed annually. This is going to lock us in for 5 years. Again, I am saying to the Senate, with I hope at least the understanding of my great friend from West Virginia, this Senator, who is chairman of the appropriations bill, intends to look at this bill, examine it very closely, and if it does constrict us so that we do not have the flexibility we should have, we will bring before the Senate this year an amendment to this bill and we will have it out.

We are not arguing over whether the highway tax money should be spent for highways; we are arguing how it should be allocated and when the determination should be made as to what the priorities are for the use of that money. This bill will set it for 6 years now. If it went through the appropriations process, we would determine that annually.

I see my great friend here, Senator DASCHLE, who just went through that

horrible flood up in his area. We have disasters in this country. We have earthquakes and floods, and we have enormous tornadoes. We have to have discretion to allocate funds in a way that meets the best needs of our people as a whole.

I do not think that the bill that is going to come before the Senate can be followed without an enormous spillover into the areas of other nondefense discretionary funds, which must be allocated by the Appropriations Committee annually. What I mean is, I think the effect of this bill will be that we will have to constrain other nondefense discretionary spending in order to accommodate the extraordinary demand here that if the revenues from the gas tax money exceed the caps, exceed the estimates, it is going to be spent anyway. And we have a 4-percent leeway, what I call a "fudge factor." But if they go up to 10 percent, we are going to have to absorb 6 percent of that from other nondefense discretionary accounts. That is going to affect every single State in the Union adversely. It is going to affect the operations of this Government adversely.

I can't tell the Senate it will happen now. I can only tell the Senate that, as I understand the way the bill has been written, it could happen. And if it does, I do think that would be a disaster. Again, to a certain extent, I sense a feeling here, particularly from my friend from Texas, that the Appropriations Committee has not provided funds for highways. We have exceeded the amount that came in from the gas tax in the period of the last 5 years. We have spent more money through the appropriations process for highways than would be spent under this bill for highways, if we had had the allocation of funds that the Budget Committee has generously brought back into this process and made available for this entitlement.

This turf battle that I sense is not coming from our committee. All we are saying is that there is not flexibility here. If the authorizing committee wants to pass a law saying you are going to allocate this money, then pass a law saying you are going to allocate it every year. But don't sit around and tell people you have done a good job for the country when you have allocated for 6 years, based upon an estimate that the two organizations that really are most concerned—OMB and CBO—disagree, as you know. They have about a $10 billion difference in the estimates of expenditures. We are taking the high one, of course; we are going to follow the high one. If we were wearing our budget-cutter hats, we would take the low one. But here we are spenders, so we are taking the high one.

The problem is that one section of this bill says—and I have not seen this yet—if the money doesn't come in, we have to make it up. I was just told by one of the staff that that probably is not true. He used the words "flexible guarantees." I am going to be anxious to read how we write a bill that is flexible every year based upon the variations of one anticipated and estimated revenue, as opposed to estimated actual revenues, when either one is any more than an estimate. I have to adjust the budget and meet a total cap level under the budget agreement and be subject to a point of order if we are not right.

I say to my friends who have been involved in this, I wish you luck. Don't feel surprised if this Senator is back out on this floor this year with amendments to this bill to do it right.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. I will not be long.

Mr. KYL. Will the Senator yield?

Mr. DOMENICI. Mr. President, I ask that the Senator from Arizona be permitted 1 minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that I may be recognized after the Senator from New Mexico. The Senators speaking now are more directly involved in the action going on here. Therefore, they will explain to the rest of us what is occurring. I wanted to ensure that they had an opportunity to speak. I would like the opportunity to speak after the Senator from New Mexico.

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me first say that I think everybody knows that I have the highest regard for the distinguished Senator from Alaska, the chairman of the Appropriations Committee. There should be no doubt in this body of my very, very high respect and honor for the Senator. Let me repeat. Everybody knows I have the highest honor and respect for Senator BYRD, also. He has known that for a long time. I have to say that Senator GRAMM started off to do something and he didn't mince any words. He said what he was going to do. Joining together with Senator BYRD, he has done that.

Now, frankly, I believe I can say to my good friend, the chairman of the Appropriations Committee, that this is not what I would have done with reference to trying to minimize the way this fund looks. Does it look more like a real appropriations bill, or does it look somewhat like a mandatory program? I guess I would have to say, for all the accolades of trying to keep it from being an entitlement, it probably is a bit more on the mandatory side than it is on the appropriations side. But at least it does get appropriated every year. There is a firewall, much like the trust fund established for crime by the same distinguished two Senators. If you look in that appropriation bill where we set aside some of the savings that would be forthcoming from a reduction in Federal employees, as I recall, you will find it every year listed as an entrusted amount. If you don't spend it in that bill—Senator JUDD GREGG's bill now—you can't spend it for anything. So it is there every year.

On the other hand, there is some concern that if you put a 5- or 6-year program on track and it is not subject to appropriations review, which I submit—be it the most in-depth or not—is the only annual review we have around here. Others are done willy-nilly and some don't get reviewed for 10 years, and some do often. The truth is that you can't get away without appropriations review every year, because you have to appropriate every year. This is going to have to be appropriated every year. So that part is still there. But essentially, in the quest to see that every penny of the 4.3 is spent, there is a recognition and a very strong position by the House that the resources, the taxes that are estimated could be up or down from the obligational authority we attribute to them, because if we assume we are using them all and then the tax comes in higher, we haven't used them all. If we assume they come in lower, then we are spending taxes that didn't come in.

Essentially, what the Senator from Alaska, chairman of the Appropriations Committee, is concerned about is—and I think Senator BYRD and Senator GRAMM, who was an appropriator for part of his life in the Senate, would be concerned—if, in fact, you were obligated to spend an amount that represented an increase, because the reality was that the tax was higher and by doing that you had to cut other appropriation committees, which would make that excess a mandatory demand on you—well, I told my friend that I didn't read the language when it was last drafted. I haven't seen it yet. In fact, for that eventuality, if it is higher than expected and you have to spend it, it holds the appropriators harmless. We don't need to talk about what that means. If you want to say what that does to the caps, you say that, I say to the Senator from Texas; but for the time being, I am saying it holds them harmless. I would not have spent the extra amount based on estimates. I think we are accurate and I would have used them like we have done in the past.

Having said that, obviously, a lot of Senators are not going to be pleased with the allocations and other things. I didn't have anything to do with that. It is not my assignment. I felt somewhat uncomfortable. I don't have authorizing authority or appropriation authority. Nonetheless, it fell on me to try to make this a fair bill.

When it comes to the appropriations process, I am going to put in the report right now the offsets that are in this bill. It is not bill language, but we insisted early on that we offset the increased expenditures from the appropriated accounts, so that by spending more money, we wouldn't be cutting the appropriated amounts which we have set in place by operation of law for a number of years. So we used the word "offsets," and we found some.

Maybe there will be a further debate on the offsets. I am prepared to debate them. I don't like to be responsible for all of the offsets. Some are found by us. I am more than willing to say I think they are fair. We have committed ourselves to increasing the expenditures for highways and mass transit and not to diminish the amount of money available for the remainder of domestic expenditures under the overall agreement that we made with reference to the budget. That is the best that we can do.

That does not mean there will not be added pressure for the appropriators because of this. It does mean if you wanted more flexibility in the highway programs, you won't have that much. But I surmise that before we are finished there will be some flexibility, because there are needs.

I also want everybody to know, when we have departed significantly from the obligational authority for highways and mass transit and increased it dramatically in the appropriations bill, for the most part it was when we had an emergency. All that money went to freeways that went to highways. It didn't come out of the regular trust fund, nor would it come out of these dollars that are in this bill. You would have an emergency just like you had in the past.

I send that little summary to the desk and ask unanimous consent that it be printed in the RECORD.

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

ISTEA CONFERENCE RESOLUTION

[1998–2003 outlays in billions]

Category	WODI	Add-ons	Total
Highways	$139.2	+14.5	$153.7
Mass transit	27.7	+3.0	30.7
Total	166.9	+17.5	184.4

	Add-ons	Net of offsets
Offsets required for add-ons	+17.500	
Potential Offsets to Add-Ons:		
Veterans tobacco (OMB Scoring)	−16.969	0.531
Veterans add-backs (Montgomery GI)	+1.602	2.133
Veterans net savings	−15.367	2.133
Student loan extension 3 month	+0.090	2.223
Reduce Social Services block grant	−2.423	0.200
Net total offsets	−17.700	(1)

[1] Not applicable.

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

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE.) The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

First of all, let me say that I think it is a good thing that we are finally beginning to spend gas tax money on the purpose for which the tax was collected in the first place; namely, our highway and transit systems in this country. But I don't think it is a good thing that there are winners and losers in the process depending upon who you are.

Mr. President, I have a hard time justifying this legislation to my constituents in Arizona who continue to ask me why it is that the fastest growing State in the country that sends $1 to Washington in gas tax continues to get less than $1 back. As a matter of fact, because we are a Western State, there is also supposed to be some consideration given to the fact that the wide open spaces require more highways, as is the case with many of the other Western States. But it is not to be. Instead, historically Arizona has gotten 86 cents on the dollar. And, under the original Senate bill, we were supposedly guaranteed that Arizona would receive the generous sum of 91.5 cents on the dollar. It now turns out that it will be 90.5 cents on the dollar.

Mr. President, I am not here asking that Arizona receive something extra, unlike a lot of the people who are still negotiating in the cloakroom here. I am not asking for money for special projects. But I am asking why it is that the donor States—the States that send more than they receive—can't eventually hope to get some equity in this program. What we are doing here is locking in for 6 years a continued unfair program for the 18 or so States that contribute more than they receive.

Mr. President, this reminds me a little bit of the "Animal Farm" story of George Orwell of 1946. It turns out that all the animals in the barnyard were equal, except that some were more equal than others. That is the way it is with the States of the Union here.

As I said, you have a fast-growing Western State like Arizona, the fastest in the country, that receives, or would receive under this legislation, 90.5 cents for every dollar sent to Washington.

How will some of the other States make out? The majority leader pointed out that Senator STEVENS would probably be pretty happy with what Alaska got under the bill. Instead, I would be happy if I got $5-plus for every dollar that I sent, which is what Alaska will receive. I would be happy if I were in Connecticut and I got $1.52 for every dollar I sent; or Delaware, $1.54. These are very small States, by the way. Montana, a large State—we are supposed to get a little extra consideration for the size—gets $2-plus back; my fellow Western States of New Mexico and Nevada each get more than $1 back—$1.14 and $1.18, respectively. The Senator from West Virginia, his State receives $1.41 back. Another small State, Vermont, $1.76; South Dakota, $2; Pennsylvania, $1.20.

It turns out that who you are matters more in this process of deciding how this money that everybody in the country pays— that matters more than equity.

Once we have an opportunity to review the bill—there has been one copy available, and everybody has had to try to sort through that one copy—I think there are going to be a lot of criticisms of how this money was allocated. There will also be a lot of questions asked, many of which have been raised here already.

How about the offsets? This is all supposed to come out equally, so that we are not spending more than we are taking in. As the Senator from New Mexico pointed out, we are now going to use the more generous OMB figures than the CBO figures which we have always insisted on using in the past because we think they are more accurate. That would permit us, in effect, to exceed the budget caps.

There is a significant question of the appropriators' authority, which Senator STEVENS raised. There are questions about the earmarks. As far as I can tell from the information I have, they don't add up. When the bill left the Senate, the formulas for the individual State projects called earmarks were supposed to be included within the State's formula allocation. But apparently that is not true under this bill, at least to the extent of $200 million; I don't know beyond that.

Mr. President, probably the most distressing thing about this is that most of the Senators who are going to vote on this will not know what is in the bill, and, therefore, they may have a bit of a hard time explaining to their constituents later on when problems are raised why they were in such a hurry to vote on this.

We lose nothing by waiting until we have an opportunity to review this. There is authority for States to continue to spend and charge it against this allocation. That has expired. We can extend that for another 10 days, until we get back.

But this bill is over $200 billion, one of the largest spending bills that this Senate, this Congress, will have ever authorized, and yet we don't know most of what is in the bill.

As I said, what I do know I don't like, because it appears that once again a few States are being discriminated against in order that other States, which are represented heavily on the committees that make the decisions, will get more than their fair share.

Mr. President, I regret to have to be this critical, but I think it has to be said very plainly.

When I have an opportunity to find out a little bit more about it, as the

staff is now being made available to us—they have been very busy working all through the night, as I understand it, trying to get this finally negotiated—as they are made available to us, we will be able to understand some additional information about this. I intend to then return and comment some more.

But I did want to make the point right now that I think this is not a good process. We are hurrying too much. We are spending too much. We aren't going to be able to offset this, probably, under the estimates that have been provided. There are too many questions. And the numbers don't add up. To the extent that the States that are making contributions in excess of the amount that they receive back and are hoping to receive some ultimate relief, it appears that we are locked in for a 5- or 6-year period and that is not to be and, therefore, that our citizens will continue to be discriminated against.

Mr. President, for all of those reasons I am going to be very disappointed to have to change the vote I cast when I supported this bill earlier because I thought we were making progress in changing the formula. I wanted to assist our leadership in moving toward the concept that the gas tax dollars will at least be spent on highway and transit needs, that I will reluctantly have to vote no on this and just hope in the future, in the interests of States that are donor States here, that we can get a more equitable distribution of these funds.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, first of all, I acknowledge the Senator from New Mexico who spoke just a few moments ago. Senator DOMENICI has been very helpful throughout this whole process. I appreciate the comments he has just made. I appreciate the way he worked with the authorizers in trying to develop this formula and to establish the policy for the future and to deal with the offsets. He has just been tremendously helpful, including working with the Appropriations Committee this afternoon. I thank him for his work.

A lot of other people here put in effort on this. Senator BOND, Senator GRAMM, Senator WARNER, Senator CHAFEE, Senator BYRD, and Senator KERRY have been involved in this. There is a long list of Members on both sides of the aisle who have been involved in this and there has been a lot of give and take. And some of us were giving, even last night, on some projects for which we were very hopeful.

But I want to remind my colleagues, when you might say, "We could do better," this is the largest infrastructure transportation bill in history. The formula is more fair than it has ever been before. My State got 84 cents on a dollar in the past; it is going to be in the 90s, like every other State this year. Most States will be getting more than they got over the past 5 or 6 years.

So I think we need to get started. There are States in this country, in the Midwest and the Northeast, they need to know that they have this money and how much so they can get started with projects now. The season is going to get away from them. So I hope every Senator will keep that in mind and allow us to get this to completion.

SCHEDULE

Mr. LOTT. I would like to say to all Senators, with regard to the week we are coming back. I have been discussing this with Senator DASCHLE. When we complete this infrastructure transportation bill, ISTEA II, and dispose of that, that will be the last vote or action of this week, other than doing some Executive Calendar matters we are trying to clear. The next vote will not occur until Tuesday when we come back. That would be June 2. But when we return on Monday, June 1, we will continue to debate the tobacco bill, and the pending issue is the Durbin amendment. Of course, there are other amendments that are pending. We will be talking back and forth over the next week as to exactly how the process will go forward.

On that Tuesday, the 2nd, the Senate will conduct a cloture vote on the motion to proceed to the nuclear waste bill, which I will put in place in the next few minutes, as well as amendment votes relative to the tobacco legislation.

I do want to emphasize, the nuclear waste issue we intend to double track. That is one where we can take an action and then come off of that and go, then, to other legislation, the tobacco legislation. And it will take a period of days to get through the process we have to go on, on nuclear waste. But that is not intended to take the place of either the tobacco bill or the Department of Defense authorization bill. It will be double tracking as we go forward.

So I expect the Senate will be considering the tobacco bill and the nuclear waste bill during the first week in June. If problems arise with regard to either one of those, the other issue that we have already done some work on, and we want to go back to at the first opportunity, would be the Department of Defense authorization bill. We need to get that completed so we can then go to the appropriations side of the defense bill. I know that first week back will be a busy one because we have a lot of important work to do. We will be in session on Monday, but we will not have recorded votes on that Monday.

Senator DASCHLE, did you want to comment or ask a question on that?

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I appreciate the information the majority leader has just shared. I think that is certainly in keeping with the understanding that he and I have had in our private discussions now for some time. My hope is that we can come back and complete our work on the tobacco bill. I believe that is certainly within our reach.

I understand, because of the plethora of other bills that are on the calendar, we have to begin consideration of other issues. We have some amendments and bills that we want to raise at some point as well. But I think this schedule accommodates the demands that we are going to have on our schedule for the balance of the month of June, and I am hopeful that we can see the same level of cooperation on both sides of the aisle with that schedule that we have had over the course of the last 2 or 3 weeks.

I certainly have no objections to proceeding as the majority leader has suggested, certainly with the expectation that we will complete our work on the tobacco bill early when we come back.

The PRESIDING OFFICER. The majority leader.

NUCLEAR WASTE POLICY ACT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to consideration of Calendar No. 312, the Nuclear Waste Policy Act.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection heard.

CLOTURE MOTION

Mr. LOTT. In light of the objection, I now move to proceed to Calendar No. 312 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 312, H.R. 1270, the Nuclear Waste Policy Act:

Trent Lott, Frank H. Murkowski, Chuck Hagel, Slade Gorton, Pat Roberts, Olympia J. Snowe, Jon Kyl, Tim Hutchinson, Rod Grams, Spencer Abraham, Pete Domenici, Bill Roth, Don Nickles, Thad Cochran, Michael B. Enzi, Charles Grassley.

Mr. LOTT. I now withdraw the motion.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

Mr. LOTT. For the information of all Senators, the cloture vote will occur

on Tuesday, June 20, at a time to be determined by the majority leader after consultation with the minority leader.

I ask unanimous consent the live quorum call under rule XXII be waived.

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

AUTHORITY TO FILE REPORTED ITEMS

Mr. LOTT. Mr. President, I ask unanimous consent that on Wednesday, May 27, the committees have from the hours 11 a.m. to 2 p.m., in order to file legislative or executive reported items.

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

ORDER FOR STAR PRINT—S. 981

Mr. LOTT. Mr. President, I ask unanimous consent that the report to accompany S. 981, the Regulatory Improvement Act of 1998, be star printed, with changes that are at the desk.

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

CONGRATULATING PRESIDENT CHANDRIKA BANDARANAIKE KUMARATUNGA AND THE PEOPLE OF SRI LANKA ON 50 YEARS OF INDEPENDENCE

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 372, S. Res. 172.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The resolution (S. Res. 172) congratulating President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 50 years of independence.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas February 4, 1998, is the occasion of the 50th anniversary of the independence of the Democratic Socialist Republic of Sri Lanka from Britain;

Whereas the present constitution of the Democratic Socialist Republic of Sri Lanka has been in existence since August 16, 1978, and guarantees universal suffrage; and

Whereas the people of the Democratic Socialist Republic of Sri Lanka and the United States share many values, including a common belief in democratic principles, a commitment to international cooperation, and promotion of enhanced trade and cultural ties: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 50 years of independence;

(2) expresses best wishes to the Government and people of the Democratic Socialist Republic of Sri Lanka as they celebrate their national day of independence on February 4, 1998; and

(3) looks forward to continued cooperation and friendship with the Government and people of the Democratic Socialist Republic of Sri Lanka in the years ahead.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Government of the Democratic Socialist Republic of Sri Lanka.

RESOLUTION REGARDING ISRAELI MEMBERSHIP IN A UNITED NATIONS REGIONAL GROUP

Mr. LOTT. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 373, S. Res. 188.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 188) expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 188) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas, of the 185 member states of the United Nations, only the State of Israel is ineligible to sit on the Security Council, the Economic and Social Council, or any other United Nations committee;

Whereas the State of Israel was created in response to a 1947 General Assembly resolution and joined the United Nations in 1949;

Whereas the members of the United Nations have organized themselves according to regional groups since 1946;

Whereas eligibility for election to the rotating seats of the Security Council, or other United Nations councils, commissions, or committees, is only available to countries belonging to a regional group;

Whereas Israel has remained a member of the United Nations despite being subjected to deliberate attacks which aimed to place the legitimacy of the State of Israel in question;

Whereas this anachronistic Cold War isolation of Israel at the United Nations continues;

Whereas barring a member of the United Nations from entering a regional group is inimical to the principles under which the United Nations was founded, namely, "to develop friendly relations among nations based on respect for the principle of equal rights . . ."; and

Whereas Israel is a vibrant democracy, which shares the values, goals, and interests of the "Western European and Others Group", a regional group which includes Australia, Canada, New Zealand, and the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it should be the policy of the United States to support the State of Israel's efforts to enter an appropriate United Nations regional group;

(2) the President should instruct the Permanent Representative of the United States to the United Nations to carry out this policy;

(3) the United States should—

(A) insist that any efforts to reform the United Nations, including the Security Council, also resolve this anomaly; and

(B) ensure that the principle of sovereign equality be upheld without exception; and

(4) the Secretary of State should submit a report to Congress on the steps taken by the United States, the Secretary General of the United Nations, and others to help secure Israel's membership in an appropriate United Nations regional group.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to P. L. 103–227, appoints the following individuals to the National Skill Standards Board:

Upon the recommendation of the Democratic Leader: Tim C. Flynn, of South Dakota, Representative of Business; Jerald A. Tunheim, of South Dakota, Representative of Human Resource Professionals.

APPOINTMENT BY THE MAJORITY LEADER AND MINORITY LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the two leaders, pursuant to provisions of S. Res. 98, agreed to July 25, 1997, the appointment of the Senator from Nebraska (Mr. KERREY) to the Global Climate Change Observer Group, vice the Senator from New Mexico (Mr. BINGAMAN).

UNANIMOUS-CONSENT REQUEST—CONFERENCE REPORT TO ACCOMPANY H.R. 2400

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the ISTEA conference report notwithstanding the receipt of the papers and the reading be considered dispensed with.

Mr. KERRY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts reserves the right to object.

Mr. KERRY. Mr. President, as I have discussed with the distinguished majority leader, I do not want to slow up the proceedings. I never have. I am trying to simply resolve a couple of last-minute details. So I am constrained to object, at least for a few moments, until Senator CHAFEE can finish doing what he is doing and we have a chance to confer. I assure my colleagues, this should not be a long-term process, and I hope we can resolve it very, very quickly, but I do object at this moment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I understand, as one of the managers of the bill, we can speak at some length here. But is there desire that someone wish to have a minute or two?

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I was going to use about 2 minutes to thank the distinguished chairman of our subcommittee, the Senator from Virginia, and say kind things about him. But if he wishes——

Mr. WARNER. Mr. President, I yield the floor instantly.

Mr. BOND. Mr. President, I rise to say a very quick word or two about the TEA-21 , I believe, Transportation Efficiency Act of the year 2000 and to express my deep appreciation for the leadership that Chairman CHAFEE, Chairman WARNER and Senator BAUCUS have provided. This, as has been said, is one of the very largest bills that we have acted upon. It has an impact on each of our States and will have for the next 6 years.

It has been a very difficult fight to raise the dollars necessary and to allocate them fairly. I express the deepest appreciation to all three of my colleagues I mentioned.

I want to say what tremendous work has been done by the staff on the majority side, Jimmie Powell, Ann Loomis, Dan Corbett; on the minority side, Tom Sliter and Kathy Ruffalo.

On my own staff, Tracy Henke has worked literally hundreds of hours and has had very little sleep, as all of the staff on Environment and Public Works. They have done an outstanding job.

When we started this process, I said there were five essential goals: Increase the funding for highways. We need a bigger pie. We need, for the State of Missouri, to get a fair share. We must upgrade and repair deteriorating bridges. We need to put the trust back into the highway trust fund so that people who pay gas taxes into the trust fund will know that those gas taxes are coming back to build better roads, bridges, highways and transportation system. Finally, there should be flexibility so the States and localities can get the most for their money.

I am delighted they have approved all those principles. I note for the record what I have noted in committees, in conferences, in individual discussions. I have grave and deep problems with and do not agree with the use of the funds from a newly and administratively created veterans' smoking program to offset the expenditures of the highway fund. I believe the highway fund should be spent for highways; veterans' funds should be spent for veterans. I have fought those battles; I have lost those battles because the President has insisted on using that as an offset. I intend to come back and work with colleagues, such as Chairman SPECTER of the Veterans' Committee, Senator MCCAIN, Senator SMITH and others to put a good veterans health care measure into the next vehicle, and I believe that is probably going to be the tobacco bill.

We are going to see that our veterans are cared for. I realize that offsets are needed. I do not think we should have taken this one. But for our State, we are going to receive tremendous benefits in Missouri. This is nearly a 53-percent increase in the annual funding for the State of Missouri where our roads, highways and bridges are not just a matter of convenience, they are a matter of life and death. Safety depends upon adequate roads.

For the first time, we are going to see our share of the funds moving up from the low 80 cents per $1 sent in to almost 92 cents. We will see a structure to ensure the gas taxes will be used for highways and transportation. The flexibility is expanded and for good measure.

I thank the leaders for agreeing to my wetlands banking amendment which will enable us to ensure improved protection for wetlands in accommodating the highway construction.

Last year, I worked with people on both sides to put through the Bond extension which kept the highway funding flowing until May 1 of this year. We have not had contract authority, obligation authority for the last month. I believe the President, through his Secretary of Transportation, expressed great appreciation for this measure, and I hope that we can pass it today and get it signed by the President so we can go back to rebuilding the roads, bridges and highways that are vitally important for our country.

I thank the leader and thank the leadership of the committee.

UNANIMOUS-CONSENT REQUEST—CONFERENCE REPORT TO ACCOMPANY H.R. 2400

Mr. LOTT. Mr. President, I renew my unanimous consent request that the Senate proceed to the ISTEA conference report, notwithstanding the receipt of the papers, and that the reading be considered dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. I object at this point.

Mr. LOTT. I thought this was going to be resolved.

Mr. KERRY. We are just in conversation now, Mr. President. If we can just have time so we can complete the conversation.

Mr. LOTT. Mr. President, I intend to renew this request about every 2 minutes for the remainder of the day, and as soon as we get this consent, I suggest we go to a recorded vote, because there are major problems being caused by this delay and they are only going to grow. In that Senators want to express their interest, concern, appreciation or hatred, they will be able to do so at great length.

I hope we can get something done here so we can move to this unanimous consent request and then move to a vote. Senator DASCHLE is in concert with me on this. It is the right thing for us to do for each other and for our country.

I will withhold momentarily, but I am going to renew this request in just a few minutes.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

ISTEA

Mr. WARNER. I thank the Presiding Officer.

Mr. President, while both leaders are present on the floor, as one who has been involved for a year and a half in preparing the legislation which now, hopefully, will be voted upon by the Senate, I thank my distinguished colleague, the majority leader, and my colleague, the distinguished minority leader. I just think of how many times during the course of this conference we have made calls to them to seek their guidance that both are entrusted to give as a consequence of their very important positions.

I also have virtually over the last 7 days and nights worked at the side of my distinguished chairman, Senator CHAFEE, and the distinguished ranking member, the Senator from Montana, Mr. BAUCUS, as we prepared and then I think very fairly, forcefully and successfully advocated the Senate's position before the House of Representatives.

The House was very ably represented by Chairman SHUSTER, ranking member Congressman OBERSTAR, Congressman PETRI, Congressman RAHALL—the four from the House versus the three from the Senate.

It was a long conference. Not until late last night did we put in place the final decision for the foundation on

which I believe this bill rests, and that is equity among the States. Fifteen months ago, as chairman of the subcommittee in the Environment Committee entrusted with this important legislation, we embarked on the hearing process for this legislation. We held hearings in seven different States because it was essential to go out and get the views of the people: The citizens, the supervisors, the State legislatures and, indeed, the representatives of their legislatures and the Governors themselves. Senator BAUCUS and I actually went to a joint hearing of the States of Montana and Idaho. Senator CHAFEE held hearings in other parts of America. So we didn't just sit in Washington, we went to where the problems are and to learn firsthand.

Senator BAUCUS has been an absolute brick, as we say throughout my part of the world, as my partner, together with Senator CHAFEE, not only in the final hours, but throughout the 15-month process to bring this bill to fruition.

The dollar value represents the largest increase in the history of America. Many people played a vital role in that, notably the senior Senator from West Virginia, the senior Senator from Texas, Senator DOMENICI and, indeed, Senator STEVENS was very helpful, because this is a very complex series of votes and then adjustments to the various accounting principles and budget principles which we adhered to in the Senate.

So many persons are deserving of a great deal of credit for providing this important conference report which will shortly be voted on by this body.

The staff is extraordinary. In my 19 years in the Senate, I do not know of another instance in which I have seen more dedicated service. By my side here in the Chamber is Ann Loomis, who was the counsel for the subcommittee, who 15 months ago worked and traveled, as did I and others, to gain the very important information from across the United States to incorporate into this bill. Kathy Ruffalo of Montana was Senator BAUCUS' principal assistant on the committee. She also worked with us throughout this bill, as did Ellen Stein of my staff. Jimmie Powell, of course, is the staff director. Dan Corbett, Tom Sliter—and all too often we forget the many others who are back in the offices of the Senators, who represent those Senators on the committee in the long hearings and the workup of this legislation, and, most particularly, the support staff who are on the Environment and Public Works Committee—all contributed to making this, I think, the most significant bill in the history of the United States of America addressing transportation needs.

How often has Senator GRAMM or Senator BYRD pointed out that we are in a one-world market. To the extent that we in the United States can have an efficient and safe transportation system is to the extent we can compete with nations far beyond our shores.

Our system was aging, continues to age; and this bill makes the necessary corrections. And through the leadership of Senator BYRD and Senator GRAMM, we got the additional funds to make it the most meaningful transportation bill in America's history.

Equity was the theme, the very theme that united all of us. While we incorporated many of the principles of ISTEA, the bill passed in 1991—and it was important to do so—there were corrections that, I can say, as softly, I suppose, as it can be expressed, were very definitely needed to correct what we felt were inequities in ISTEA.

Mr. President, I see the distinguished leader. I will be happy to yield.

UNANIMOUS-CONSENT REQUEST—CONFERENCE REPORT TO ACCOMPANY H.R. 2400

Mr. LOTT. I renew my request that the Senate now proceed to the ISTEA conference report notwithstanding the receipt of the papers, and the reading be considered as dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Reserving the right to object, I am very hopeful I will not have to object in a couple minutes. And just a couple of matters have to be resolved. I think we can do it quickly.

Mr. LOTT. Is there objection?

The PRESIDING OFFICER. There is objection.

Mr. LOTT. Thank you. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I would like to continue.

ISTEA

Mr. WARNER. Equity for the donor States. "Donor States" is a category created by ISTEA I. We never actually heard that term prior to ISTEA I. But generally speaking, what it represented was as a consequence of ISTEA I, a group of States, about 18 to 20 in number. Some were right on the borderline. Those States, when their citizens or visitors in those States went to the gas pump and paid this very significant Federal gas tax, those 19 States got back a very small amount in comparison to other States whose return, as a consequence of ISTEA, was far higher.

My State got 79 cents on what we called the apportion dollar that comes back from the highway trust fund; other States had equally. Several had less than my State. And that was basically an unfairness to the citizens of that State, that those moneys that they expended in a Federal tax, and which was represented as to be for the purpose of highways, did not come back in what I believe was a fair formula.

So the foundation in this bill was to change that inequity such that that class of donor States received no less than 90.5 percent.

Mr. REID. Would my friend yield for a unanimous consent request?

Mr. WARNER. Yes.

Mr. REID. I appreciate it very much. I am sorry to interrupt.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Drew Willison, a congressional fellow in my office, be allowed privileges of the floor during the debate on this conference report.

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

ISTEA

Mr. COVERDELL. Will the Senator yield?

Mr. WARNER. Yes.

Mr. COVERDELL. With regard to this question of donor States, the two States that were the most—if that is a standard, legitimate standard—the two States that received the weakest return were South Carolina and Georgia.

It is my understanding that the provision we are now talking about has a floor of 90——

Mr. WARNER. Ninety and a half.

Mr. COVERDELL. And a half.

Mr. WARNER. That is correct.

Mr. LOTT. Would the Senator allow me to renew this unanimous consent request?

Mr. WARNER. Yes.

Mr. LOTT. I thank the Senators who are on their feet. I think this will allow everybody to continue in a moment.

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY—CONFERENCE REPORT

Mr. LOTT. I ask unanimous consent again, Mr. President, the Senate proceed to the ISTEA conference report notwithstanding the receipt of the papers and the reading being considered dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I would suggest perhaps we could make the unanimous consent request subject to the circumstances that are now being discussed with the Senator from Oregon and the Senator from Massachusetts, that assuming that those two matters could be worked out, that no additional

unanimous consent requests would be in order.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the ISTEA conference report, notwithstanding the receipt of the papers, and it be in order for me to ask for the yeas and nays on the adoption of the conference report, and, further——

Mr. WYDEN addressed the Chair.

Mr. LOTT. Let me complete my request. And, further, I ask unanimous consent that if the House passes the identical text, the vote be considered as having occurred on the conference report. I further ask unanimous consent that this agreement be null and void only by the Senator from Oregon, Senator WYDEN, within the next 5 minutes.

Mr. HARKIN. I object.

Mr. WYDEN. Mr. President, in response to the majority leader's request for unanimous consent to proceed to the conference report on ISTEA without having all of the conference report papers in hand, I must withhold my consent until I have had the opportunity to review the sections of the report relating to important funding and project matters for Oregon. It is not my intent to delay final action on this major piece of legislation; however, I want to be assured that commitments that have been made are reflected in fact in the conference documents.

Mr. LOTT. I renew the same request with the exception of Senator WYDEN and the Senator from Iowa.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The report will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2400), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 22, 1998.)

Mr. WARNER. Mr. President, I now ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I thank the Chair.

Mr. President, the Senator from Georgia was posing a question to the Senator from Virginia.

Mr. COVERDELL. In essence, I was asking if the conference report—the floor was 90, so that although South Carolina was getting 71 cents back and Georgia 74, we could expect, if this were to pass, 90.5 cents?

Mr. WARNER. Mr. President, the Senator from Georgia is correct. And I must say that it was only because of the efforts of the Senator from Georgia, the Senator from South Carolina, and all in the donee-donor dispute—the donor States bonded together. I thank the Senator for his help, because without it we could not have achieved this result.

Mr. COVERDELL. One more comment. There are still donor States, so there is in this agreement a recognition of special circumstances, distances, rural areas, or other infrastructures. There is still a subsidy that occurs, some of it legitimate.

Mr. WARNER. Mr. President, the Senator is correct. There are certain programs, like the Federal Lands Program, certain environmental programs, to which all the States contribute. The Senator is correct.

But the major achievement is the floor, which is a floor that puts us in range with almost all the other States of significant size. For instance, the smaller States, there are 13 small States. That was the second building block that the Senator from Virginia put together to formulate this bill months ago. It seems so long ago now. The distinguished Senator from Montana was a key player in that, Senator GRAHAM of Florida, and we put this together.

Indeed, I would like to acknowledge the participation by the Governors of these various States, the donor States, and the small States, and their various highway representatives.

So that was the nucleus, the engine that began to take this bill down.

Mr. COVERDELL. I won't interrupt the Senator's speech, but I take this moment to commend the Senator from Virginia. This has been a very vexing issue, and I thank the Senator.

Mr. WARNER. I thank the Senator for his very active participation. I feel a certain sense of achievement that this Senator from Georgia can go back now and say to his constituents at long last equity prevails in the distribution of our highway trust fund.

Mr. COVERDELL. I thank the Senator.

Mr. WARNER. Did the Senator have a question?

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Virginia has the floor.

Mr. WARNER. I yield for a parliamentary inquiry.

Mr. HARKIN. Parliamentary inquiry. I wonder if we could get 5 more minutes.

Mrs. MURRAY. I object.

Mr. LOTT. Reserving the right to object, you are just extending for 5 more minutes?

Mr. HARKIN. Yes.

Mr. LOTT. I have no objection.

Mr. WARNER. I thank the Chair. The Senator from Virginia is one of the managers of the bill and very much wants to accommodate other Senators.

I understand the distinguished ranking member of our committee is about to have a colloquy with the Senator from Oregon, so I yield for that purpose and then thereafter would like to regain the floor for my speech.

Mr. WYDEN. Thank you, Mr. President. I thank the Senator from Virginia for his graciousness.

Mr. President, I would like to enter into a colloquy with the ranking member regarding the Intelligence Transportation System Program.

Would the Senator from Montana agree the policy in the program intended to encourage private sector investment should be implemented in a manner that does not interfere with ongoing technology, deployment, and system implementation in States that have already made a substantial investment in its tests and deployment?

Mr. BAUCUS. Mr. President, I say to my very good friend, the Senator from Oregon, I strongly agree with the Senator. In States that have already made a substantial investment in intelligence transportation tests and deployment projects, nothing in this bill before us, the new TEA-21, the old ISTEA II bill, will interfere with ongoing deployment and system implementation in these States.

Mr. WYDEN. I thank the Senator from Montana. It is particularly important to encourage transportation innovation.

I thank the Senator. I yield the floor.

Mr. WARNER. Mr. President, referring to the bill, we have not discussed today the important strides made in safety of the traveling public. Nearly 440,000 persons a year, regrettably, lose their lives on highways and many more suffer incredible injuries. The bill includes four new and significant provisions which hold great promise to save lives.

First, there is a new incentive program to give States funding based on each State's improvement in seat belt use. I want to particularly acknowledge the important contribution of public interest groups speaking on behalf of safety. Those groups indicated that this will greatly reduce highway deaths and injuries.

Second, the conference report contains a new incentive grant program to reduce drunk driving by rewarding States who have passed .08 blood alcohol content law.

Third, the conference report includes a new program to require States to adopt minimum penalties for repeat drunk driving offenders.

I am privileged to say that was a conclusion that this Senator made after close consultation with many safety groups, and, indeed, acknowledgment should be to the other groups—restaurant groups and others who came in to see us on this issue. Statistics on

drunk driving confirm that repeat drunk drivers represent one of the most significant parts of our tragedy on the highways today, as a consequence of alcohol.

Fourth, another Senate provision requiring States to enact laws against open alcohol containers is included. Senator DORGAN was particularly interested in that, and he deserves much credit for bringing that to the Senate's attention.

These four provisions, I believe, begin a new day in our efforts to improve the safety of our Nation's highways. The conference report contains a new title, championed by Senator CHAFEE, the distinguished chairman, and Senator GRAHAM of Florida, to implement innovative financing techniques to leverage private dollars for transportation projects.

The bill also recognizes the significant needs of our border States who have experienced significant transportation growth since the passage of NAFTA.

There is a new $700 million grant program to meet the needs of our border States and those trade corridor States carrying significant traffic to those areas.

Lastly, there is a provision in the conference report to provide $900 million to replace the aging Woodrow Wilson Bridge. I wish to express my appreciation to my colleagues from Maryland and my colleague from Virginia, Mr. ROBB, and, indeed, strong assistance from the House. Chairman SHUSTER was very supportive, as was Mr. Oberstar. While they did not put it in the House bill, they recognized I would have it in the Senate bill, and at a figure considerably above the request by the President.

The President took a personal interest in this bridge and summoned a number of us to the White House, to a very important conference presided over by the Director of OMB and his senior staff. There was a general consensus at this conference that the $900 million was as much as we could achieve under this particular piece of legislation, recognizing that these dollars were in competition with the other 48 States and Maryland and Virginia and, of course, the District of Columbia.

Therefore, another piece of legislation will have to be carefully drafted by the White House, in consultation with the Governors of Maryland and Virginia and the representatives of the District of Columbia, to allocate the next financing package which could be as high as this one between the several States, notably Maryland and Virginia, and the District. I think they should bear a portion of it, and a further significant contribution, I presume the majority, coming from the Federal Government and how that would be financed. There were a number of schemes which I think were quite innovative and discussed, but I will leave it up to those drafters of the legislation to work out those details.

I will be pleased, and, once again, together with our colleagues, to work towards passage of this legislation in a timely manner.

Mr. President, I conclude my remarks on this bill, again, commending our distinguished chairman, Mr. CHAFEE, and the ranking member, Mr. BAUCUS—the three of us were the principal negotiators for the conference—and, again, paying great respect to my staff, and most particularly to this loyal one seated next to me, Ann Loomis.

I yield the floor.

Mr. DODD. Mr. President, I rise today to express my views on the ISTEA conference report. I commend the work of the Conference Committee on the job it has done. This is landmark legislation. It represents the most substantial transportation legislation ever considered by the Congress. The bill provides much needed funds for both the construction and repair of our nation's roads, bridges and rails. This legislation will provide the additional resources for our states to meet their compelling transportation needs.

I am particularly pleased that the bill preserves the concept of intermodalism. After completing the nation's interstate highway system several years ago, we decided in the ISTEA bill adopted in 1991 that transportation was not just about highway construction. We committed ourselves to investing funds in other modes of transportation, such as light rail, bus and ferries. If our nation is to move people and goods safely and efficiently in the 21st century, we must diversify our transportation system. This legislation continues on that course.

We have also preserved our commitment to mass transit, which is extremely important in densely-populated states like Connecticut. I was particularly pleased to join Senators D'AMATO and SARBANES in a successful effort to increase funding for mass transit by $2.4 billion dollars during deliberations between the House and the Senate conferees. I want to commend my two colleagues for their vigilance in this effort.

This legislation also furthers environmentally-sound principles such as congestion mitigation, air quality improvement and alternative fuel technologies. I believe that energy-efficient and environmentally-friendly means of transportation are not only possible, but essential if our nation is going to remain strong, competitive and environmentally healthy into the next century. In this regard, I am particularly pleased that the conference report retains the Senate-passed level of funding for the development and deployment of maglev high speed rail. This is an extraordinary technology that can move people and goods on a fixed guideway at speeds of up to 300 mph. I believe that this mode of transportation can be to the 21st century what airplanes were to the 20th century, and trains were to the 19th—namely, a dramatic step forward in safe, efficient and reliable transportation. I applaud Senator MOYNIHAN for his stalwart efforts to support maglev technology.

In summary, Mr. President, this is good and important legislation. It will improve transportation safety, reduce congestion, diminish pollution, increase efficiency and create jobs for the people of America. For these reasons, the conference report has my support. That is not to say, however, that this is a perfect piece of legislation. I have a number of concerns, as I know that my colleagues do, that I hope will be addressed as we go forward.

I am disappointed that the conference report did not include the Senate provision that would penalize states if they failed to change the legal definition of intoxication to .08 nationally. Although I am pleased that the conference report contains incentives for states to move in this direction.

I am also concerned that the bill offsets some of its spending with a reduction in expenditures for veterans in need of treatment for smoking-related illnesses. For years the United States military effectively encouraged active duty forces to smoke by providing them with free cigarettes. Therefore, it is only fair that the federal government bear its fair share of responsibility for treating veterans with illnesses contracted as a result of addiction to those cigarettes. I intend to work with my colleagues, including Minority Leader DASCHLE and Senators LIEBERMAN and ROCKEFELLER, to insure that as Congress continues consideration of tobacco legislation, we provide for the needs of our veterans.

I am also concerned about the reduction in the Social Services Block Grant. This block grant is important to children and families of modest means throughout the country. We must not compromise on our commitment to provide better health care, child care and nutritional assistance to these needy Americans. As a member of the Labor Committee, I intend to work with members of the appropriations committees to made sure that we find the resources to provide for these families.

Mr. WYDEN. Mr. President, for our nation's economy, transportation is literally where the rubber hits the road. There are few things more important to my home State of Oregon or to the country's economy than how well we build and maintain our transportation system. Transportation is one of the basic ingredients in any economic growth recipe. It is one of the key things that businesses will look at as they consider where to locate.

Both houses of Congress recognized this in passing bills to rev up transportation spending over current levels. Providing more money transportation money clearly helps keep us on the road to competitiveness and economic prosperity.

But the transportation debate involves more than just economics, as important as that is, it's also about our quality of life. I've always believed that you can't have major league quality of life with minor league transportation systems. In the modern world, a transportation bill is about so much more than just how you get from point A to point B.

Congress recognized this when we passed the original ISTEA legislation. For the first time, there was Federal recognition that decisions about where and how to build transportation projects can have tremendous impacts on our communities, our environment and our citizens' quality of life. Through ISTEA, we began to consider the true costs of our transportation spending as part of the process of planning transportation projects. And, for the first time, Federal funds were made available to mitigate the impacts of these projects throught the CMAQ and the Transportation Enhancements Programs.

ISTEA recognizes that properly planned and constructed transportation systems are both economically efficient and environmentally sound.

Badly designed or badly built systems waste taxpayer money and contribute to traffic congestion that snarls our highways. This causes both additional stresses for commuters and additional exhaust emissions that degrade the quality of our air.

Both the Senate and the House bills continue many of these landmark initiatives of the original ISTEA legislation. These were clearly good first steps, but if we're going to improve both our transportation system and our quality of life, we need to do more than spin our wheels.

Today, the Congress has recognized that the Federal government's role in funding transportation project also has ripple effects on patterns of development in our local communities. When it comes to transportation, if you build it, they will come and build around it.

Uncontrolled development not only hurts our citizens where they live and breathe, it also hits them in their wallets. Several studies have come out that show the costs of sprawling growth are significantly higher than more compact, managed growth patterns. These studies show that taxpayers can save billions of dollars in public facility capital construction and operation and maintenance costs by opting for growth management.

Because of the major impacts Federally funded transportation projects can have, there is an appropriate role for the Federal government in ensuring these projects and the development they spawn are both economically and environmentally sound.

That role should not be to embroil the Federal government in land use decisions that have historically been State and local issues. We don't want Federal zoning.

Instead, the proper role for the Federal government is create incentives to encourage and build on the State and local efforts to address transportation and growth that are already underway. I am very pleased to report that the ISTEA conference report includes a program I proposed to help local communities grow in environmentally sustainable ways by creating incentives for local growth management.

I greatly appreciate Chairman CHAFEE, Chairman WARNER and Senator BAUCUS working with me to include this program in the bill. Chairman CHAFEE and the other managers of the legislation also deserve enormous credit for how they have built on and reinforced the goals of the original ISTEA law. Thanks to their efforts the bill now before the Senate will enable our national environmental policies to merge more smoothly with our transportation policies.

The new Transportation and Community and System Preservation Program provides $25 million per year investigate and address the relationships between transportation projects, communities and the environment. The Program consists of three parts:

(1) a comprehensive research program;

(2) a planning assistance program to provide funding to States and local governments that want to begin integrating their transportation planning with community preservation, environmental protection and land use policies; and

(3) an implementation assistance program to provide funding to States and local governments that have developed state-of-the-art approaches to integrate their transportation plans and programs with their community preservation, environmental and land use planning programs.

The research program will create a database on the experiences of communities in uniting transportation, community preservation, environmental and land use goals and decision making processes. This research will also identify benchmarks for measuring the performance of communities' experiences. This information will be a valuable resource to help communities throughout the nation meet their future transportation needs with lower environmental impacts, improved transportation efficiency, lower infrastructure construction and maintenance costs, and in a way that is more responsive to the views of their citizens.

The planning assistance provided by this program will mean additional financial resources to States and communities that wish to explore ways to integrate their transportation programs with community preservation, environmental and land use planning programs. Participants in this planning assistance program would be able to develop their own local approaches to meet their needs. And, as their programs develop, they could become eligible in the future for funding to help implement their locally developed solutions.

Finally, for States and communities which already have established community preservation or land use programs, the program provides additional financial resources to enable them to carry out transportation projects that also meet community preservation, environmental and land use goals. In providing this assistance, the Secretary of Transportation is directed to give priority consideration to applicants that have instituted policies such as directing funds to high growth areas, urban growth boundaries to guide metropolitan expansion, and "green corridors" programs.

My home State of Oregon leads the nation in developing innovative approaches to manage our growth and to tie transportation policies in to growth management. Our statewide land conservation and development program requires each municipality to establish an urban growth boundary to define both the areas where growth and development should occur and those areas that should be protected from development. This system keeps agricultural and forest lands in productive use and preserves "green corridors" for hiking, biking and other recreational uses that are located in or close to urban areas. Our transportation planning and construction efforts reinforce these policies by not only avoiding developing in environmentally sensitive areas but also by helping make the areas where we want development to occur more accessible.

Oregon recognizes that it's not enough to tell people where they can't build. For our system to work, we have to make it easier to develop the areas where we want growth to occur. And we don't just give lip service to this principle. We actually put our money where our mouth is to make sure the development we want occurs.

The State of Oregon and METRO, the Portland area's regional government, are currently using $3 million of our Surface Transportation Program (STP) funds to develop housing and commercial properties around light rail stations. Our folks have even figured out how to use $3.7 million CMAQ air quality funds to help pay for sidewalks, light rail tracks and landscaping in these developments.

These policies make the State of Oregon, METRO, the City of Portland, and other localities in our State ideal

candidates to apply for implementation grants under the Transportation and Community and System Preservation Program.

Mr. KERREY. Mr. President, I rise today to discuss the Conference Report to the Intermodal Surface Transportation Efficiency Act of 1998 (ISTEA). During this period of tremendous economic growth, I believe investing in the nation's transportation infrastructure should be one of our highest priorities. I am pleased to offer my support to the passage of this legislation.

Mr. President, despite my support for the improvements in the transportational infrastructure that will occur as a result of this bill, I have strong concerns about one of the funding sources contained in this legislation. I do not believe that we should take money from veterans disability programs to be spent building roads. At a time in which the veterans hospitals in my state are experiencing budgetary shortfalls, I am troubled about transferring funds away from the Veterans Administration (VA). We in the United States have a long-standing commitment to providing benefits and healthcare to those who have served our country in the Armed Forces. In my opinion we should be working to strengthen that commitment, not weaken it through budgetary slight of hand.

The issue of providing compensation to veterans for tobacco-related illnesses is one which the Congress must take closer look at in the coming months. During consideration of the FY99 Budget Resolution, I voted in favor of an amendment that requires the Veterans Administration, Office of Management and Budget (OMB), and the General Accounting Office (GAO) to jointly study the VA General Counsel's determination regarding compensation for tobacco-related illnesses. I fully expect Congress will conduct a detailed examination of the results of this study and will engage in full debate before any change in permanent law is enacted. Regardless of the ultimate outcome of that debate, any savings as a result of a change in VA compensation policy should be redirected into VA health care and benefits programs, not into transportation infrastructure.

Mr. President, despite my concern about this funding provision, I will vote in favor of this Conference Report because I believe today's investment in roads and transit systems lays the groundwork for economic growth for decades to come. The Senate's passage of this legislation will improve the safety of our roads, create jobs, spur economic activity and give more Americans a shot at the American Dream. I strongly urge my colleagues to join me in support of this legislation.

Mr. SMITH of New Hampshire. Mr. President, I join the majority of my colleagues today in expressing strong support for the conference report on H.R. 2400, the Intermodal Surface Transportation Efficiency Act reauthorization. As a member of the conference committee, I know the amount of time and effort that was put into developing this final agreement. I believe a fair compromise was reached among the wide variety of interests and between the House and Senate.

This legislation represents a change from past transportation legislation and a shift toward an integrated, intermodal transportation system to promote efficiency and economic growth. Some of its major provisions include: assurance that gas tax dollars are used for transportation purposes, greater planning authority for state and local government, increased funding for highway safety, and funding for environmental protection activities.

A reauthorized ISTEA should continue to recognize regional differences but at the same time, recognize that our transportation system is a national system. Certainly, every state want to get its "fair share," and we will need to balance each state's needs with the needs of the Nation.

From New Hampshire's perspective, it is important to ensure that small states continue to receive adequate funding for their infrastructure needs. New Hampshire strongly supports certain programs, such as the Bridge Rehabilitation, Scenic Byway and Recreational Trail programs, that other states may not need as greatly. The strength of this legislation is that it recognizes these varying needs and provides states with the flexibility to direct funding as they see appropriate.

There are many challenges before us as we operate in a balanced budget environment—something for which I have fought long and hard. Our needs will always outweigh our resources. But we also have to recognize how critical our transportation system is to our economy and social well-being. While it is difficult to balance these frequently competing goals, I believe this bill strikes the right balance in providing an adequate amount of resources within the context of the balanced budget agreement.

In conclusion, I believe this is a good bill and deserves Senate approval. The quality of our Nation's transportation system is depending on it. Thank you, Mr. President, and I yield the floor.

Ms. MIKULSKI. Mr. President, I rise in support of the conference report accompanying the re-authorization of the Intermodal Surface Transportation Efficiency Act. While I support this legislation, I am disappointed that veterans programs were used to pay for a portion of this bill. Nonetheless, this bill contains significant increases in funding for Maryland's highway and transit programs. I am proud to have worked with my colleague Senator SARBANES to make sure Maryland got its fair share of funds for its transportation needs.

With billions in needed maintenance and construction in the State of Maryland, this legislation will make our highways safer and expand transit options for our citizens. It will help to ease the flow of traffic on our major highways and byways and begin the long awaited re-construction of the Woodrow Wilson Bridge.

This bill provides $900 million for a new Wilson Bridge, $500 million more than the Administration proposed last year. Although this does not represent the total cost of a new bridge, it is a first step toward replacement of the bridge. Let me make it clear, I do not consider this funding to be the end. I consider this to be the beginning. In future years, I will continue the effort to secure additional funding to complete the re-building of Wilson Bridge, a critical link on the I-95 system and the only federally owned bridge in the system.

Under this bill, Maryland will receive more money for its highway program than it gets now. Maryland can expect approximately $400 million per year for its highway program—almost $90 million more than it gets now. This is almost a 30 percent increase in funding that will help improve the conditions of our highway system—which is one of the most congested in the nation. The Washington area has the second longest commute time in the nation. The funds authorized in this bill should help provide some much needed relief.

The bill not only provides more funds for Maryland's overall highway program, it specifically targets funds for high priority projects around the State. The bill provides $26 million to upgrade Route 113 in Worcester County, one of the most dangerous highways in the State of Maryland. Every time I visit the Eastern Shore, I am always reminded about the need to upgrade this highway. Too many Marylanders have lost their lives on this stretch of roadway. This legislation will fund the first and most critical phase of this project to make the road safer for those who use it.

Another major project that has desperately needed funds has been the I-70/I-270 interchange in Frederick. It is one of the only interchanges on the interstate system that does not meet interstate standards. It has been a safety hazard for years. The lack of an adequate interchange in the area has forced trucks off the interstate and into surrounding areas. This legislation will provide funding to complete the first phase of reconstruction and relieve the local community of this burden, while improving the safety of this section of highway.

For the first time, almost $10 million will be earmarked for Route 32 in Anne Arundel County in the vicinity of the

National Security Agency. This highway is one of the most heavily traveled highways in the State and needs to expand capacity to accommodate the growth in the surrounding area.

This legislation will also increase funding for the Appalachian Highway System. Maryland can expect to receive approximately $6 million per year for the next six years under this bill—that is enough to rebuild U.S. 220 in Allegany County. This is the number one highway priority for Western Maryland and a serious safety problem. This is $4 million per year more than Maryland receives now. Thanks to this legislation, Maryland will have the funds to upgrade this highway.

Mr. President, not only does Maryland receive more highway dollars, we receive more transit dollars. Maryland will receive almost twice as much federal funds for its transit programs. The MARC system will receive an additional $185 million and the Baltimore Light Rail System will receive $125 million to double-track the system. This will continue to expand transit opportunities for Marylanders and help relieve congestion on our highways.

Mr. President, I do have one major reservation to this conference report. I believe it is just plain wrong that our veterans are being asked to sacrifice their compensation for our transportation needs. I made my feelings very clear when I voted in favor of an amendment to the Budget Resolution earlier this year that called on the Congress to protect veterans benefits. As the Ranking Member of the Veterans Affairs Appropriations Subcommittee, I will look for ways to ensure that these funds are replenished. Our vets, our heroes, deserve better and I will fight to correct this deep injustice.

Despite my anger over the veterans offset, I will support this legislation because it is so important to improving the safety of Maryland's highways, byways and transit systems. Improving public safety and creating jobs are two of my highest priorities and this bill addresses both.

Mr. ALLARD. Why does ISTEA allow the Administrator of the Environmental Protection Agency to provide for earlier state implementation of the Commission's recommendations?

Mr. BAUCUS. The bill clarifies that it does not affect EPA's authority to provide for state implementation of the agreements and recommendations set forth in the June 1996 Grand Canyon Visibility Transport Commission Report on a schedule consistent with the Commission's Report. This was a critical issue for the conferees. The conferees recognize that the Commission's Report was the product of several years of debate and analysis, and reflects broad consensus on control strategies and measures that should proceed with implementation. The conferees added specific language so as not to preclude the Administrator from providing for earlier state implementation of the Commission's agreements and recommendations, consistent with the implementation schedules in the Commission's Report.

Mr. REED. Mr. President, I rise to briefly discuss my support for the ISTEA conference report which I believe appropriately and rationally expands and improves our nation's transportation programs.

Mr. President, this legislation is good news for Rhode Island, a state that unfortunately has some of the most significant infrastructure needs in our nation according to experts. Yet, many people might overlook the fact that this conference report also provides essential investments in our nation's mass transit programs. Indeed, I am pleased that the Banking Committee's transit title of the conference report contains $35 million for new capital transit programs in Rhode Island as well as $5.79 million for the purchase of urgently needed new buses by the Rhode Island Public Transit Authority. I want to personally thank Chairman D'AMATO and Senator SARBANES, particularly, for their assistance in addressing my state's transit priorities and their hard work in producing a very balanced transit program that will serve our country well.

While there is much that is good in this bill, I am troubled by some of the budgetary offsets used to permit a higher level of transportation investment. Like many of my colleagues, I remain concerned that in order to accommodate essential infrastructure funding within the confines of strict budget caps, this legislation would endorse a plan to deny payments for veterans with service connected smoking-related illnesses. Indeed, earlier this year, I voted against this proposal, and I plan to work with like minded colleagues in the months ahead to see if we can reverse it. In addition, I am saddened that the ISTEA bill no longer contains a tougher national standard for driving under the influence of alcohol. All too often we hear of another senseless death due to drunk driving. A tougher standard for blood alcohol content or BAC would have been an excellent deterrent in the fight against drunk driving tragedies, and I regret that the Senate's strong support for this standard did not prevail in negotiations with the House of Representatives.

Mr. President, like many pieces of legislation, this bill is not perfect. However, repairing my state's roads and bridges; ensuring that thousands of mass transit riders in Rhode Island continue to receive service; and improving safety on our roads; are worthwhile goals that I hope all my colleagues support.

Mr. HOLLINGS. Mr. President, I rise in support of Senate consideration of the Intermodal Surface Transportation Efficiency Act bill, the so-called ISTEA bill.

This bill sets priorities and funds for surface transportation projects and programs for the next six years. It is the product of many months of negotiations between the House and the Senate and between Members on both sides of the aisle. We have managed to come together on this bill by compromise and a willingness to listen to all points of view for the good of the nation and the States.

As ranking Democrat on the Commerce Committee, I can tell you that the provisions in the Commerce Committee title of the bill were the product of intense negotiations for many weeks. But the way to judge our efforts is the result and I am proud of what has been achieved.

We have provisions to strengthen the safety of motor vehicle air bags and to allow States to design programs to raise the percentage of their citizens who use seat belts. In addition, we have given the Secretary of Transportation the flexibility to design additional commercial motor vehicle safety programs. We have authorized a program to provide funds for the development of rail and intermodal projects. These programs will allow us to expand the nation's infrastructure. Most importantly, the bill contains funds to replace our crumbling bridges and roads. Together these programs will provide our citizens with safer bridges and roads and additional infrastructure will allow our citizens to compete in the world market.

Commerce Committee provisions also address the needs of recreational boaters and anglers. The bill extends the Aquatic Resources Trust Fund and recovers a greater portion of the federal fuel taxes paid by boaters and anglers. In addition, Commerce Committee provisions ensure that funds are available to make boating safer, more accessible, and environmentally cleaner for the 76 million Americans—more than one-fourth of the nations's population—who go boating each year. Finally, the bill extends programs to restore and protect sportfish resources and strengthens efforts to introduce segments of the American public . . . especially our youth . . . to the healthy fun of fishing and boating.

I take this opportunity to thank the staff of the Commerce Committee for their efforts on behalf of this bill, and indeed, on behalf of all of us.

Mr. President, I urge passage of this important piece of legislation.

Mr. DURBIN. Mr. President, today the Senate will vote on the conference report to the Intermodal Surface Transportaton Efficiency Act (ISTEA). I wanted to take this opportunity to discuss the benefits of this legislation for my home state of Illinois.

This conference report is truly historic. It makes the largest investment

to date in our nation's aging infrastructure, $216 billion over the next six years. In short, this conference report increases the State of Illinois' total ISTEA dollars and provides greater flexibility. It goes a long way toward improving the conditions of Illinois' roads and bridges, properly funding mass transit in Chicago and downstate, alleviating congestion, and addressing highway safety and the environment.

The bill provides $175 billion over six years for highways, highway safety, and other surface transportation programs. Illinois has the third largest Interstate system in the country; however, its roads and bridges are rated as the second worst in the nation. The State can expect to receive about $5.3 billion over six years from the highway formula. That's nearly a 30 percent increase or $1.2 billion more than the ISTEA of 1991.

Major reconstruction and rehabilitation projects like Downtown Chicago's Wacker Drive and the Stevenson Expressway (I–55) will be able to move forward thanks, in large part, to this legislation. The conference report designates $25 million each for both of these priority projects. In addition, both the Stevenson Expressway and Wacker Drive projects will be able to compete for federal funds through certain discretionary programs.

The conference report also includes funding for over 100 high priority projects from throughout the State worth more than $375 million.

Mass transit funding is vitally important to the Chicago metropolitan area as well as to many downstate communities. It helps alleviate congestion and provides access for thousands of Illinoisans everyday. The conference report includes $41 billion over six years for mass transit. Illinois can expect to receive about $2.5 billion over six years, a 67 percent increase or $1 billion more than the 1991 ISTEA.

The conference report authorizes the Chicago Transit Authority to expand the capacity of the Ravenswood Brown Line and fully funds the rebuilding of the Douglas Branch of the Blue Line. It also will help METRA expand Northeastern Illinois' commuter rail system by double-tracking and extending service into rapidly growing areas. The Metro Link light rail system in St. Clair County will have the ability to complete an extension from East St. Louis through Belleville Area College to MidAmerica Airport under the conference report. The transit provisions will also help transit authorities throughout the State purchase and upgrade buses and bus facilities.

The conference report also includes $150 million per year for the Jobs Access and Reverse Commute Grants program. This program will assist communities in filling the gaps in transit service that prevent welfare recipients from finding and keeping the jobs they need to remain self-sufficient.

Congress also has made a commitment to high-speed passenger rail, a safe, cost-effective means of transportation, in this conference report. With increased funding, it is my hope that the Midwest can develop an effective transportation system.

This legislation also preserves and expands some important environmental and enhancement programs, including the Congestion Mitigation and Air Quality (CMAQ) program. CMAQ's goal is to help states meet their air quality conformity requirements as prescribed by the Clean Air Act. The conference report increases funding for CMAQ by 18 percent. Illinois can expect more than $1 billion over six years under the program. The report also fully funds transportation enhancement activities, such as bicycle pedestrian facilities and historic preservation.

Illinois is one of 15 states that has been responsible enough to pass a .08 legal blood-alcohol concentration level for drivers. The State has had .08 BAC since July of 1997 and we are already beginning to see positive results. Unfortunately, the conference committee did not include language that would have sanctioned states that refused to pass .08 BAC legislaton. Instead, Illinois and other states who have passed .08 will receive as much as $6 million per year in highway safety incentives.

I am pleased that the conference report extends the current excise tax exemption for an important Illinois product—corn-based, renewable ethanol fuel—through 2007. Farmers and the ethanol industry must have the ability to plan for the future. Extending the incentive gives them the tools necessary to expand their operations and this important industry while improving the environment and decreasing our dependence on foreign oil.

Mr. President, I know this conference report is not a perfect document. Illinois' highway formula should be higher. I will work with the Administration to ensure that Illinois competes for and receives a fair share of discretionary transportation funds available as a result of this conference report. With the passage of this legislation, Congress has upheld its obligation to reauthorize and improve our nation's important transportation programs. I am pleased to support this measure.

Mr. SPECTER. I would like to engage the Chairman of the Banking Committee, Senator D'AMATO in a colloquy regarding a Pennsylvania mass transit project. It is my understanding that the project under the transit new start program entitled "Philadelphia-Pittsburgh High Speed Rail" is intended to be for initial planning, design and engineering costs for a high speed magnetic levitation public transportation system in Pennsylvania. Having ridden such a system in Germany in January of this year, I believe a system of this nature will revolutionize the steel industry and could provide an excellent means of mass transit in the 21st Century.

Mr. D'AMATO. I concur with my colleague's understanding that the line item he described is intended to make available Federal Transit Administration funds for initial costs of a high speed maglev system in Pennsylvania. It is my understanding that these funds will be applied for by an existing transit system or state agency in accordance with traditional requirements for FTA grants.

Mr. FEINGOLD. Mr. President, Congress finally completed its work on a six-year bill to reauthorize the Intermodal Surface Transportation Efficiency Act today. This bill has been a long time coming. I'm pleased that Wisconsin will now have a chance to address our state's vital transportation needs for the next year and plan its priorities for the next six years. This bill moves Wisconsin a long way toward achieving fairness in Federal transportation spending, and I cannot overlook this dramatic step forward.

While the bill is not perfect and includes a number of items I would not support individually, it goes a long way toward ending Wisconsin's decades-long legacy as a donor state. Historically, Wisconsin's taxpayers have received about 78 cents for every dollar we have paid into the Highway Trust Fund. As a result, we have lost more than $625 million since 1956. Under this bill, Wisconsin will receive approximately 99 cents for every dollar it contributes to the Highway Trust Fund, beginning next year. I applaud the efforts of Wisconsin's delegation in achieving a greater measure of fairness for Wisconsin's taxpayers. On this travel weekend that many believe will be the biggest in history, the people of Wisconsin should be happy to see that their tax dollars will be used to improve Wisconsin's roads and rails.

Finally, I urge the President to use his line-item veto authority to strike the pork-barrel spending projects inserted into the House reauthorization bill and included in this conference report. We should allow states and localities to decide on how best to address transportation needs. The Senate decided to use more than $2 billion on block grants to states instead of earmarks for particular projects. I am certain that Wisconsin, and other donor states, could have reached even greater equity had the House followed the Senate's lead.

Mr. LAUTENBERG. Mr. President, I would first like to thank the managers of Conference Report. Both Senators CHAFEE and BAUCUS have worked day and night trying to produce a fair and balanced Conference Report. They have done their best to try to accommodate my views. We did not always agree on every issue, but they both tried to

work with me and engage in a constructive dialogue when we differed.

I would also like to thank the distinguished Chairman of the Subcommittee, Senator WARNER. He put in a substantial effort to try to create a consensus that would satisfy the need for this critical legislation.

And I would like to thank Senators D'AMATO and SARBANES for their diligence and hard work on the mass transit title. Because of their commitment, this bill represents a balanced transportation bill.

Mr. President, I offer some comments to indicate my specific views on how this good bill will help my State of New Jersey. As a member of the Environment and Public Works Committee, I have been working on the ISTEA reauthorization bill this entire Congress. I have been fighting for increased investment in our nation's infrastructure, a balanced transportation system and critical safety programs.

Overall, on balance, this is a good bill—good for the country and good for New Jersey. It includes $173 billion for highways and $41 billion for mass transit nationally over six years. As the Ranking Democrat on the Budget Committee, I worked hard to increase mass transit funding by almost a third compared to the 1991 ISTEA bill. Overall, this translates to over $4 billion to New Jersey for highways and over $2 billion for mass transit over the six year life of this bill. As a result, New Jersey will receive an increase of over $1 billion in transportation funding as compared to the 1991 ISTEA bill.

Mr. President, the ISTEA bill, like any bill that provides funding to the States, became a battle between regions. Western Senators argued that their needs were greatest because of the sheer miles of highways in their states. Southern Senators suggested that they had population growth and they needed increases. The so-called donor states were pushing a "minimum allocation" that would revise the formula that prevailed over the past six years.

Mr. President, obviously, I pushed hard for increased investment in my region and my state. The Northeast states face tremendous infrastructure needs over the next six years. Since we are the oldest region in the country with the highest density and greatest volume of traffic, our infrastructure needs are great. This problem is compounded by harsh weather conditions, intense congestion and air quality.

Mr. President, I didn't get everything I wanted for New Jersey. However, this bill does provide substantial increases in funding for New Jersey for highways and mass transit. It also includes funding for over 40 highway and mass transit projects for my state. I fought to keep all of the my colleagues in the House of Representatives' projects in the final bill. The Senate bill originally did not include any special projects, but I am pleased that a few of them were included in the Conference Report at my request. The first project is an emergency heliport on Cooper Hospital in Camden, New Jersey, which will speed up rapid emergency service for hospital patients in the region. I am also pleased with funding to construct a roadway network using the former Bergen Arches rail corridor going from east to west in Hudson County, New Jersey. The Bergen Arches project will provide congestion relief and will allow the demand for development of the Hudson County waterfront—the so-called "Gold Coast"—to move at its rapid pace.

Mr. President, anyone who is familiar with my work in the Senate knows that I don't relent when it comes to standing up for my constituents and my state. I feel my responsibilities to the people who sent me here as a sacred obligation and I would never agree to anything that is detrimental to our needs.

Mr. President, this legislation is all about compromise. And this Conference Report is not perfect for my state, but, in the end, the substantial increases in highway and mass transit funding will reduce congestion, increase productivity, clean the air, and improve the quality of life so I will support this legislation.

I yield the floor.

Mr. LEVIN. Mr. President, I must note to my colleagues that the procedure that has been used here on the floor today for consideration of this conference report is outrageous.

Despite the process followed here, I intend to vote for this bill, based on the representations about Michigan's share of highway funds made in the incomplete charts provided by the Conference Committee. I ask unanimous consent that those charts be placed in the RECORD following my statement. The best judgement I can exercise at this point is to support the apparent increases provided to my state. According to these charts, Michigan will receive an annual average of $825 million per year from the Highway Trust Fund, an increase of $310 million over the ISTEA I average. Our percentage return on the dollars distributed will rise from approximately 84% to 90.5% and is guaranteed to go no lower. And, our share of the total funds going to the states will increase from approximately 2.87% to 3.16%, close to the Senate bill's mark.

If the factual matter in those charts proves to be inaccurate, I, and I am sure my donor state colleagues, will seek corrective action.

Michigan and the nation are making some significant progress with the passage of this bill. We are now going to spend all or nearly all our gas tax dollars on transportation, rather than leaving them in the Highway Trust Fund. That means we are going to start addressing the serious backlog of infrastructure projects that are vital to our economy and quality of life.

I understand the report contains a minimum guarantee provision similar to that in the Senate bill, though the "guarantee" has been reduced to a 90.5% return on dollars distributed rather than the 91% the donor states were promised. Still, this is some incremental progress for my state, but Michigan will continue to be a substantial donor state and continue sending money to the donee states. We will continue pressing at the next opportunity for more equity, particularly on transit when that title is reauthorized in two years. But, for the moment, we can declare a minor victory.

While I appreciate the conferees', particularly Senator WARNER's, attention to the donor states' needs, I am concerned by one particular provision. Apparently, the report includes an item that could drastically reduce the minimum guarantee funds to states if revenues increase by more than 25% over a 1998 baseline. This provision has no place in this bill, particularly since the total amount authorized and distributed by this bill is projected to rise by approximately 25% over the next six years, assuming current CBO projections. Its inclusion undermines the "guarantee" and the promise that the Senate conferees made to the donor states, since we could be disproportionately hurt. I intend to examine this provision closely and will work with the other donor states to change this provision if it proves harmful to us.

I am pleased that the conferees have included a number of important provisions in the report, including a provision similar to one I authored in the Senate's bill enhancing local transportation officials participation in the preparation of the states' transportation improvement program. Also, the international trade corridor number 18, which includes I–69 and I–94, is designated as high priority. Ambassador Bridge access projects are made eligible for Federal funding. The State of Michigan will receive $10 million in FY99 and $13.5 million in FY2000 for buses and bus facilities in a block grant for distribution around the State. Numerous other important projects are identified all over the State, from an Intelligent Transportation System technology project in Lansing, to Monroe Rail Consolidation, to the South Beltline in Grand Rapids, to renovation and rehabilitation of the Detroit Waterfront, to upgrading 3 Mile Road in Grand Traverse County, to upgrading H–58 in Pictured Rocks National Lakeshore., etc.

This is not a perfect bill. But, it is another step on the long, long road toward equity. When I started in the Senate, we were getting somewhere around $.75 cents on our gas tax dollar. The

1991 ISTEA bill brought us up to approximately $.80 per dollar, and the conference report before us should get us to about $.83. Some day, Michigan taxpayers will get back 100% of the gas taxes they pay into the Highway Trust Fund in the form of better roads and bridges and well-maintained infrastructure. But, only if we keep fighting.

I ask unanimous consent to have the charts printed in the RECORD.

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

1998–2003 AVERAGE CONFERENCE AGREEMENT

[Dollars in thousands]

State	1992–97			
	No Fed Lnds	Conference	Change	Change (percent)
Alabama	$330,263	$530,516	$200,254	60.6
Alaska	211,782	311,860	100,078	47.3
Arizona	255,665	407,814	152,149	59.5
Arkansas	262,738	345,860	83,122	31.6
California	1,653,208	2,406,992	753,784	45.6
Colorado	200,562	305,526	104,965	52.3
Connecticut	352,409	397,475	45,066	12.8
Delaware	72,136	115,793	43,656	60.5
Dist. of Col.	92,099	103,543	11,445	12.4
Florida	768,360	1,208,600	440,240	57.3
Georgia	541,389	918,804	377,416	69.7
Hawaii	126,276	135,502	9,225	7.3
Idaho	124,765	202,009	77,244	61.9
Illinois	682,070	885,171	203,101	29.8
Indiana	405,583	617,387	211,804	52.2
Iowa	220,296	314,609	94,313	42.8
Kansas	208,439	306,678	98,239	47.1
Kentucky	283,524	454,508	170,983	60.3
Louisiana	264,022	416,163	152,141	57.6
Maine	117,516	137,753	20,237	17.2
Maryland	306,872	394,884	88,012	28.7
Massachusetts	829,663	487,827	−341,836	−41.2
Michigan	512,012	825,390	313,378	61.2
Minnesota	280,096	392,423	112,328	40.1
Mississippi	202,321	318,954	116,633	57.6
Missouri	404,352	618,094	213,742	52.9
Montana	161,357	259,879	98,523	61.1
Nebraska	142,245	203,318	61,072	42.9
Nevada	117,280	189,707	72,428	61.8
New Hampshire	88,260	135,135	46,875	53.1
New Jersey	518,499	675,702	157,203	30.3
New Mexico	178,066	258,702	80,635	45.3
New York	997,644	1,351,299	353,655	35.4
North Carolina	478,837	740,665	261,828	54.7
North Dakota	116,031	171,517	55,486	47.8
Ohio	654,795	896,635	241,839	36.9
Oklahoma	259,338	403,573	144,236	55.6
Oregon	212,782	318,875	106,093	49.9
Pennsylvania	889,759	1,305,731	415,972	46.8
Rhode Island	105,925	155,943	50,018	47.2
South Carolina	232,252	416,425	184,173	79.3
South Dakota	119,210	187,116	67,906	57.0
Tennessee	365,555	592,731	227,176	62.1
Texas	1,174,785	1,887,940	713,155	60.7
Utah	129,854	204,967	75,113	57.8
Vermont	79,354	119,693	40,339	50.8
Virginia	414,572	670,755	256,183	61.8
Washington	341,068	467,856	126,789	37.2
West Virginia	209,742	296,261	86,519	41.3
Wisconsin	351,960	521,277	169,317	48.1
Wyoming	114,900	181,934	67,034	58.3
Apportioned	18, 162,486	26,173,771	8,011,286	44.1

CONFERENCE AGREEMENT 1998–2003 AVERAGE

(Dollars in thousands)

State	IM/NHS	STP	Bridge	CMAQ	ADHS	Rec Trails	Metro planning	High priority projects	Minimum Guarantee	Grand total
Alabama	193,305	131.151	68.092	7,720	40,691	875	20,080	32,429	54,172	530.516
Alaska	100,630	59,687	23,069	14,558		557	937	12,004	100,419	311,860
Arizona	191,283	109,866	9,923	21,938		786	3,003	11,392	59,632	407,814
Arkansas	139,412	93,043	41,869	7,828		822	937	20,964	40,986	345,860
California	868,672	595,027	287,607	286,908		2,890	28,793	153,738	183,358	2,406,992
Colorado	139,193	85,562	29,747	16,111		772	2,688	11,333	20,120	305,528
Connecticut	103,869	71,079	68,300	52,588		549	2,779	23,281	75,032	307,475
Delaware	49,537	31,989	9,462	7,803		580	917	1,505	14,079	11,794
Dist. of Col.	42,152	27,219	20,375	6,640		435	937	7,303	483	103,543
Florida	475,719	323,906	84,881	39,689		1,603	11,507	50,121	221,174	1,208,800
Georgia	365,725	242,869	67,878	28,982	16,262	1.137	3,687	44.618	147,645	918,804
Hawaii	48,343	31.217	24.243	78.616		492	937	8,916	13,739	135,502
Idaho	92,018	44,392	10,745	8,861		704	937	7,460	36,893	202,009
Illinois	338,679	215,077	125,655	82,271		1,112	9,586	65,036	47,7454	885,171
Indiana	263,848	165,802	48,191	16,398		800	3,044	33,'67	86,138	617,387
Iowa	134,786	82,661	55,629	7,009		675	1,086	17,751	15,035	314,809
Kansas	125,928	90,878	851,818	6,892	744	1,152	28,575	18,576	10,693	306,678
Kentucky	178,599	107,979	43,214	10,814	37,328	752	1,444	23,503	50,877	454,508
Louisiana	149,949	99,265	85,303	7,542		981	2,519	31,048	398,555	416.163
Maine	51,481	32,650	24,652	7,545		716	937	8,639	13,473	137,753
Maryland	145,061	94,797	47,040	41,899	6,363	578	4,049	23,149	31.447	394,884
Massachusetts	134,571		98,623	48,525		1,466	6,572	54,354	92,668	825,390
Michigan	297,325	225,858	98,623	48,525		1,466	6,572	54,345	92,668	825,390
Minnesota	165.774	116.267	30,524	16,792		1,183	2,681	31,066	28,136	392,423
Mississippi	124,401	85,645	51,049	7,384	4,563	762	937	17,828	26,384	318.954
Missouri	234,608	153,494	116,148	19,531		926	3,146	42,664	47,576	618,094
Montana	130,719	47,227	20,729	8,764		619	937	3,378	47,457	259,879
Nebraska	94,889	55,922	32,731	6,778		548	937	6,982	4,530	203,318
Nevada	87,742	45,315	10,220	8,428		568	1,000	5,928	30,476	189,707
New Hampshire	49,298	31,834	18,715	7,765		597	937	11.-31	14.958	136,135
New Jersey	185 163	127,709	186,451	81,462		911	7,496	50,721	35,789	675,702
New Mexico	133,720	57,446	11,108	7,969		767	937	13,310	33,444	258,702

CONFERENCE AGREEMENT 1998–2003 AVERAGE—Continued

(Dollars in thousands)

State	IM/NHS	STP	Bridge	CMAQ	ADHS	Rec Trails	Metro planning	High priority projects	Minimum Guarantee	Grand total
New York	344,690	248,343	363,260	147,345	8,770	1,187	15,960	100,490	121,256	1,251,299
North Carolina	263,436	184,568	105,315	15,545	23,958	1,007	2,841	40,008	103,988	740,665
North Dakota	96,450	38,754	8,961	7,380		520	937	3,555	14,951	171,517
Ohio	345,443	216,389	125,594	56,658	18,349	1,145	7,527	56,789	68,740	896,635
Oklahoma	162,956	116,331	60,520	7,366		720	1,531	20,775	33,374	403,573
Oregon	132,439	80,005	46,655	10,295		762	1,606	25,211	21,903	318,875
Pennsylvania	335,854	216,673	365,828	90,210	99,496	1,211	8,149	102,863	86,446	1,205,731
Rhode Island	53,801	34,742	26,377	9,902		490	937	4,121	25,568	155,943
South Carolina	164,303	116,212	43,752	8,266	1,996	765	1,613	17,432	62,088	416,425
South Dakota	92,598	43,756	12,707	7,574		529	937	10,382	18,633	187,116
Tennessee	227,838	139,481	69,917	14,466	45,620	831	2,508	37,519	54,552	592,731
Texas	770,056	518,203	155,804	79,376		1,893	12,858	84,066	265,684	1,887,940
Utah	100,086	49,936	13,716	8,302		678	1,492	13,278	17,480	204,967
Vermont	47,356	30,580	18,115	7,459		559	937	3,676	11,011	119,693
Virginia	256,791	171,557	84,025	31,696	9,589	1,170	4,330	351074	76,522	670,755
Washington	172,083	115,039	87,530	24,836		909	3,635	32,864	30,960	467,856
West Virginia	71,859	47,396	67,752	7,089	56,580	576	937	31,030	12,943	296,261
Wisconsin	213,290	144,587	34,428	20,638		1,096	2,787	28,376	76,075	521,277
Wyoming	112,230	30,436	9,003	7,424		597	937	5,001	16,306	181,934
Apportioned	9,799,958	6,321,791	3,652,595	1,515.150	369,563	44,348	187,367	1,166,667	2,758,000	28,173,771

1998–2003 AVERAGE CONFERENCE AGREEMENT (REVISED)

[Dollars in thousands]

State	1992–97				1992–97		1992–97	
	No Fed Lnds	Conference	Change	Change (percent)	No Fed Lnds (share percent)	Conference (share percent)	No Fed Lnds (HTF Ratio)	Conference (HTF Ratio)
Alabama	$330,263	$530,516	$200,254	60.6	1.8184	2.0269	0.824	0.918
Alaska	211,782	311,860	100,078	47.3	1.1660	1.1915	5.026	5.136
Arizona	255,665	407,814	152,149	59.5	1.4077	1.5581	0.818	0.905
Arkansas	262,738	345,860	83,122	31.6	1.4466	1.3214	1.005	0.918
California	1,653,208	2,406,992	753,784	45.6	9.1023	9.1962	0.896	0.905
Colorado	220,562	305,526	104,965	52.3	1.1043	1.1673	0.869	0.918
Connecticut	352,409	397,475	45,066	12.8	1.9403	1.5186	1.948	1.525
Delaware	72,136	115,793	43,656	60.5	0.3972	0.4424	1.385	1.542
Dist. of Col.	92,099	103,543	11,445	12.4	0.5071	0.3956	4.034	3.147
Florida	768,360	1,208,600	440,240	57.3	4.2305	4.6176	0.829	0.905
Georgia	541,389	918,804	377,416	69.7	2.9808	3.5104	0.768	0.905
Hawaii	126,276	135,502	9,225	7.3	0.6953	0.5177	2.700	2.011
Idaho	124,765	202,009	77,244	61.9	0.6869	0.7718	1.257	1.412
Illinois	682,070	885,171	203,101	29.8	3.7554	3.3819	1.026	0.924
Indiana	405,583	617,387	211,804	52.2	2.2331	2.3588	0.857	0.905
Iowa	220,296	314,609	94,313	42.8	1.2129	1.2020	1.053	1.043
Kansas	208,439	306,678	98,239	47.1	1.1476	1.1717	0.998	1.019
Kentucky	283,524	454,508	170,983	60.3	1.5610	1.7365	0.814	0.905
Louisiana	264,022	416,163	152,141	57.6	1.4537	1.5900	0.828	0.906
Maine	117,516	137,753	20,237	17.2	0.6470	0.5263	1.243	1.011
Maryland	306,872	394,884	88,012	28.7	1.6896	1.5087	1.014	0.905
Massachusetts	829,663	487,827	−341,836	−41.2	4.5680	1.8638	2.485	1.014
Michigan	512,012	825,390	313,378	61.2	2.8191	3.1535	0.809	0.905
Minnesota	280,096	392,423	112,328	40.1	1.5422	1.4993	1.087	1.057
Mississippi	202,321	318,954	116,633	57.6	1.1139	1.2186	0.844	0.923
Missouri	404,352	618,094	213,742	52.9	2.2263	2.3615	0.866	0.918
Montana	161,357	259,879	98,523	61.1	0.8884	0.9929	1.864	2.083
Nebraska	142,245	203,318	61,072	42.9	0.7832	0.7768	0.975	0.967
Nevada	117,280	189,707	72,428	61.8	0.6457	0.7248	1.013	1.138
New Hampshire	88,260	135,135	46,875	53.1	0.4859	0.5163	1.196	1.271
New Jersey	518,499	675,702	157,203	30.3	2.8548	2.5816	1.037	0.938
New Mexico	178,066	258,702	80,635	45.3	0.9804	0.9884	1.135	1.144
New York	997,644	1,351,299	353,655	35.4	5.4929	5.1628	1.266	1.189
North Carolina	478,837	740,665	261,828	54.7	2.6364	2.8298	0.843	0.905
North Dakota	116,031	171,517	55,486	47.8	0.6388	0.6553	1.785	1.831
Ohio	654,795	896,635	241,839	36.9	3.6052	3.4257	0.952	0.905
Oklahoma	259,338	403,573	144,236	55.6	1.4279	1.5419	0.851	0.918
Oregon	212,782	318,875	106,093	49.9	1.1715	1.2183	0.889	0.925
Pennsylvania	889,759	1,305,731	415,972	46.8	4.8989	4.9887	1.184	1.206
Rhode Island	105,925	155,943	50,018	47.2	0.5832	0.5958	2.131	2.177
South Carolina	232,252	416,425	184,173	79.3	1.2787	1.5910	0.727	0.905
South Dakota	119,210	187,116	67,906	57.0	0.6564	0.7149	1.846	2.010
Tennessee	365,555	592,731	227,176	62.1	2.0127	2.2646	0.804	0.905
Texas	1,174,785	1,887,940	713,155	60.7	6.4682	7.2131	0.812	0.905
Utah	129,854	204,967	75,113	57.8	0.7150	0.7831	0.839	0.919
Vermont	79,354	119,693	40,339	50.8	0.4369	0.4573	1.684	1.763
Virginia	414,572	670,755	256,183	61.8	2.2826	2.5627	0.806	0.905
Washington	341,068	467,856	126,789	37.2	1.8779	1.7875	0.962	0.915
West Virginia	209,742	296,261	86,519	41.3	1.1548	1.1319	1.440	1.411
Wisconsin	351,960	521,277	169,317	48.1	1.9378	1.9916	0.966	0.993
Wyoming	114,900	181,934	67,034	58.3	0.6326	0.6951	1.366	1.501
Apportioned	18,162,486	26,173,771	8,011,286	44.1	100.0000	100.0000	1.000	1.000

URBAN CORE COLLOQUY

Mr. LAUTENBERG. Mr. President, I rise to engage in a colloquy with the distinguished Chairman and the Ranking Member of the Banking Committee. Mr. President, the ISTEA conference report includes language that reauthorizes a very important mass transit project in my state. The New Jersey Urban Core project provides critical links in a rail system that is the backbone of the transportation system of the Northeast and the nation. The Urban Core project links all of New Jersey's rail lines and builds new ones where necessary, to establish one comprehensive and coordinated rail transportation system within the state.

Mr. President, the Conference Report makes a number of changes to the authorization of this important project. The report adds new projects as elements of the Urban Core and makes a number of critical changes. The conference report is silent on the future of full funding agreements. Do the Chairman and Ranking Member of the Banking Committee, who authored the Mass Transit title to the next surface transportation authorization bill, agree that it is important that the Secretary and the State of New Jersey enter into full funding grant agreements sometime in the next six years, for those elements of the Urban Core that can be demonstrated to be under construction by September 30, 2003? Is it your intention to urge the Secretary to work with the State of New Jersey over the next two years to sign full funding grant agreements?

Mr. D'AMATO. Mr. President, I agree with the distinguished Senator from New Jersey that the Urban Core is an important mass transit project that serves millions of people every day and demonstrates every day the importance of mass transit to our national transportation system. I also believe that the Secretary should work with the State of New Jersey during the next few years to provide assistance to those elements of the Urban Core that will move ahead in the next six years.

Mr. SARBANES. Mr. President, I concur with the Chairman of the Banking Committee's statement.

Mr. LAUTENBERG. I thank the distinguished Chairman and Ranking Member of the Banking Committee for their support for the New Jersey Urban Core, and for their support for mass transit nationwide. They are true champions of investing in a sound and balanced transportation system.

Mr. HATCH. Mr. President, I am pleased to support final passage of the conference report on the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). I commend my colleagues who have worked so hard on this bill, Senator CHAFEE, Senator WARNER and Senator BAUCUS, Senator DOMENICI and Senator D'AMATO.

This has been an incredibly difficult process. Whenever you have to divide resources among competing interests there is going to be friction. The conferees on this legislation have done an admirable job in balancing these competing interests in the name of our shared national interest in safe, efficient highways.

This highway and transit reauthorization is important for the country and for my state of Utah. Utah needs this bill and I am happy that we can deliver it to them. Like a lot of states, Utah has a number of crucial infrastructure improvements needed in our highway and transit systems. Unlike other states, however, Utah must complete a number of these projects in time for the 2002 winter Olympic Games.

This bill makes clear that the federal government has a responsibility to assist my state of Utah make the transportation improvements needed to successfully host the 2002 Games. By including language which gives the Secretary of Transportation the authority to give priority consideration for Olympic host cities, the Congress has acknowledged that these really are America's Games.

I also applaud the members of the Environment and Public Works Committee for crafting a formula which recognizes the fact that there has been a population shift to the west and that a federal highway funding formula must accommodate the rapid growth in western states.

There are a number of important projects authorized in this legislation. I am pleased that we were able to bring a number of earmarked demonstration projects up to an appropriate level. Utah is growing quickly both in population and vehicle miles traveled. These projects, all part of the state's transportation improvement plan, will make a real difference in a number of rural counties.

Finally, I wish to commend all the members of the Utah delegation. We are a small delegation, but we are a strong delegation and when we work together, as we have all done relative to this legislation, we are an effective delegation.

I thank the Chair and yield the floor.

Mr. GORTON. Mr. President, we are now asked to vote on a bill authorizing the expenditure of more than $200 billion. No member of the Senate other than a handful of conferees has seen a copy of the bill; no one knows anything about its major policy implication.

The Senate bill allowed each state's money to be spent as each state determined. This bill included hundreds of Congressionally designated projects in both the highway and mass transit accounts. Although the earmarked Washington state projects were all appropriate in the highway category, the mass transit title did not treat my state fairly. The Regional Transit Authority, perhaps the most cost-effective project in the nation, was less fairly treated than projects abandoned by the communities for which they are authorized.

Even more importantly, the general highway fund distribution formula discriminates unfairly against Washington state. It returns to us a lower percentage of our motor vehicle fuel taxes than does present law, the original Senate bill, or the House bill. Our conferees in the Senate did not represent us well.

The bill is full of pork and unfair. I will vote against it.

Mr. WELLSTONE. Mr. President, I am here on the floor today to explain my concerns about the conference report on the Intermodal Surface Transportation Efficiency Act (ISTEA).

I want to first say that I was pleased to be able to vote for the Senate bill in March. This bill will continue the important work that was begun under the first ISTEA. It represents a comprehensive package to address all transportation needs. It continues the fundamental goal of the original ISTEA, which is to afford state and local governments greater flexibility in allocating transportation dollars.

I believe that investing in our transportation infrastructure is essential if we are to remain economically competitive. Today, our highways and transit systems need continued support in order to meet our commercial and personal transportation requirements.

I also want to thank all the people in Minnesota who have educated me along the way on transportation issues. In addition to the "traditional highway advocates"—the city, county and state officials, engineers and contractors—I have been working closely with community organizers, architects, preservationists, bicyclers and community activists. Though some may have questions about this or that provision, all of these people support ISTEA.

ISTEA will guarantee that a federal investment will be made in maintaining and expanding Minnesota's highways, transit and other transportation related programs. I am pleased that several transit projects have been proposed in Minnesota, including the Twin Cities Transitway. Improving existing transit and building new transit will be crucial as we see our population in the state continue to grow. It is clear that, as our region continues to grow, we will need alternatives to the traditional car and driver commuting.

Transportation is critical to our daily lives. We cannot separate how people and goods are transported from the many other parts of their social and economic lives. It is important to work together to ensure that we have a fully integrated, safe and environmentally sound intermodal transportation system in the State of Minnesota and the country. ISTEA does this through the MPO, ATP and STIP process. The planning provisions of the bill put the major decision-making back at the local level where it belongs. In addition, the conference report contains language that allows for appropriate meaningful public participation in the MPO process. While the MPO process has worked well, this new language will make the process that much more responsive to the communities that are most affected by their decisions.

Unfortunately despite these facts, I cannot vote for this conference report for a number of reasons. First, the conferees have reportedly selected major offsets that I strongly oppose. While we

do not have all the details, I believe the bill assumes $15.5 billion in savings from denial of compensation claims by veterans with smoking-related illnesses. The veterans health cuts are especially troubling. I believe it is an outrage that funding that could have gone to meet the many pressing needs of this country's veterans, will instead be used as an offset for spending in this bill.

For years, veterans have been told that cuts to the Veterans Administration (VA)—and particularly cuts to veterans health care—were necessary to reduce the deficit and balance the budget. Last year's balanced budget agreement flatlined the VA budget over six years. It provided virtually no allowance for medical inflation, which in years past has come to roughly $500 million per year.

But Congress can no longer pretend that its failure to provide for veterans' programs is a lack of resources. First of all, the budget is now balanced. Indeed, this year we have a projected surplus of somewhere in the range of $50 billion. Second, in this case Congress is taking resources away from veterans themselves. If Congress insists on denying benefits to veterans who were hooked on smoking during their military service, there is no excuse for transferring those savings outside the VA.

I can think of a lot of areas in the veterans budget where we could have put those savings to good use. For example, I have a bill to provide compensation for veterans who were exposed to radiation during their military service. I've been told these atomic vets cannot be compensated because offsets would have to come from elsewhere in the VA budget. Yet this ISTEA bill seizes upon an enormous offset from that very VA budget and dedicates those funds to transportation.

We could certainly provide more resources for veterans health care, which is facing a severe funding crisis. Without additional funding the VA health care system will "hit the wall," VA Undersecretary for Health Dr. Kenneth Kizer has testified.

This particular offset makes a mockery of the Senate's professed concern for veterans and for deficit reduction. I have real doubts about the various estimates of savings from denial of smoking-related claims. I know others do as well. Nobody knows how much VA will save by denying these benefits to veterans. But the conferees have apparently opted for the highest possible number.

This offset makes very clear what some of us have long suspected. The reason veterans programs have been cut in recent years is not deficit reduction. It's not for the purpose of balancing the budget. It's not because full funding would require a tax increase.

It's none of those things. It's because this Republican Congress places a lower priority on veterans than on other areas of the budget. We cannot get around that fact. Congress would rather use these savings elsewhere.

Whether we like it or not, the legislation we pass in this body makes it very clear what our priorities are. I, for one, think we need to reorder those priorities. I think we need to put more emphasis on the needs of working families. And in this case, I think we need to put a lot more emphasis on veterans who have faithfully served their country.

I will also vote no on this bill, as much as I believe in its goals, because of the way it attempts a resolution on an historic land use dispute in my State regarding the management of the Boundary Waters Canoe Area Wilderness, without adequate Congressional consideration or debate. Congressmen BRUCE VENTO and JAMES OBERSTAR this week reached a last-minute, independent agreement on a proposal to change future management of the BWCAW. The proposed agreement would re-open two portages in the BWCAW to motorized transport in return for closing two small, pristine wilderness lakes to future motorized use.

I regret that this agreement was reached in this way, at the last minute in the House-Senate conference committee, without having been debated by either the House of Senate. As I have said elsewhere, I would have preferred an open, fair, public Congressional debate on my legislation, patterned after Minnesota mediation proposals, and the major alternatives offered by my colleagues. I remain convinced that my compromise plan was a viable one which carefully balanced the interests of all parties. I do not think that last-minute private deals like this one are an appropriate way to conduct policy, especially on a major issue which has so divided our stated. Such deals do nothing to improve Minnesotans' confidence in the fairness of the legislative process.

Mr. President, I want to reiterate my support for the overall objectives of this legislation. I believe investing in our transportation infrastructure is essential if we are to remain economically competitive. Today, our highways and transit systems need continued support in order to meet our commercial and personal transportation requirements.

It is therefore with deep regret that I will be voting against this conference report. I believe that we could have done much better and produced a bill that continued federal support for transportation and transit infrastructure without the problems that this bill has created.

Mrs. BOXER. Mr. President, I rise today to give my warmest thanks to the leadership on the Environment and Public Works Committee, on which I proudly serve, for the hard work and dedication that led us to present the Conference Report on the Transportation Equity Act for the 21st Century, also known as ISTEA II.

I ask if the distinguished chairman of the Committee, Senator CHAFEE of Rhode Island, would respond to a question.

Mr. CHAFEE. I will be happy to respond to a question from the Senator from California.

Mrs. BOXER. I thank the Senator. This conference report has provided important funding to preserve a bridge in California. This bridge is not just any bridge. It is the bridge that is a symbol for my state and it is a national treasure. The Golden Gate Bridge is truly a jewel in California. It frames California as our Pacific Gateway. I believe many Americans would agree it is one of our nation's most magnificent architectural treasures.

But, Mr. President, it is also highly vulnerable to earthquakes. We need to protect it. We have a 1.2 billion program in the Bay Area to protect our bridges from earthquakes. This seismic retrofit and new construction is being paid for entirely by state revenues and by tolls paid by our motorists. The Golden Gate, however, is not a state bridge. It is not a Federal bridge. It is owned by the Golden Gate Bridge and Highway Transportation District which collects the tolls and operates a local mass transit service. Consequently, the bridge, this treasure, needs additional funds in order to pay for a $217 million program to protect the bridge from earthquakes.

I am so pleased that Senator CHAFEE and my colleagues on the conference committee heeded our pleas for help on this project and provided $51.75 million for the retrofit program. That amount includes $25 million from the Bridge Discretionary program.

I ask the chairman if it is his understanding that the Golden Gate Bridge is eligible for additional funding from the discretionary bridge program.

Mr. CHAFEE. Yes, the Senator from California is correct, the Golden Gate Bridge is eligible for additional discretionary funding from this program. I wished that the conference could have done more to earmark funding, but the earmark provided was not intended to limit any additional discretionary grants for the bridge.

Mrs. BOXER. I thank the Senator.

Mr. CHAFEE. As the Senate considers the conference report for the Transportation Efficiency Act for the 21st Century, I want to take a moment to discuss the Disadvantaged Business Enterprise (DBE) program that is part of this bill.

The DBE program was designed to ensure that all Americans have the opportunity to compete for the many billions of dollars in contracts that will

flow from this legislation. The program, which has been in place since 1982, has proven both necessary to and effective in our efforts to remedy discrimination in transportation procurement markets. By reauthorizing the DBE program again this year, Congress has signaled its belief that the evidence remains clear: we need this program if we are to remove the continuing barriers confronted by minority- and women-owned businesses.

Let me take a moment to share with my colleagues additional information that has come to light since the two chambers last considered the DBE program. A disparity study conducted for the Colorado Department of Transportation (CDOT) and released in April found that there was a disproportionately small number of women- and minority-owned contractors participating in Colorado's transportation construction industry. The study showed that African-Americans received none of the state-funded highway construction contracts over $500,000. Hispanic firms received less than one-half of one percent (.26%), and women-owned businesses were awarded less than one-quarter of one percent (.18%). The vast majority of contracts—more than 99 percent—went to firms owned by white men. The authors found that a significant disparity existed between what minority contractors actually received and what they might be expected to receive in the absence of discrimination.

The Colorado study also demonstrated that the DBE program has worked in leveling the playing field for women- and minority-owned firms. It notes that "only when a DBE program has been in effect, has there been any significant dollar amounts utilized with [minority-/women-owned] firms."

The fact of the matter is that discrimination continues to plague minority- and women-owned firms in America. Congress has a strong and compelling interest in remedying this situation; and in the DBE program, we have had and will continue to have an effective tool.

Mr. BAUCUS. Mr. President, I agree with my colleague from Rhode Island that the Disadvantaged Business Enterprise program has been an effective part of the highway program. It's given construction companies owned by women and minorities a seat at the table.

I also believe that the program is constitutional. Under the Supreme Court's Adarand decision, affirmative action programs like the DBE program must pass two tests. The first is that the program serve a compelling interest. The lower court decision in the Adarand case held that there is such a compelling interest. The Senate debate reinforced this point. There was discussion of discrimination in the construction industry, and of statistics showing the underutilization of women- and minority-owned businesses in that industry, such as evidence of dramatic decreases in DBE participation in those areas in which DBE programs have been curtailed or suspended.

There also was discussion of the second test, whether the program is narrowly tailored. As I explained in my statements during debate on the McConnell amendment, I believe that the program is narrowly tailored, both under the current regulations and the new regulations, which emphasize flexible goals tied to the capacity of firms in the local market, the use of race-neutral measures, and the appropriate use of waivers for good faith efforts.

As I said during the Senate debate, the DBE program is fair. It is necessary. And it works. I am pleased that, in rejecting amendments that would have undermined the DBE program, the Senate has reaffirmed its commitment to equal opportunity.

Mr. CHAFEE. I want to associate myself with the remarks by my friend and colleague from Montana regarding the constitutionality of the program. This is an important matter, and I appreciate his comments. I hope our colleagues will find all of this information of interest.

Mrs. HUTCHISON. Mr. Chairman, I understand the amount authorized under this section for the DART North-Central Light Rail Extension shall be no less than $188 million.

Mr. D'AMATO. Yes, in addition, I understand the federal share of the Full Funding Grant Agreement executed by the Department of Transportation for this project shall be $33 million.

Mrs. HUTCHISON. That is correct, and I thank the Chairman for his support in this matter.

Mr. LIEBERMAN. Mr. President, I rise this afternoon to express my appreciation to Senators on both sides of the aisle, in particular my colleagues on the Environment and Public Works Committee, for all their work in crafting the new six-year transportation bill that is before us. A great deal of the credit must go to Senator CHAFEE and his staff, especially Jimmie Powell, for their tireless efforts in crafting a compromise bill that resolves a good number of contentious issues.

Mr. President, this highway bill reaffirms many of the revolutionary principles established by ISTEA in 1991. Like ISTEA, it provides broad and substantial support for all modes of surface transportation, including transit. It funds important maintenance, safety, and air quality needs as well as the construction of new infrastructure. As the product of difficult House-Senate negotiations, this compromise bill does not include every policy that I would have liked. Yet the bill represents a sound and reasonable basis for strong transportation policy over the next six years, and I support it.

Finally, let me clarify one provision in the bill. A provision I drafted provides funding for the development of a rail trail in Winsted and Winchester, Connecticut. This provision should be read to include the development of the trail in Torrington, Connecticut, as part of this project. The trail will provide residents with access to trails in Barkhamsted and Canton, Connecticut.

Mr. SPECTER. Mr. President, while I am very pleased with the allocations for Pennsylvania, I am voting against the ISTEA conference report because the offsets hit the veterans' accounts so hard.

I compliment House of Representatives Chairman BUD SHUSTER and Senate Chairman JOHN CHAFEE on their extraordinary diligence and accomplishments as lead negotiators on this mammoth bill. I work closely with them in Pennsylvania's infrastructure's needs and I thank them for the accommodations on Pennsylvania's roads, bridges and mass transit systems.

In seeking total offsets of $17.7 billion, the veterans' accounts have been hit for $15.367 billion and 86.8% of the total offsets. As the Chairman of the Veterans' Affairs Committee and a chief advocate for veterans' interests, I believe this is excessively disproportion.

There is an additional $25 billion in the highway trust fund. I am advised that $25 billion will yield approximately $6 billion in interest over the next six years. Those funds could have been used for the offset or at least part of the offset; or other funds could have been found for a part of the offset.

Accordingly, I register this protest vote.

My concern for this veterans' offset is consistent with my position during consideration of the FY '99 Budget Resolution when I opposed this large offset in the veterans' accounts. I shall work to try to recoup these offsets from the veterans' accounts as we move forward in the appropriations process.

Mr. BAUCUS. In July of 1997, the Environmental Protection Agency promulgated final rules that set new National Ambient Air Quality standards for fine particle air pollution, known as PM2.5. The standards require three years of monitoring data to be collected before determining whether an area is meeting the standards.

It is my understanding that under the Clean Air Act, Governors are required to submit designations for attainment, nonattainment and unclassifiable areas within their states within 120 days but no later than 1 year following promulgation of a new or revised standard. The EPA is then required to promulgate designations within two years of the issuance of such final standards.

For the July 1997 PM2.5 standard, this schedule poses a problem. Monitors are not yet in place and three

years of monitoring data will not be available to permit Governors and the EPA to determine whether an area is or is not in attainment. Therefore, the Clean Air Act would require EPA to take the meaningless step of designating areas as unclassifiable in July of 1999 on the basis that three years of PM2.5 monitoring data are unavailable.

Mr. INHOFE. That's correct. But the Senate included an amendment in this bill that addresses this problem. Under this amendment, for the July 1997 PM2.5 standards, EPA would no longer be required to designate areas regarding their PM2.5 attainment status in July of 1999.

Instead of the designation schedule currently in the Clean Air Act, this amendment would establish the following requirements for PM2.5 designations: Section 4102 would extend the time for Governors to submit designations for the July 1997 PM2.5 standard until one year after receipt of three years of monitoring data.

Rather than the two year period normally provided by the Clean Air Act, under section 4102(d) of this amendment, EPA would not be required to promulgate nonattainment, attainment and unclassifiable designations for PM2.5 areas until one year after the Governors are required to submit the designations or until Dec. 31, 2005, whichever date is earlier.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the conference agreement on ISTEA now before the Senate, which will appropriately be entitled "The Transportation Equity Act for the 21st Century", is a magnificent accomplishment for those of us who have labored many long months to achieve the enactment of this truly monumental highway bill. Today is the day that we have all been hoping for lo these many months. Today is the day Congress will send to the President a 6-year ISTEA reauthorization act that truly keeps faith with the American traveling public. In adopting this conference report, the Senate will make two profoundly important statements to the American traveling public. First, we are telling the American public that we are finally prepared to guarantee that the revenues collected at the gas pump will indeed be spent for the purpose for which they are collected; namely, the maintenance, upkeep, safety, and expansion of our national highway and transit systems. Second, we are telling the traveling public that we are determined to reverse the Federal Government's chronic underinvestment in our national highway needs.

We are about to send to the President a highway bill calling for a full $216 billion in transportation investments over the six years, 1998 through 2003. Of that amount, $173 billion is provided in contract authority for our national highway system.

Senators will recall that the Omnibus Budget Reconciliation Act of 1993 assessed a new 4.3 cents gas tax, solely for the purpose of deficit reduction. That was the first time since the Highway Trust Fund had been established in 1956, that a permanent gas tax was put on the books for a purpose other than for transportation investments. In May of 1996, our former colleague, Senator Dole of Kansas, rekindled the debate on the appropriate use of the 4.3 cents-per-gallon gas tax. At that time, I signaled to my colleagues my intent to offer an amendment to transfer this 4.3 cents gas tax from the general fund to its rightful place in the Highway Trust Fund so that it could be used to help meet our ever-growing unmet needs in the area of highway construction and maintenance, as well as to rebuild the thousands of unsafe and overburdened bridges throughout the nation. In my view, the Federal Government has, for too long, held its head in the sand while our Federal investment in our nation's infrastructure declined, both as a percentage of our gross domestic product. As such, I was poised to offer my amendment to transfer the 4.3 cents tax into the Highway Trust Fund throughout the summer of 1996. At the behest of both the majority and minority leaders, I deferred offering my amendment on two separate tax bills. Unfortunately, another opportunity to offer my amendment did not arise during the 104th Congress.

During debate on the budget resolution last year, Senator GRAMM offered a Sense-of-the-Senate amendment supporting the transfer of the 4.3 cents-per-gallon gas tax from deficit reduction to the Highway Trust Fund, and the spending of that revenue on our highway construction needs. Senator GRAMM was joined by 81 of our colleagues in support of this amendment. Later that year, when the Finance Committee marked up the Taxpayer Relief Act of 1997, it was Senator GRAMM, who is a member of that committee, who successfully included a provision transferring the 4.3 cents to the Highway Trust Fund. That provision became law with the enactment of the Taxpayer Relief Act in August of 1997.

Transferring this new revenue to the Highway Trust Fund was crucial, because it gave Congress the opportunity to authorize and commit dramatically increased resources on our National Highway System. Unfortunately, however, even with this new revenue coming into the Highway Trust Fund, the Environment and Public Works Committee reported a highway bill on October 1, 1997, that failed to authorize even one penny of this new revenue to be spent on our Nation's highways and bridges. Indeed, under the funding levels reported by the Environment and Public Works Committee for the highway program, the unspent balance in the Highway Trust Fund (including both the highway and transit accounts), was expected to grow from $22.9 billion at the beginning of 1998 to more than $55 billion at the end of 2003, the end of the ISTEA II authorization period. I found these figures to be grossly unacceptable. Senator GRAMM and I did not successfully champion the transfer of the 4.3 cents into the Highway Trust Fund so that the revenue would sit in that Trust Fund, unspent. There was no question that these funds were sorely needed on our Nation's highways. I have taken to the Floor numerous times over the years to remind my colleagues of the hundreds of thousands of miles of highways in the nation that are rated in poor or fair condition, and the thousands of bridges across our nation that are rated as deficient or functionally obsolete.

Following the Environment and Public Works Committee's action, I held several discussions on the subject with members of the committee, including Chairman CHAFEE, and the ranking member, Senator BAUCUS. As a consequence of these discussions, I prepared an amendment to the highway bill to authorize the spending of the full amount of revenues going into the highway account of the Highway Trust Fund. Given the continuing deterioration of our Nation's highways in all 50 states, and the growing volume of concern on the part of the Nation's Governors and State legislators regarding the Federal Government's underinvestment in our infrastructure, I felt that it was essential that the Senate have an opportunity to vote on whether or not we meant what we said when we placed these additional highway tax revenues into the Highway Trust Fund.

I was pleased to have as the very first cosponsor of the amendment I had prepared my very good friend and colleague, Senator GRAMM. Shortly thereafter, our efforts were given a great boost when we were joined by Senator BAUCUS, the ranking member of the Surface Transportation Subcommittee, and Senator WARNER, the subcommittee's chairman. Senators GRAMM, BAUCUS, WARNER, and I diligently sought to obtain cosponsors for our amendment. In total, we were able to secure an additional 50 cosponsors, making a total of 54 cosponsors for the Byrd-Gramm-Baucus-Warner amendment.

Our amendment authorized additional contract authority for highways over the period Fiscal Years 1999 through 2003, totaling $30.971 billion. At the time we introduced our amendment, that amount was the Congressional Budget Office's estimate of the revenue from the 3.45 cents portion of the 4.3 cents gas tax that would be deposited into the highway account of the Highway Trust Fund over that five-year period. In January of this year,

the Congressional Budget Office re-estimated that five-year figure to a level of $27.41 billion, or a reduction of $3.561 billion from their earlier forecast.

During Senate debate on the highway reauthorization bill, Mr. President, it appeared that a true battle was brewing. The Senate was divided into two camps—the camp of those that had joined with Senators BYRD, GRAMM, BAUCUS, and WARNER in support of authorizing the spending of the additional revenue to the Highway Trust Fund, and the opposition, led by Senators DOMENICI and CHAFEE, who opposed this approach. This division was causing a delay in Senate consideration of the ISTEA bill, a delay that made all Senators uncomfortable, since we faced the May 1 deadline beyond which most states could not obligate any federal aid highway funds absent a new authorization bill. The fact is, that the May 1 cutoff of highway obligation authority is still in effect and is a major reason why it is so critical that Congress get this legislation to the President's desk before the Memorial Day Recess. Ultimately, in an attempt to break the Senate deadlock on the highway bill, the majority leader, Mr. LOTT, asked that all parties join him in his office for negotiations on this issue. And so, Senator GRAMM, Senator BAUCUS, Senator WARNER, Senator CHAFEE, Senator DOMENICI, Senator D'AMATO, and I did join with the majority leader to discuss the situation. After several days of back and forth discussions, under the very adept moderating style of the majority leader, I was pleased that an agreement emerged that resulted in an amendment to the then-pending highway bill totaling $25.920 billion in additional highway spending. That amount represented 94 percent of CBO's most recent estimate of the revenue to the highway account, stemming from the 4.3 cents gas tax.

On a matter that was of critical importance to me, the negotiated amendment included $1.89 billion for the Appalachian Development Highway System. Coupled with the $300 million already in the committee bill for this system, total funding over the 6-year ISTEA bill, for the Appalachian Regional Highway System equaled $2.19 billion, the full amount requested by the administration in their ISTEA proposal. Back in December—or January, rather, of 1997, I had met with the President with the goal of convincing him of the importance of completing the Appalachian Highway System. The completion of these highways were promised to the people of Appalachia more than 32 years ago. But as we enter the new millennia, we find that our Interstate Highway System is almost 100 percent complete while the Appalachian Highway System remains less than 78 percent complete. In my home State of West Virginia, we lag behind the average for the region. Our segments of the Appalachian Highway System are only 73 percent complete. I was pleased that, following our meeting, the President saw fit to include $2.19 billion for the Appalachian Highway System in his ISTEA reauthorization proposal. While this amount would not serve to complete the Federal contribution toward the system, it represented a substantial boost to the system and sent a signal to the entire Appalachian region that we are serious about completing these corridors. So the proposal also provided for the Appalachian States to be able to draw down contract authority from the trust fund in order to complete their Appalachian corridors.

The $26 billion included in our amendment not only allowed for a boost to the Appalachian Highway System, it provided for substantial increases in highway funding for all 50 States and many other national highway initiatives. Perhaps, most importantly, it closed the substantial funding gap that existed in the total amount of funding in the Senate highway bill and the highway bill under consideration in the House of Representatives. It paved the way for a less contentious and more amicable conference. Put simply, by bringing the additional $26 billion to the table, our amendment better enabled the conferees to include many critical initiatives in the conference agreement—initiatives that might otherwise have been left out of our Federal Aid Highway program for the next 6 years.

This conference agreement includes an historic increase in the overall level of investment in our Nation's highways, a 44 percent increase over the levels authorized in the original ISTEA legislation for the years 1992 through 1997. The agreement includes a total of $2.25 billion for the Appalachian Highway System. Within that amount, West Virginia can expect to receive roughly $345 million to aid in the completion of Corridor H from Wardensville to Elkins and Corridor D in the Parkersburg area. The bill also includes specific earmarks for several high priority projects throughout the State. These include: $50 million for West Virginia Route 10 from Logan to Man and $22.69 million for the continued construction of the Coalfields Expressway in Southern West Virginia.

Mr. President, I commend the conferees for their diligent efforts in reaching this historic agreement. I especially commend chairman CHAFEE and chairman WARNER, as well as Senator BAUCUS, who have spent untold hours in negotiations with the House conferees in an effort to reach a fair and balanced conference agreement. I also commend chairman SHUSTER for his splendid efforts on the House side in chairing this very difficult conference and for bringing it to a successful conclusion in such an expeditious manner. Further, I want to especially commend my own Congressman, Representative NICK RAHALL of the Third District of West Virginia in which my voting residence is attained. He served as one of the leaders of the House conferees and has been a stalwart ally in the effort to guarantee the American people that their gas taxes will be spent on our Federal highways. His wisdom and his experience have made West Virginia and the Nation proud.

I also compliment the many members of staff—for example Jim English and Peter Rogoff—who have worked diligently over these many, many months, as a matter of fact, in helping to bring this historic bill to fruition. I must thank, again, both leaders, Mr. DASCHLE and Mr. LOTT, for their support of the legislation. I thank all Senators who have participated one way or another in the working out of this agreement. And, again, I compliment and thank Mr. SHUSTER and the Members on the House side.

It was a difficult bill. It was a difficult battle and a difficult conference.

I close by thanking once more, Senator GRAMM of Texas for his splendid leadership, for his unfailing courage, for his high dedication to the passage of this bill, and also for his determination to do everything possible to see to it that the moneys the American people spent on the gas tax when they fill their fuel tanks go into the highway trust fund and are spent on highways. I thank him for joining with me in seeing to it that the amendment which would provide for the expenditure of those trust fund moneys on highways and bridges was implemented. This was the goal that we sought. We thought it was right. We thought that it was being honest with the American people.

I don't think I could have had a better supporter and compatriot and colleague in this effort than Senator GRAMM. He is, indeed, a very able Senator, and has one of the brightest minds I have seen in my 40 years in this Senate. I salute him and express my gratitude for his steadfast support and his encouragement that he gave to me and to others of us who worked together in this matter.

This conference agreement represents a remarkable accomplishment, long sought by the American people and those of us who are fortunate enough to represent them. I commend all those whose efforts have brought us to this historic day.

I yield the floor.

Mr. BREAUX. Mr. President, I want to commend the distinguished Senator from West Virginia not only for his comments, but also for his untiring work on this very important legislation. He is to be commended. I thank all of our colleagues for their work and their contribution on the highway bill. But I assure everyone in this country

that were it not for the senior Senator from West Virginia, this bill would not have been passed in this body this afternoon and be part of one of the most massive improvements of our transportation system in this country. He is to be commended. I know there are so many people that are not here today that want to say thank you to the very distinguished Senator for his contribution in this regard.

Mr. BYRD. Mr. President, I thank my friend from Louisiana. I thank him for his kind words, and I thank him for his support all along the way which greatly helped us in bringing this legislation to its fruition. I thank him again.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. MCCAIN) would vote "nay."

Mr. BREAUX. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—88

Abraham	Durbin	Lieberman
Akaka	Enzi	Lott
Allard	Faircloth	Lugar
Ashcroft	Feingold	Mack
Baucus	Feinstein	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Burns	Harkin	Roberts
Byrd	Hatch	Rockefeller
Campbell	Helms	Santorum
Chafee	Hollings	Sarbanes
Cleland	Hutchinson	Sessions
Coats	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Jeffords	Smith (OR)
Conrad	Johnson	Snowe
Coverdell	Kempthorne	Stevens
Craig	Kerrey	Thomas
D'Amato	Kerry	Thompson
Daschle	Kohl	Thurmond
DeWine	Landrieu	Warner
Dodd	Lautenberg	Wyden
Domenici	Leahy	
Dorgan	Levin	

NAYS—5

Gorton	Roth	Wellstone
Kyl	Specter	

NOT VOTING—7

Bumpers	Kennedy	Torricelli
Ford	McCain	
Inouye	Murkowski	

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

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

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the submission introduction of S. Res. 36 are located in today's RECORD under "Statements on Senate Concurrent and Joint Resolutions.")

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Louisiana.

Mr. BREAUX. I thank the Chair.

(The remarks of Mr. BREAUX pertaining to the introduction of S. 2121 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

ISTEA

Mr. DASCHLE. Mr. President, I rise for a moment to congratulate all of those Senators who have had so much to do with the success that we have just demonstrated with the passage of the Interstate Transportation Efficiency Act, the so-called ISTEA II bill. Senator BAUCUS, Senator CHAFEE, Senator WARNER, Senator BYRD, and Senator GRAMM deserve our accolades and our commendation for a job extraordinarily well done.

This represents the single biggest investment in our infrastructure in our Nation's history. It represents an effort to recognize the importance of infrastructure and the array of challenges that we face in an information age, as well as at the turn of this century and the entrance into a new millennium.

It also recognizes the importance of regional balance—the West, the South, the Northeast, the Midwest—all with our disparate challenges and problems that we face with infrastructure, all with the needs, all with the recognition that our States are vastly different as those needs are reflected in public policy. This not only represents the greatest investment, in my view, it represents as well the best regional balance that we have been able to demonstrate.

Finally, I think it recognizes the importance of something the distinguished Senator from Louisiana and the Senator from West Virginia have said on the floor many times: We must recognize the critical nature of the trust fund itself and restore the practice that this country had at one point and was religious in adhering to, and that is that we use the funds that are designated for particular trust funds as they should be used. When this legislation is fully implemented, that is exactly what will happen; the trust fund will be used as it must be used.

Today, we spend approximately $32 billion from the trust fund on an annual basis, but only $21 billion goes to highways and infrastructure needs; $11 billion, roughly, goes to needs that are not highway designated, that are not related to infrastructure. Mr. President, the time has come for us to make a change in that practice, and this legislation does it.

There has been a great deal of concern expressed on both sides of the aisle about the veterans' offset. Frankly, I am very disappointed and discouraged about the fact that we are using a veterans' fund for purposes of offset, but this is not the last word. I must say, if we were using the trust fund for which it was designed, we wouldn't need the veterans' fund because the highway fund is more than adequate to cover our needs for infrastructure in this country.

We will revisit the veterans smoking issue, and, in my view, we will revisit it in a successful way. We must recognize there is a dependency created in large measure because of past practices in the Armed Forces that we must address. Whether it is in the smoking bill, whether it is in some other legislation in the future, we will not ignore the fact that veterans need the same consideration as every other smoker in this country; in fact, in some cases you could clearly say more.

There are two issues to be resolved: One is the offset; the second is the policy. I believe in the longer term we will deal with both successfully. But that should not in any way dissuade us from taking great satisfaction today with this accomplishment, for the tremendous job that was done in bringing us to this point; that, in fact, at long last—a month overdue—at long last we did what the Nation was waiting for us to do: Pass a meaningful infrastructure bill that represents the needs, challenges, and demands that must be put on this Nation as we enter a new era.

I yield the floor.

VETERANS

Mr. BREAUX. Let me make a brief comment. I want to associate my comments and feeling with the earlier remarks of the distinguished Democratic leader, Senator DASCHLE, with regard to his comments about this bill and the use of funds in the highway legislation that could be used for veterans disability benefits associated with smoking.

I was very, very pleased to hear Senator DASCHLE point out very clearly

that this issue will be revisited. It needs to be revisited. It is unfortunate, I think, that moneys that were going to be available for veterans who have suffered disabilities from smoking problems will be used for part of this legislation that we just recently passed. But I think it is very clear there is a strong feeling among most all members of the Commerce Committee that this is an issue that needs to be revisited. We need to find the funds to make sure that these types of health disabilities are taken care of and that if it is a veterans disability associated with their service that they be treated as such. I support that. I will be here to do anything that I can to try and correct this problem.

As we deal with the tobacco legislation on the floor, it would seem to me this would be, perhaps, a good way of addressing this particular issue as a health-related smoking issue. I hope we could find a way within the tobacco legislation to address this.

I stand committed to work with Senator DASCHLE on finding a way to correct this problem. I am quite confident that we will be able to do so, and certainly I am committed to do that.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. AKAKA. Mr. President, before we break for the Memorial Day recess, I would like to remark on the celebration of Asian Pacific American Heritage Month and to honor the contributions Asian Pacific Americans have made to our country.

Mr. President, the scope of the celebration has expanded every year since 1992, when President Bush signed Public Law 102-450 designating May of every year as "Asian Pacific American Heritage Month." In Washington, D.C., and in cities all around the nation, schools, community organizations, cultural groups, and government agencies are commemorating the occasion with film festivals, conferences, cultural shows, museum exhibits, political forums, and a multitude of other activities.

Americans of Asian and Pacific Islander descent number 10 million and that figure continues to rise. Asian Pacific Americans represent a broad range of ethnic groups. Their histories are as diverse as the lands of their origin. The earliest immigrants—Chinese, Japanese, Asian Indians, Koreans, and Filipinos—and the most recent refugees—Vietnamese, Laotians, and Cambodians—all experienced similar, yet unique journeys as they crossed the Pacific to venture to a new land of opportunity. Opportunities, however, were not as plentiful as they would have hoped. From the Chinese Exclusion Laws, which restricted immigration on a racial basis, to Executive Order 9066, which resulted in the internment of more than 110,000 Japanese Americans and their immigrant relatives, life in America, at times, proved to be a nightmare rather than the promised American Dream. But despite seemingly insurmountable obstacles, these early intrepid immigrants toiled and sacrificed in order to make this country their own and to preserve the American dream for their American children. They helped build our railroads, labored on our farms, worked endless factory hours, and formed the backbone of many small businesses.

Today, even more so than in the past, Asian Pacific Americans contribute to every sector of our society. They are in corporate board rooms, scientific laboratories, universities, Congress, statehouses, the judiciary, government agencies, the performing arts, and sports. They are architects like I.M. Pei, scientists like AIDS researcher David Ho, statesmen like Senator DAN INOUYE, writers like journalist Iris Chang, musicians like conductor Zubin Mehta, filmmakers like Chris Tashima, sports heroes like Tiger Woods, and warriors like General Eric Shinseki. Unfortunately, the scope and ubiquity of Asian Pacific accomplishments are often overshadowed by insensitive acts directed against members of the community.

For example, during last year's investigation of campaign finance abuses, the distinction between foreign donors and Asian American donors was frequently blurred by members of both political parties and the media. While investigations focused on contributions made to the Democratic National Committee by foreign donors, legitimate American donors were unduly interrogated and harassed simply because their surnames happened to sound "foreign."

For their part, the media, including major newspapers, networks, and magazines, often confused "Asian" with "Asian American" in their stories and headlines on the donor controversy, though they never seemed to confuse "European" with Americans of European extraction. The media's inability to distinguish between foreigners and citizens contributed to the stereotypical impression that there is a nefarious "connection" between all Asians and Asian Americans.

This bias was in more recent evidence just after Michelle Kwan and Tara Lipinski honored America by winning the silver and gold Olympic figure skating medals, respectively. Immediately after the event, the internet website of NBC's cable affiliate, MSNBC, contained the headline, "American Beats Out Kwan for Women's Figure Skating Title." As we all know, both Lipinski and Kwan are Americans. But the difference between the two champions, in the eyes of MSNBC's editors, was their skin color, making one "more" American than the other.

Mr. President, instances like these remind us that Asian Pacific Americans, whatever their achievements, whatever their contributions to the nation, are still perceived as foreigners, whether fifth or first generation. These unfortunate incidents are reminders that as a nation we still have a long journey ahead of us on the road to tolerance and mutual understanding.

But I would be remiss if I did not also point out that there have also been a number of developments that have helped advance the Asian Pacific community's quest to become fully accepted members of American society. I would like to take this opportunity to highlight two notable events which occurred during this month's celebration of Asian Pacific American Heritage Month, events that I hope reflect a growing understanding of, and appreciation for, Asian Pacific Americans by fellow Americans.

First, last Saturday, a ceremony celebrating the designation of Angel Island as a National Historic Landmark was held in San Francisco. Located in San Francisco Bay, Angel Island Immigration Station served as an immigration processing station for many West Coast immigrants between 1910 and 1940. Most of the immigrants entering through Angel Island were Chinese, but a sizable portion of the immigrants came from Japan, the Philippines, and Europe as well. However, the Chinese experience was vastly different from that of other immigrants, regardless of which port of entry they entered through. Subject to a series of Chinese exclusion laws beginning in 1882, Chinese immigrants could only enter the United States under the "exempt class." Instead of a welcoming atmosphere, these Chinese were subjected to days, weeks, months, and even years of hostile interrogation before being admitted to the U.S. or being deported back to China. They languished in prison-like conditions at Angel Island until decisions were handed down. In contrast, processing at Ellis Island took an immigrant, on average, three to five hours. Angel Island Immigration Station closed in 1940 after processing over 175,000 Chinese immigrants.

In 1970, a state park ranger discovered scores of poems beautifully carved into the wooden walls of the detention barracks, evidently composed by its onetime Chinese and Japanese residents. In one poem, a prospective Chinese immigrant wrote:

Every one says traveling to North America is a pleasure.
I suffered misery on the ship and sadness in the wooden building.
After several interrogations, still I am not done.
I sigh because my compatriots are being forcibly detained.

Another wrote

Originally, I had intended to come to America last year.
Lack of money delayed me until early autumn.
It was on the day that the Weaver Maiden met the Cowherd.
That I took passage on the President Lincoln.
I ate wind and tasted waves for more than twenty days.
Fortunately, I arrived safety on the American continent.
I thought I could land in a few days.
How was I to know I would become a prisoner suffering in the wooden building?
The barbarians abuse is really difficult to take.
When my family's circumstances stir my emotions, a double stream of tears flow.
I only wish I can land in San Francisco soon,
Thus sparing me this additional sorrow here.

These poignant works reveal the hardships these immigrants endured; but, more importantly, they also revealed hopes and desires that are universal to the American story. This story is worth preserving, whether it is the experience of the Irish of Boston, the Italians of New York City, the African Americans of Savannah, the Mexicans of El Paso, or the Cambodians of Long Beach.

I would like to congratulate the Angel Island Immigration Station Foundation, the Chinese Historical Society of America, the California Department of Parks and Recreation, and the many other community organizations and individuals who worked tirelessly to procure National Historic Landmark status for Angel Island. It is my hope the new designation will help preserve a significant experience in the lives of Asian Pacific immigrants, and that it will also resonate with the universal immigration experience of all Americans.

The second promising development that occurred this month was the announcement by Hasbro Toys, the company, which manufactures "G.I. Joe," that it will be creating a Japanese American G.I. Joe, as part of its G.I. Joe Classics Collection. The action figure will honor the Japanese Americans who fought valiantly for our country during World War II.

My colleagues will recall that as members of the famed 100th Infantry Battalion/442nd Regimental Combat Team, Japanese American soldiers suffered unparalleled casualties in the French and Italian campaigns. Many veterans today still recall the heroism of this fighting unit, which during one famous engagement sustained 800 casualties to save the lives of some 200 members of a Texas battalion who were facing certain annihilation by German troops. The 442nd emerged as one of the most decorated units in our nation's military history, among its more famous members is Senator DANIEL INOUYE, whose heroism earned him the Distinguished Service Cross.

Aside from their military prowess, what was even more remarkable about these brave men was the fact that they were fighting for a country which was, in essence, holding their families hostage in internment camps. One of the darkest chapters of our nation's history was the forced evacuation of over 110,000 Japanese Americans into internment camps.

And so I am very pleased that a toy company, which markets to our most important community, our children, has dispensed with typical marketing values to honor America's home-grown Asian Pacific American heroes. For ultimately, only change in our cultural values will have transformational effect on race and ethnic relations as we approach the next millennium.

Mr. President, I am Native Hawaiian and I am Chinese, but above all I am American. I have embraced all of my identities and hope that others can learn to embrace and cherish our inherent diversity. It is my sincere hope that as we celebrate Asian Pacific American Heritage Month, each and every citizen will reflect on our nation's multiple heritages and appreciate the relationship between our racial and ethnic diversity and the unity that binds us together as Americans.

I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming, Mr. ENZI, is recognized.

THE SENATE'S ACCOMPLISHMENTS

THE HIGHWAY BILL

Mr. ENZI. Mr. President, I appreciate the honor of closing up today and sending everyone on their way back to their homes with the joyous news that there is highway money. I go back to Wyoming almost every weekend and travel 1,200 miles across Wyoming's vast open spaces, and we will appreciate that highway money. It truly has been a landmark achievement. I want to congratulate the senior Senator from Wyoming, Senator THOMAS, for his outstanding efforts on that bill. He did some early drafting and formulas that have helped tremendously in this. I have also appreciated his guidance since I have been here. Now we are heading back to our respective States.

THE TOBACCO LEGISLATION

The other thing that we have done this week is spend some time debating the tobacco settlement, debating how we can get teens to quit smoking, debating how we can solve the problems of tobacco. I hope that all Senators go back to their States and talk about this landmark piece of legislation that is before us—landmark in that it will be the largest tax increase in my memory, a tax increase that will be placed on a separate segment of the people.

I am going to stop right here and mention that I have not taken any money from the tobacco companies. When I was campaigning, I desperately needed some funds, but I didn't feel that it was right to do that. My comments are not based on that. It is concern out of what we debated this last week, the constitutionality of whether we have the right to solve this problem in this body for every person in the Nation, whether we can set that kind of a precedent. I am sure that if people have been watching, they have been a little confused about the amount of time it has taken to debate it. I want to assure them that it will take considerably more time to debate this issue. This would probably be more appropriate in six bills, coming from six different committees. It was tried that way, and it was determined that it needed to be in one bill. Each of those bills would require as much debate as we had this week.

We are going from a premise that these companies need to be punished. Lately, documents have shown that they have withheld information from their consumers—the people using the product—that shows that nicotine is definitely addictive, that it does affect their health, that it is going to hurt them. Consequently, there is a desire across this Nation to punish those companies. But as several of my constituents who smoke have said, "Let's see, they abused my body for years, and now you want to punish them by taxing me?" And we do this in the name of reducing teen smoking. We all want to reduce teen smoking. We hope they realize that 3,000 kids a day start smoking and they are going to kill themselves, and 1,000 of them for sure in that day will be killed sooner. And we say raising the price of cigarettes will do that.

I have been traveling Wyoming. I have been asking people about the price and how that would affect them. I have been going to schools when I am out there and asking about that price. And the general consensus is, yes, for a little while it will make a difference. But they refer me to other kinds of drug use that is expensive, more expensive, and increasingly expensive, and that use is going up.

I saw a college report from the George Washington University which was looking at the fact that they have increased the requirements on smoking on campus, and yet the number of kids smoking has gone up. At a university, they are supposed to be more intellectual perhaps. I know they believe they are. But they are still smoking more. So they are not thinking through the problem. But they asked them why. Part of it is rebelliousness. Part of it is because their parents did it. There are a number of reasons. None of the answers suggested included that the price would make a difference.

Kids today are paying outlandish amounts for a pair of tennis shoes. I sold shoes for 28 years. Would you believe they are paying 50 bucks for a pair of tennis shoes? I said that just to see if you were paying attention. Do

you know that there are tennis shoes out there for 150 bucks and the kids are buying them? It is the kids that have the money to buy them. There are more kids working today, making money, and they are not using that money to help support their family. It is money that they get to spend. They are spending it on things like $150 tennis shoes.

So an increase in the price of a pack of cigarettes will bother them for a little while but not as a long problem.

Who winds up with the money in this bill? We have heard some comments here that in the highway bill there may have been some money taken from veterans. That was money never passed by Congress, never budgeted by Congress, never funded by Congress, and wasn't even in the President's budget this year to have that money. I don't know why it isn't in this smoking bill. Everything else is. Everything else is—even things that are not remotely related to smoking. If you ever had an idea for a project, this is a bill you can put it in. We will just kick the price of cigarettes up just a little bit. That will solve everything. It started out at $368.5 billion, went to $516 billion, and perhaps now is at $800 billion. We could match the regular U.S. budget in the trillions with this, eventually. We can just add in some other programs.

We are talking about compensating farmers. That will be the big debate when we get back. And the farmers ought to be involved in this debate. But we are talking about perhaps $20,000 an acre. And they get to keep the land? We are talking about vending machine owners. The machines run $1,500 to $2,500, maybe $3,500. We are talking about compensating them $13,000 per machine? That is where their current value of future lost revenue is—the amount of money they could have made off that machine, as though it was our fault that they bought the machine, as though it was our fault that smoking was bad for people.

Those are debates we will have when we get back, and those debates will take awhile.

The FDA is being given explicit authority in this. They need to probably have some explicit authority. But their budget already under our budget is increased significantly. Now, under this bill, we increase it 10 times more, $34 million to $340 million, a huge increase. We are expecting those people to gear up and utilize that money. It looks like we are forming an additional bureaucracy. I also want you to watch the dollars.

In Wyoming, for years we have been talking about increasing the price of the tax on cigarettes by 15 cents. When I was in the State legislature in Wyoming, we talked about that. We usually talked about putting that money to health needs. Even talking about putting it to the health needs, it raised approximately $8 million a year. I have to focus on the difference here between billion and million. In the States, a million is a lot of money. Out here, a billion is not much. But that 15 cents a pack raises $8 million. We are told that $1.10 a pack will raise $6 million. It doesn't sound like very good math. It sounds like the usual Washington program where it comes back here, we keep a bunch of it, and we send a little bit back. If that is the case, the State would do it better. It would have more money for the States.

I am going to mention two final concerns that I have on this. When we passed the budget bill, we talked about the need to help Medicare with money that came from the tobacco. That is what we were going to do with all of the money from the tobacco settlement—put it into Medicare, shore that up. It is in bad financial shape. That would give us some more time to work on it. There is very little provision in this bill for doing anything for Medicare. We should take care of Medicare. That would be a medical use for the money. That would be money that nonsmokers have been paying in to pay for smokers' problems that increase the cost of Medicare.

The final need that we have to have in the bill is a provision where we don't spend the money until we have the money. It disturbs me a lot that we are talking about putting an industry out of business but relying on ever-increasing revenues from this business going out of business. Somehow the basic counting instincts here just do not balance. We really have to be sure that the money gets collected before it gets spent if we are going to decrease the revenues.

So there are a lot of concerns there.

I hope my colleagues will go home to their States and discuss with the people there the complexities of this bill. I don't know that there has been that complex a bill before. We are not going to probably break it down into six separate bills. So there will be a long debate on it when we get back. Share your ideas. Share your concerns. And we will get with that when we come back.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 21, 1998, the federal debt stood at $5,503,780,049,716.42 (Five trillion, five hundred three billion, seven hundred eighty million, forty-nine thousand, seven hundred sixteen dollars and forty-two cents).

One year ago, May 21, 1997, the federal debt stood at $5,348,058,000,000 (Five trillion, three hundred forty-eight billion, fifty-eight million).

Five years ago, May 21, 1993, the federal debt stood at $4,287,850,000,000 (Four trillion, two hundred eighty-seven billion, eight hundred fifty million).

Twenty-five years ago, May 21, 1973, the federal debt stood at $453,228,000,000 (Four hundred fifty-three billion, two hundred twenty-eight million) which reflects a debt increase of more than $5 trillion—$5,050,552,049,716.42 (Five trillion, fifty billion, five hundred fifty-two million, forty-nine thousand, seven hundred sixteen dollars and forty-two cents) during the past 25 years.

FIFTIETH ANNIVERSARY OF RED CROSS BLOOD COLLECTING

Mr. THURMOND. Mr. President, as the United States fought World War II, Americans mobilized in support of the war effort like they never had before. Everyone was trying to find a way to help our troops battle the Axis and keep the world free and safe. Whether it was children flattening and saving tin cans that were used for scrap metal, or people growing fruits and vegetables in "Victory Gardens", everyone tried to find a way to make their own contribution to winning the war and supporting our men and women in uniform.

It was at this time that the American Red Cross took on the responsibility of collecting blood that would ultimately be used to help save the lives of Soldiers, Sailors, Marines, and Army Air Corpsmen wounded in action. The efforts of the Red Cross were truly a success as they helped to reduce the death rate among the wounded by fifty percent.

For the past fifty years, the American Red Cross has been responsible for administering the Nation's blood supplies and they have done a commendable job in ensuring that the United States has a ready and ample reserve of blood for those who need it. Just a few days ago, on April 30th, American Red Cross President Elizabeth Dole helped to celebrate the fiftieth anniversary of that organization's Biomedical Services. Her remarks nicely illustrate the contributions and accomplishments of the Red Cross in administering the Nation's blood supply. I think that my colleagues and the public would be interested to read what Mrs. Dole had to say and I ask unanimous consent that her remarks be printed in the RECORD.

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

REMARKS OF ELIZABETH DOLE

Thank you, Paul, for that kind introduction and ladies and gentlemen, thank you so much. And special thanks to Donna Shalala, Secretary of Health and Human Services, and David Kessler, Dean of the Yale Medical School and former Commissioner of the Food and Drug Administration We are delighted you could be with us today as we mark the 50th anniversary of the most important of our national reserves: America's reserve of life, the American blood supply. Thank you,

Donna and David, for your continued leadership, and for your steadfast dedication to the safety and quality of American health.

Aren't we thrilled to have Garth Brooks here. Garth, you have a magical hold on the spirit of our people. What a joy it is that you would share that bond with us. We are enormously grateful.

What a day! We are also so very pleased to be joined by the Oak Ridge Boys! Boys, your music puts the party in the birthday, and we thank you.

Also, many thanks to the other wonderful celebrities with us today—Lynda Carter, Kennedy, and William Moses. We sincerely appreciate your generosity in joining us to celebrate our 50th birthday of Biomedical Services. And, welcome to Councilwoman Charlene Drew Jarvis, the daughter of Dr. Charles Drew, renowned plasma pioneer for the American Red Cross and leading authority on transfusion. The Charles Drew Institute honors his memory. Thank you, Charlene, for your support over the years.

As we observe this 50th anniversary, of American Red Cross Blood services, it's a time to take satisfaction in our past and pride in where we've been. The Red Cross started collecting blood during World War II in order to save soldiers' lives, and our efforts were credited with reducing the death rate among these soldiers to half that of their World War I counterparts. When peace came, we created America's first nationwide, volunteer blood collection and distribution system, assuring all our citizens access to one of the great medical advances of this century.

But health events in the last two decades rocked us to our very foundations. The age of blood-borne diseases such as AIDS and new forms of hepatitis swooped down on us with a vengeance. We knew we could no longer operate at the Red Cross as we had done for so many years. Which is why this year, our 50th anniversary, is a year to look forward, rather than back. Today I take great joy in announcing an historic achievement:

As the year closes, the American Red Cross will celebrate the completion of our nearly seven-year, $287 million dollar transformation of our blood operations. This long-awaited milestone is the reason I stand here with so much confidence—and hope—for the future. The accomplishment of Transformation is a great, triumphant victory in our common endeavor to expand what is possible in health care.

And I'm also pleased to announce today that, following this speech, I am leaving on a nation-wide tour of blood drives and celebrity events to focus attention on the safety revolution in America's blood supply. Many of our citizens are still frightened of transfusions, and they should not be! Many millions still mistrust those red bags of life, and they must not! We have achieved a new American miracle in blood, and I will take that message across America. We will celebrate and we will educate but first, let me ruminate.

When I came to the Red Cross in February 1991, the legal and financial vulnerabilities of our blood operations threatened the very viability of the Red Cross. The country was pretty worried about the safety of America's blood supply back then. And as the person newly responsible for half of it, so was I. Some of our Board members wanted us to get out of blood banking altogether, believing our duty to safeguard the rest of our historic organization demanded that we abandon this mission field. Between Congressional hearings, media exposés and enormous regulatory pressure, there were days when I wanted to get out, too.

Still, the question haunted us: if we left blood banking, who would fill our shoes? The Red Cross is not a public agency, but what we do—especially in blood—is a public trust. We weren't going to let America down. Not on our watch.

The blood supply was as safe as the current blood systems and contemporary scientists knew how to make it. But in the age of AIDS and other blood borne infectious diseases, wasn't there more we could do? We had to "think outside the box" with respect to existing science, blood supply management, and safety approaches.

We dreamed, in 1991, of where we wanted to go. But we did more than that. We mustered our courage and embraced Transformation as our ticket to ride. It was the most ambitious project the Red Cross had ever undertaken: the total redesign of how we collect, process, test, and deliver nearly half of America's blood supply. I dare say it is the most profound change any non-profit organization has made in recent memory!

At the time, it felt the way I imagine a Shuttle astronaut must feel on her first space walk letting go of the ship, taking her first step into the unknown. It felt as if our whole organization had let go. . .let go of the security of status-quo standards, let go of the financial certainty underpinning our entire operation, let go of what we knew, in search of what we hoped to find—but knowing that each step was backed up by a truly exceptional scientific team entirely committed to forging new frontiers. I feel so fortunate that Jim Ross with Brian McDonough and each member of his outstanding team answered my call to complete this challenge.

In 1993, the Food and Drug Administration imposed a consent decree on our blood services operations. But as David will tell you, we were already more than two years into Transformation. The consent decree was basically a codification or ratification of our far-reaching plan, with timelines and milestones for measuring our progress. And today, as we conclude Transformation, we also are wrapping up our last requirements under the decree.

With the completion of Transformation this year, we will have forced ourselves from the mind set of always doing things the way we had done them before. We already have left behind our days in the comfort of industry averages to become the undisputed leader in blood banking. Once we were weighed down with 53 non-standardized blood centers running 28 computer systems in a patchwork quilt of regions, each with its own operating procedures and business practices. Today we have one set of operational procedures, one set of business practices, and one state of the art computer system—which gives us the best national donor deferral system and the largest blood information data base in the world for transfusion medicine research.

We determined that today's demands were best met in high-volume, state-of-the-art, centralized labs, so we replaced our 53 testing facilities with 8 state of the art, high-tech laboratories that today are the leading centers of their kind in the world. This enables us to quickly incorporate medical technology as it evolves.

Perhaps most importantly, today we no longer fear finding our own faults. We actively seek them out, report them and then fix them, ourselves. We hired a leader in quality assurance who created an independent program, providing more than 200 experts to audit and consult with all of our fixed sites. We actively monitor for more than 150 possible deviations in manufacturing. And our folks, can and on occasion have shut down a process immediately, when they have found a serious deviation from standard operating procedure.

In short, we have a new, centralized management structure, a new information system, and the best quality assurance program in existence. We have consolidated and modernized testing and have strictly standardized procedures and training across our system. As a matter of fact, we now run the highly acclaimed Charles Drew Biomedical Institute—and provide leadership to the entire blood banking community.

We have moved to a position of leadership in an industry which has achieved phenomenal success in the face of frightening odds: In 1991, an American's risk of HIV transmission from a blood transfusion was one in 220,000. Today, it is nearly one in 700,000—more than a three-fold reduction in risk. I'd say that is worth cheering about, wouldn't you?

Today, I can say what I could not seven years ago: the Red Cross is in the blood business to stay. We are sure of our mission and we know how to fulfill it. No longer an organization constrained by yesterday's technology, we operate today with the gleaming precision and efficiency of what is still, for most in the world, only tomorrow's possibilities. We offer Cadillac quality coupled with Volvo security. Don't get me wrong: every car on the lot meets the government standard for safety. But like Cadillac and Volvo, we have set standards of our own.

Unlike car companies, however, we don't do what we do for a profit. The pins on our lapels and the patches on our sleeves remind us daily that we are in this business to fulfill a national trust, to live up to our moral commitment to do the best we can to ensure the well-being of the American people. We are also reaching out to the rest of the world, sharing the lessons we have learned from Transformation to help improve the safety and reliability of the world's blood supply.

Of course, modernization and improvement is a process that must never end. As David Kearns, the former chairman of Xerox, once said, "In the race for quality, there is no finish line." This could never be more true than in the blood banking business. We're determined to remain not only the industry leader in quality and safety, but to place ourselves in the forefront of new product development.

At our world-class Holland Laboratory, Red Cross physicians and scientists are evaluating and monitoring possible threats to the blood supply and working on many other new, cutting-edge technologies—some of which we will share with you today.

But all this technology wouldn't be worth a thing without the Red Crossers who make it work for America. They are the reason and the inspiration for our service. We have 1.3 million volunteers, 32,000 paid staff, and 4.3 million blood donors—that's 20,000 donors every day—I'd like to stop just a minute to give those quiet heroes a loud round of applause.

Yes, after 50 years in Blood Services—and spending the last seven years transforming them, the American Red Cross has much to celebrate. In addition to enhancing blood safety, our investment has given us the knowledge and confidence to shape our own future.

Before Transformation, the Red Cross and other blood banks around the country waited

for signals from the FDA that change was required. Today, the Red Cross is a leader of change. While Transformation the program is nearly complete, Transformation the process will be never ending.

There is a story I love about Supreme Court Justice Oliver Wendell Holmes. When Justice Holmes was in his 90s, he took a trip on the Pennsylvania Railroad. As he saw the conductor coming down the aisle, he began patting his pockets, looking for his ticket. The conductor, recognizing the famous jurist, said, "Don't worry, Mr. Justice. I'm sure you'll find your ticket when you leave the train, and certainly the Pennsylvania Railroad will trust you to mail it back later."

Justice Holmes looked up at the conductor with some irritation and said, "My dear man, the problem is not, where is my ticket. The problem is, where am I going?"

Ladies and gentlemen, the American Red Cross knows where it's going! As we have led the nation in blood transformation, so we will set a new credo of business for businesses of the heart. But more than that, we are dedicated to saving and improving every life we can. We at the Red Cross want to be the model for non-profits in the next century. The status quo is no longer our milieu. Well into the new millennium, the Red Cross will seek out the cutting edge; we will be the people who question the range of possibilities—in blood banking as well as in every other aspect of our mission.

But we know we cannot accomplish all of our dreams by ourselves. We need the time and money, the brainpower and the lifeblood of Americans like you. Together, we will continue to imagine the unimaginable and attain the unattainable. Together, we will be privileged to touch, and in so doing transform, the millions of individual lives we are dedicated to serve.

On behalf of our entire Red Cross family, thank you for all you've done, and for all you continue to do. And on this special day, thanks for coming to our party.

THE 80TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF GEORGIA

Mr. KENNEDY. Mr. President, I join my colleagues in congratulating the people of the Republic of Georgia on the 80th anniversary of their independence.

Eighty years ago on May 26, 1918, following the collapse of the Russian Empire, the people of Georgia gained their independence and established their own government. Tragically, Georgia's independence was short-lived. In March 1921, the Soviet Army reoccupied Georgia, beginning decades of further occupation, domination and repression.

Despite this persecution by the Soviet leadership, the spirit of the Georgian people could not be defeated. Throughout almost seventy years of Soviet rule, the people of Georgia never lost sight of their goal to be free from outside domination and influence.

Finally, in 1991, following the fall of the Berlin Wall and the collapse of the Soviet Union, the people of Georgia were again able to realize their dream of independence, and their nation now enjoys a bright future. The election of President Eduard Shevardnadze and the election of a Parliament committed to legal reform in 1995 have encouraged economic growth and reforms in human rights.

Today, as we celebrate this 80th anniversary of Georgia's independence, we also honor and commend the Georgian people for their courage and commitment in achieving their dream of a nation free again at last and committed to the principles of democracy.

AWARD OF DOD's DISTINGUISHED PUBLIC SERVICE AWARD

Mr. THURMOND. Mr. President, I rise today to say a few words about our former colleague and Majority Leader, Senator Robert Dole.

There are few people who have given more to this Nation than Bob Dole. He has dedicated his life to public service. He was a young Army officer during World War II, helping to liberate Europe, where as we all know, he suffered his lifelong wounds. He served in the Kansas State House, in the United States House of Representatives, and ultimately in the United States Senate, as Majority Leader, where he left his greatest mark. Even though he no longer holds elected office, Bob still finds ways to contribute to the public good through a variety of efforts, not the least of which is his work on the World War II Memorial. He is truly a man who has distinguished himself through his selflessness, who has rendered the Nation a great service, and is worthy of the respect and admiration of all Americans.

A few weeks ago, another one of our former colleagues, Secretary of Defense William Cohen, made certain that Senator Dole knew the high regard in which he is held by the men and women of our armed services by holding a full dress parade in his honor and bestowing upon him the Department of Defense's Distinguished Public Service Award. This was an especially impressive ceremony that weaved together pageantry, heritage, and patriotism in a stirring tribute to both Senator Dole and his service to the United States. I was particularly moved by the remarks of my two friends and want to share them with my colleagues in the Senate, and with the Nation through the CONGRESSIONAL RECORD. I am certain that all who read these speeches will agree with me that they provide both insight into a modest and private man and a fitting tribute to a true American hero.

I ask unanimous consent that copies of Secretary Cohen's and Senator Dole's remarks be printed in the RECORD.

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

SENATOR BOB DOLE—REMARKS PREPARED FOR DELIVERY, FORT MYER, VIRGINIA, APRIL 29, 1998

If given the choice between receiving an award from a Secretary of Defense or appointing a Secretary of Defense, I would have picked the latter.

Seriously, I am humbled and honored by this award, and it means all the more to me because it was presented by a man I have long been privileged to call my friend. Thank you, Mr. Secretary, for this ceremony, for this award, and for reminding us that when it comes to our national defense, we should not define ourselves as Democrats or Republicans, but rather, simply as Americans.

I am also pleased to be joined today by the president of the American Red Cross. Throughout this century, wherever you have found American service men and women—whether on the battlefield, on the base, or in the hospital—you knew that close by you would also find the American Red Cross.

And on behalf of all the past and present members of the Armed Forces here, I thank Elizabeth for the difference the Red Cross has made in our lives. And while I may not be proof of the old saying that here in America, any boy can grow up to be President, I take heart in the fact that I am proof that any boy can grow up and be married to the President . . . of the American Red Cross, that is.

During my life I have been privileged to be called by many titles—including congressman, Senator, and majority leader. But the two titles of which I am most proud have nothing to do with elective office. The first is "Kansan." And the second is "veteran."

I have often wondered why the Army assigned a kid from the plains of Kansas to serve in the 10th Mountain Division, but I've never wondered about the courage and heroism of those who served with me, and those who have defended our country in the half century that has followed. And I can't help but recall today the words of General George Marshall, who was asked soon after America's entrance into World War II, whether we had a secret weapon that would ensure victory.

Marshall said, "Yes, our secret weapon is the best darned kids in the world."

Marshall was right. America ensured the survival of freedom in World War II precisely because we had the best darned kids in the world—kids who were willing to fight and die for their country and for the cause of freedom.

What was true in World War II, has continued to be true in the decades that have followed, as more of those best darned kids have fought and died in places with names like Inchon, Porkchop Hill, the Persian Gulf, and countless other locations around the globe.

I traveled to Bosnia just this past weekend, and can report to you, Mr. Secretary, that our Armed Services can still boast the best darned kids in the world.

Throughout my years in the Battlefields of Capitol Hill, I always tried to remember and stand up for those who were serving or who had served. And I always tried to remember that the only way to ensure that future generations or those kids would not be buried on foreign land was to continue to provide for a strong defense and American leadership whenever and wherever it was needed.

And any success I achieved in this regard was achieved because so many others stood with me. And although this old soldier has retired from elective office, I don't intend to fade away. Rather, I will continue to stand

up and speak out on matters of importance to the United States, and I will always regard this day and this award not as recognition for any achievements of the past, but as a reminder of our responsibilities to future generations of Americans.

And so, Mr. Secretary, Lieutenant Robert J. Dole is reporting for duty today, ready for a mission that must be shared by all Americans; a mission perhaps best defined by the author Herman Wouk, who said:

"(Our duty is to) reassure (our men and women in uniform) that their hard, long training is needed, that love of country is noble, that self-sacrifice is rewarding and that to be ready to fight for freedom fills one with a sense of worth like nothing else . . . for if America is still the great beacon in dense gloom, the promise to hundreds of millions of the oppressed that liberty exists, that it is the shining future, that they can throw off their tyrants, and learn freedom and cease learning war, then we still need heroes to stand guard in the night."

Thank you, Mr. Secretary for this day, and thanks to all those heroes here today and the countless thousands who serve with you who make the world a safer place by standing guard in the night.

REMARKS OF SECRETARY OF DEFENSE WILLIAM S. COHEN—PRESENTATION OF DISTINGUISHED PUBLIC SERVICE AWARD TO BOB DOLE, CONMY HALL, FORT MYER, VIRGINIA, APRIL 29, 1998

General Ralston, thank you for your gracious words. Senator Dole, Elizabeth and Robin Dole; Members of Congress: Senator Thurmond, Specter, Campbell, Smith and Reed and Congressmen Ryun and Houghton; Deputy Secretary Hamre and Julie Hamre; Service secretaries, service chiefs and spouses; Distinguished guests, especially Jack Kemp, Warren Rudman, Paul Laxalt, Colin Powell, Ambassador Ellsworth. Welcome all, and thank you for joining Janet and me and the entire Department of Defense in paying tribute to a dear friend and a true American hero—Bob Dole.

Justice Oliver Wendell Holmes, Jr., who served his country both as a soldier and a public servant, once spoke to his fellow veterans in words that reflect the soldier and public servant we honor today. Holmes said: "As I look into your eyes, I feel that a great trial in your youth made you different. It made you a citizen of the world and not of a little town. Best of all, it made you believe in something else besides doing the best for yourself. You learned a lesson early which has given a different feeling to life, which put a kind of fire into your heart."

Today we express our gratitude to Bob Dole, a man from the little town of Russell, Kansas for whom the lessons of life came early. With the Dustbowl came the lesson of hard work. With the Depression came the lesson of hardship. With World War II came the lesson of service and sacrifice in a way most of us will never know.

Throughout his distinguished career, we have called Bob Dole by many titles—Congressman Dole, Senator Dole, Chairman Dole and Candidate Dole. Our ceremony today honors all those roles, but also honors a time when he was known as Second Lieutenant Robert Dole, who led the Second Battalion of the 85th Infantry Mountain Regiment of the U.S. Army's 10th Mountain Division.

As the war in Europe was winding down, a spring offensive was scheduled for April 12, 1945 to bring about the surrender of German forces in Italy. On the same day, as it happens, President Roosevelt died. But it was not the President's death but a heavy fog that delayed the offensive until April 14 at oh-six-hundred. After the intensive assault against fortified German positions by heavy bombers, fighter-bombers and artillery, the 10th Mountain Division began to move across a ravine to a clearing to take for the Allies what was known as Hill 913.

But even after the shelling and bombing, there was significant German resistance. The snipers were dug in. The 10th Mountain Division would take more casualties on April 14, 1945 than all the other Allied forces in Italy. Second Lieutenant Robert Dole was hit and gravely wounded by a mortar blast and waited in a shell hole for nine hours until the medics could reach him.

The war in Europe ended just a few weeks later on May 8, 1945. Second Lieutenant Dole came back to a Topeka hospital and eventually back to Russell. When he went to Europe, he weighed a muscular 200 pounds and was a football, basketball and track star at the State University of Kansas. When he came home after the war, he was on a stretcher and weighed 120 pounds. At one point, his temperature reached 108.7 degrees.

Faced with this terrible situation and the unanimously gloomy opinion of his doctors, many people, even most people, would have become disheartened and simply given up. But Bob Dole persevered, through more than three years of arduous recovery and through a lifetime of difficulty and hardship which he handled with his customary humor and grace. No one ever worked harder, complained less or laughed more than Bob Dole. And no one ever loved his country more or had a better appreciation of the honor and sacrifice of military service.

From the terrible trauma of his injuries, Bob Dole fought back and won elective office as county attorney, US Congressman, US Senator and Senate Majority Leader. He has been his party's nominee for Vice President and President. He even makes a pretty good VISA commercial! (Although his credit is not very good in that financial mega center—Russell.)

Also, no hero does it alone, and Janet and I also want to pay tribute to a lady of grace, charm and accomplishment who is Bob's partner, friend and wife—Elizabeth Dole. Elizabeth, thank you for your service to America.

I had the privilege of serving with Bob Dole in the legislative trenches of the U.S. Senate for 18 years. And I can tell you he remained a warrior eager to take on a new battle every day. He is and always will be an American Hero of the highest order.

Thanks to people like Bob Dole who have worked for a strong national defense, we are privileged to live in largely peaceful times where the sons of Bangor, Maine or Russell, Kansas are not being sent to fight and die on distant battlefields. The privilege of these peaceful times is made possible by the sacrifice of many thousands who have given their bodies and their lives in the cause of liberty.

We do not pause often enough to give tribute to the silent white gravestones which dot the hills of Arlington National Cemetery or give thanks to the heroes who are still among us. Today, as Secretary of Defense, it makes me extremely proud for our Department and our nation to pay tribute to a modest man of immodest talent—a person who has defined heroism and courage for millions of Americans.

The great American writer John Steinbeck once wrote that the best measure of one's time on this earth is the contribution each of us makes to the world around us. "There is," Steinbeck wrote, "no other story. A man, after he has brushed off the dust and chips of his life, will have left only the hard clean questions: Was it good or was it evil? Have I done well—or ill?"

For Second Lieutenant Bob Dole—Army Serial #17179287—Steinbeck's question is not a hard one. He has done well—he has served his nation with the highest distinction—he has remained a man with fire in his heart. And it is my highest privilege to award our highest civilian honor, the Department of Defense Medal for Distinguished Public Service, to Bob Dole.

OREGON SCHOOL SHOOTINGS

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a brief moment to express my condolences to the families of the students killed and wounded during the tragic shooting yesterday at the Thurston High School in Springfield, Oregon.

The thoughts and prayers of all Americans today are with the families of Springfield. It is yet another community where lives have been shattered forever by children with easy access to firearms.

This attack was the fourth killing in a high school in the last six months by a youth under the age of 16. Mr. President, this killing must stop.

Last year, approximately 50% of all serious violent crimes were committed by teens against teens. Our nation's overall firearm-related death rate among children was nearly 12 times higher than among children in the other 25 industrialized countries combined.

This is an outrage. Mr. President, these horrific crimes amply demonstrate that we have a responsibility to oppose the proliferation of violence and to stand fast against any effort to make firearms more freely available. Does anyone still believe that it is possible to raise children in a society where guns are so easily obtained? We cannot continue to protect our children in such a world.

We must come together as a society and recommit ourselves to keeping firearms out of the hands of children and to guaranteeing that only those people who know how to use guns responsibly have access to them. We must expand programs to train gunowners in the proper use and storage of their weapons.

Responsible gunowners have nothing to fear from reasonable gun laws. We must have reasonable gun laws that will prevent tragedies like the one that happened yesterday in that small community in Oregon from ever happening again. The second amendment was never intended as a subterfuge for domestic carnage. Our living constitution can respond to changes in our society which jeopardize our freedom from fear and random violence by children. I think it is appropriate for us to have that debate, given the importance to

our children, to their safety, to our liberty and freedom and safety in our communities.

JUDGE JOE ANDERSON'S REDEDICATION OF THE EDGEFIELD COUNTY COURTHOUSE

Mr. THURMOND. Mr. President, the very foundation of our Nation lies in the rule of law, and there is perhaps no symbol more closely associated with the process of justice than the courthouse. Not only is the courthouse where justice is dispensed, but it is a reminder to all citizens that the judiciary is the third branch of our system of government.

Recently, the Edgefield County Courthouse was rededicated, and Judge Joe Anderson, of the South Carolina District Court, was the keynote speaker at the ceremony. His remarks were very well received by the crowd and helped to make the event a great success. Though I was unable to attend this event, I heard from a number of friends who did that Judge Anderson's remarks were truly excellent. After requesting a copy of his speech, I came to the very same conclusion and thought that my peers in the Senate would enjoy reading them as much as I did.

Mr. President, I ask unanimous consent that a copy of this speech be printed in the RECORD following my remarks.

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

Judge Keesley, Members of the County Council, other distinguished guests, and friends:

What a joy, what an honor, to have the privilege of being a part of this ceremony. I appreciate the opportunity you have given me to come home, and to show my appreciation, I promise not to afflict you with many words.

As one who spends all of my working hours in a courthouse building, I am honored to say a few brief words in rededication of this historic structure and what it has come to symbolize for our community.

Winston Churchill once said that the best measure of the quality of a society is the quality of its justice." America is distinguished from other countries by the quality of its law and how it is used by its people to expand liberty and opportunity. Our law represents our national dreams, our system of justice towards one another.

The assumptions that we make every day, the security we take for granted, the social compact that allows us to live together peacefully . . . these are the result of law. In rededicating this building we rededicate ourselves to the rule of law.

Courthouse buildings, of course, represent a symbol of permanence and the place where our laws are administered. It is here that our citizens are summoned to become actively involved in the public administration of justice—a privilege that citizens of most other countries do not enjoy. It is here that the cogs and gears of liberty function on a daily basis.

I have always thought that the rather nondescript term we use to describe these buildings—"courthouse"—does not adequately convey the importance of the work that goes on inside. The French use a more inspirational name: "Palace of Justice."

Regardless of the name by which it is called, no one can deny the role that our courthouse, our "Palace of Justice" has played in the development of our county. We are all indebted to Chairman Monroe Kneece and the members of our county council Betty Buter, Sam Speight, Daniel Bishop and Norman Dorn and County Administrator Wayne Adams for their foresight in recognizing the renovations and improvements that were needed. Their vision and hard work have brought this historic structure up to standards that will allow it to serve in the next millennium and beyond, while at the same time preserving all the charm and history that makes this building special for all of us. This ceremony is, in part, a tribute to their stewardship of one of the real crown jewels of our county. On occasions such as this, we ask God's blessing on their endeavors.

Today is one of those moments when we can pause, take a look at where we've been, where we are, and where we might be headed.

Bettis Rainsford has chronicled for you the history of the Edgefield County Courthouse. There may not be many other courthouses in America, certainly not in South Carolina, with a pedigree to match that of this building. I am certain that there is no courthouse anywhere with so many portraits of notable leaders—statesmen, generals, lawyers and judges. I distinctly remember my first visit to this courthouse with my father. The portraits on the walls left a lasting impression on me. I particularly remember my father singling out Senator Strom Thurmond, pictured on these walls when he was a young Circuit Judge, as well as his father, John William Thurmond, one of the most able lawyers our state has ever produced.

But what does all this history mean to us as we are about to embark on a new century? As South Carolinians and, especially as Edgefieldians, we have a rich heritage. We are each of us the sum total of generations of growing, yearning, of planning and failing, of building and destroying and building again.

This is an exciting time for Edgefield County. Our area is growing, our young people have a place to come back to, our schools are moving ahead, industry is recognizing the virtues of small town life and good work ethic that goes with it. Edgefield County is on the move.

This building is a monument to the hands, hearts and minds of our forebearers. Not just the dignitaries on these walls—not just the statesmen, the generals, the lawyers and the judges—but also the public servants behind the scenes, like Miss Martha Rich, the merchants, the ministers, the school teachers, the sharecroppers, the industrialists, the artists and the artisans who have gone before us to help make this corner of God's earth a special place in our hearts.

Thank you again for inviting me.

OPERATION GRADUATION WEEKEND

Mr. ASHCROFT. Mr. President, Operation Graduation is a six-state campaign devoted to the safety of high school seniors on graduation night. The campaign is designed to fund alcohol-free/drug-free graduation parties that are safe, memorable, and fun.

In an effort to encourage high schools to hold alcohol-free/drug-free graduation parties, local cable systems in the Midwest are donating money to corresponding area high schools. This project also provides high schools with information kits containing an Operation Graduation How-to-Guide, pamphlets, and brochures on the dangers of drunk driving, and other resources for promoting Operation Graduation.

Together, local cable system employees in Missouri are fighting to stop needless deaths on our roads and highways that result from reckless behavior on graduation night.

I would like to commend all the people working to make the weekend of May 29, 1998, "Operation Graduation Weekend."

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, yesterday, XAVIER BECERRA, JOSÉ E. SERRANO and the Congressional Hispanic Caucus called upon the Republican leadership to vote upon the Latino nominees to judgeships who have languished in the Senate far too long. I welcome the views of the Congressional Hispanic Caucus to the debate and I ask unanimous consent that a copy of their letter be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit No. 1.)

Mr. LEAHY. I have spoken often, too often, about the crisis in the Second Circuit and our need for the Senate to move forward to confirm the nominees pending on the Senate calendar to that important court.

Judge Sonia Sotomayor is a qualified nominee who was confirmed to the United States District Court for the Southern District of New York in 1992 after being nominated by President Bush. She attended Princeton University and Yale Law School. She worked for over four years in the New York District Attorney's Office as an Assistant District Attorney and was in private practice with Pavia & Harcourt in New York. She is strongly supported by Senator MOYNIHAN and Senator D'AMATO. She is a source of pride to Puerto Rican and other Hispanic supporters and to women. When confirmed she will be only the second woman and second judge of Puerto Rican descent to serve on the Second Circuit.

By a vote of 16 to 2, the Judiciary Committee reported the nomination of Judge Sonia Sotomayor to the Senate. That was on March 5, 1998, over two months ago. No action has been taken or scheduled on that nomination and no explanation for the delay has been forthcoming. This is the oldest judicial nomination pending on the Senate Executive Calendar. In spite of an April 8 letter to the Senate Republican Leader signed by all six Senators from the

three States forming the Second Circuit urging prompt action, this nomination continues to be stalled by anonymous objections. Our bipartisan letter to the Majority Leader asked that he call up for prompt consideration by the Senate of the nomination of Judge Sonia Sotomayor. That was over one month ago. I request unanimous consent that a copy of that letter be included in the record at the conclusion of my remarks.

Nor is Judge Sotomayor the only woman or minority judicial nominee who has been needlessly delayed. Indeed, if one considers those nominees who have taken the longest to confirm this year, we find a disturbing pattern.

Hilda Tagle, the only Hispanic woman the Senate has confirmed this year, took 32 months to be confirmed as a District Court Judge for the Southern District of Texas—that was over two and one-half years. As I have noted, Judge Sotomayor's nomination to the Second Circuit is the longest pending on the Senate calendar, another qualified Hispanic woman nominee. Judge Richard Paez, currently a District Court Judge and a nominee to the Ninth Circuit, was first nominated in January 1996. Twenty-eight months latter, Judge Paez's nomination remains pending on the Senate calendar. Nor have we seen any progress with respect to the nomination of Jorge Rangel to the Fifth Circuit or Anabelle Rodriguez to the District Court for Puerto Rico, although her nomination was received in January 1996 almost 28 months ago.

For that matter, we have seen the President's nomination of the Judge James A. Beaty, Jr., the first African-American to the Fourth Circuit stalled for 29 months, since December 1995.

We have seen the attack on Judge Frederica Massiah-Jackson, who would have been the first African-American woman to serve on the Eastern District of Pennsylvania, but who was forced to withdraw. We have seen the nomination of Clarence Sundram held up since September 1995, almost 32 months.

With the delays in the Senate consideration of Margaret Morrow and Margaret McKeown earlier this year, we had the opportunity to consider why it is that the Senate takes so much longer to consider and confirm so many woman nominees. That question has yet to be answered adequately.

Margaret Morrow was targeted by some and debate on her nomination was delayed for more than a year. She was first nominated in May 1996 and was not voted on for 21 months. When we finally got a vote, she was confirmed by a vote of more than two to one. Margaret Morrow was the first and only woman to serve as the President of the California State Bar. The ABA gave her its highest rating. She had strong bipartisan support. She was held up for a judicial emergency vacancy for many months without cause of justification.

Nor was Margaret Morrow an isolated case. Consider the nomination of Judge Ann Aiken to the District Court in Oregon. That nomination was received in November 1995 but not considered by the Senate until January 1998, 26 months later. She, too, was confirmed by a vote of more than two to one.

Then we had the case of Margaret McKeown who was nominated to a vacancy on the Ninth Circuit in March 1996 but not considered until two years later in March 1998. When she received a Senate vote, she was confirmed by a vote of 80 to 11.

We still have Susan Oki Mollway pending before the Senate without a vote although she was first nominated back in December 1995 for the vacancy on the District Court in Hawaii—that was more than 29 months ago and still she is without a vote.

In his annual report on the judiciary last year, the Chief Justice of the United States Supreme Court observed: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994." He went on to note: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down."

For some unexplained reason, judicial nominees who are women or racial or ethnic minorities seem to take the longest. Of the 10 judicial nominees whose nominations have been pending the longest before the Senate, eight are women and racial or ethnic minority candidates. A ninth has been delayed in large measure because of opposition to his mother, who already serves as a judge. The tenth is one who blew the lid off the $1.4 milllion right-wing campaign to "kill" Clinton judicial nominees.

Pending on the Senate calendar, having been passed over again and again, are Judge Sonia Sotomayor, Judge Richard Paez and Susan Oki Mollway. Ronnie White has now finally been reported, as well. Held up in Committee after two hearings is Clarence Sundram. Still without a hearing are Anabelle Rodriquez, Judge James A. Beaty, Jr., and Jorge C. Rangel. What all these nominees have in common is that they are either women or members of racial or ethnic minorities. That is a shame.

EXHIBIT NO. 1

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 1998.

Hon. TRENT LOTT,
Senate Majority Leader, Russell Office Building, Washington, DC.
Hon. ORRIN G. HATCH,
Chairman, Senate Judiciary Committee, Russell Office Building, Washington, DC.
Hon. FRED THOMPSON,
Chairman, Senate Government Affairs Committee, Dirksen Office Building, Washington, DC.

DEAR MR. LEADER AND MR. CHAIRMAN: As Members of the Congressional Hispanic Caucus (CHC), we are writing to express our grave concern with the lack of progress and consideration of judicial nominees before the Senate. In particular, we are profoundly distressed that several of those nominees are highly qualified individuals of Latino descent. While this Congress has seen a slowdown in the confirmation process it is notable that Latino judicial nominees have been subjected to inexplicable delays.

Of the Federal judges confirmed in the 105th Congress (1997 and 1998), only 2 have been Latinos. At present, there are a number of Latinos with strong judicial and academic qualifications pending Senate judicial confirmation. Yet, several Latino judicial nominees have languished unjustifiably in the Senate for over two years and only two of the candidates have been reported out of committee.

The delay in the confirmation process results in significantly higher caseloads for existing Federal judges, and a system that guarantees frustration for those who utilize it. Already, and Second Circuit has been declared a "judicial emergency"—the circuit has seats that have been vacant for more than 18 months. Overburdened judges and a slowdown of court proceedings undermine faith in our judicial system and our democracy as a whole.

Inaction by the Senate is contributing to the underrepresentation of Latinos on the Federal bench. Latinos make up less than 5% of all Federal judges. We urge your prompt and favorable action in confirming judicial candidates.

Sincerely,

XAVIER BECERRA.
JOSÉ E. SERRANO.

TRIBUTE TO MS. ROSELLA SCHNAKENBERG

Mr. ASHCROFT. Mr. President, I rise today to recognize Ms. Rosella Schnakenberg, a woman who has served her friends and fellow Missourians for more than 50 years. Although this service has transcended occupational boundaries, the most prominent way Ms. Schnakenberg, a lifelong resident of the Cole Camp community, has benefitted her fellow citizens has been to hold a pivotal role at the First Community Bank in Ionia, Missouri.

During her time as an employee of First Community Bank, Ms. Schnakenberg has helped customers open accounts, fill out and process loan applications, save for the future, balance checkbooks, and cash pay checks. In addition to this long list of responsibilities, what is remarkable about this versatile employee is that she performs her duties with enthusiasm and

concern. That attitude has helped propel Ms. Schnakenberg from a teller who earned $75 a month to a Vice President and Facility Manager, overseeing day-to-day operations of the bank. During her lengthy tenure, she has observed the bank change and grow from an establishment that applied for deposits by hand and lacked indoor plumbing to an institution that functions and flourishes in the modern world.

First Community Bank has not only prospered economically, under Ms. Schnakenberg's leadership, it has also benefitted from her research and recording of the bank's colorful history. That history includes a Depression-era incident when one of the bank managers had cashiers band a high-value bill on both sides of the $1 bill stacks.

Mrs. Schnakenberg has also touched the lives of the people around her through the unselfish distribution of her time, such as serving in community activities, visiting friends in nursing homes, and playing the organ at St. John's Lutheran Church services.

To honor Ms. Schnakenberg, First Community Bank hosted a reception in her honor on Sunday, March 22, 1998, in Ionia, Missouri. It is an honor for me to recognize such a fine Missourian and to serve her in the U.S. Senate.

THE SCHOOL TRAGEDY IN SPRINGFIELD, OREGON

Mr. HATCH. Mr. President, we were all shocked and saddened by the tragic shooting incident at the Thurston High School in Springfield, Oregon. I listened with sympathy this morning to my colleagues from Oregon, and share their sentiments. My heart goes out to the victims of this horrendous crime, and my prayers are with the injured, and with the families of all the victims in the Springfield community. I know that every parent or grandparent who sends a child to school shares the grief of the Springfield families.

This kind of tragedy has become far too common. It was only two months ago that we were shocked by the violence and horror of the schoolyard shooting in Jonesboro, Arkansas. Every day, it seems, we are assailed by new stories of senseless crimes committed by juveniles who should be too young to be capable of such acts.

Our juvenile crime problem has taken a new and sinister direction. I can imagine few acts more heinous than some of the crimes recently committed by juveniles around the country. We seem now to be in a new era, in which juveniles are committing sophisticated adult crimes. This disturbing trend demonstrates the need to reform the juvenile justice system that is failing the victims of juvenile crime, failing too many of our young people, and ultimately, failing society.

The Senate has before it comprehensive youth violence legislation. S. 10, the Hatch-Sessions Violent and Repeat Juvenile Offender Act, reported out of the Judiciary Committee last year on bipartisan vote. The goal of S. 10 is to reform and redirect the role played by the federal government in addressing juvenile crime in our Nation.

Responding to the testimony and advice of many state and local officials, S. 10 reauthorizes and streamlines the Juvenile Justice and Delinquency Prevention Act (JJDPA), which provides assistance to the states in fighting juvenile crime. S. 10 also creates a $500 million per year incentive block grant program for the states. These block grants can be used for a multitude of purposes, such as incarceration, graduated sanctions, serious and habitual offender programs, juvenile criminal record sharing, drug testing and treatment of juvenile arrestees, and numerous prevention programs.

In the face of tragedies such as the Springfield and Jonesboro murders, it is tempting to look for easy answers. I do not believe that we should succumb to this temptation. We are faced, I believe, with a problem which cannot be solved solely by the enactment of new criminal prohibitions. It is at its core a moral problem. Somehow, in this case and too many others like it, we have failed as a society to pass along to the next generation the moral compass that differentiates right from wrong. This cannot be legislated. It will not be restored by the enactment of a new law or the implementation of a new program. But it can be achieved by communities working together to teach accountability by example and by early intervention when the signs clearly point to violent and antisocial behavior, as seems to be the case in some of these tragedies.

S. 10 provides the framework to address the modest federal role in this effort. We should not let politics overwhelm this issue. I believe that this legislation must move forward. This will require us to work together. It will also require leadership from the Administration. In the ten months since this legislation was ordered reported from the Judiciary Committee, we have heard no productive comment from the Administration on the bill. The President must show leadership on this, and support S. 10. Otherwise, I am afraid that another year will pass without our having taken action on this critically important issue.

I also ask my colleagues to join me in this effort, and to join me in extending the sympathy of the Senate to the families and victims, to the community of Springfield, and the State of Oregon.

THE WORK OF THE SENATE

Mr. LEAHY. Mr. President, this week we conclude another work period by disappointing the American people. We recess, again, without concluding the people's business and passing a strong tobacco bill. Tobacco legislation is now added to the litany of important matters the Congress has left unfinished.

Last month, the Congress adjourned without even completing the federal budget and this month we recess, again, without concluding even that basic action.

Most Americans think of April 15 as the day that they file their tax returns and pay their taxes, and most Americans dutifully collect their financial records and go through the sometimes arduous task of preparing their tax returns. I hope that next year and in the years ahead that task will be made a little easier by legislation I have sponsored to require the IRS to post information and forms on the Internet, along with regulations and rulings.

Well, April 15 was also the legal deadline for Congress to have passed a budget resolution. While the Senate did some preliminary work on a flawed proposal earlier this year, Congress is recessing, again, without completing this fundamental task—another duty ignored, another legal requirement violated.

I hope that as Congress returns from its Memorial Day break it will complete work on a balanced budget to serve the American people without additional delay. It should be balanced in two senses: It should be a balanced series of proposals to meet the health, education, environmental and law enforcement needs of the country. And it will also, for the first time in almost three decades, be a balanced budget that will not rely on deficit financing.

I recall all too well last year when we were told that we could never achieve a balanced budget without a constitutional amendment. I recall the stacks of deficit-laden federal budgets proposed by Republican and Democratic Presidents since President JOHNSON and being told that the only answer to annual budget deficits was to pass an ill-conceived constitutional amendment whose terms and effects could not be explained. I defended the Constitution then and this year President Clinton sent us the first balanced budget in almost 30 years.

With the cooperation of the Republican leadership in the Congress we can enact the first balanced budget since 1969, and we will have done it without inserting a fiscal straightjacket into the text of the United States Constitution. They said it could not be done, but it can and will as a result of the sound fiscal policies of this Administration which have lead not only to balance but to the prospect of budget surplus. In 1993, a Democratic Congress put us on the right road to fiscal responsibility when we took the hard votes and passed the President's plan. Congress should culminate that extraordinary 5-year effort without further delay.

Completing action on the budget is the first step toward Congress taking action on the annual appropriations bills that are so important to the government programs that protect the environment and assist State and local governments with education and law enforcement. Republican Congressional leadership is well-known for shutting down the government by not completing work on these basic measures in a timely way.

Those contracting with the government, working in partnership with government services and those dependent on government services deserve better. Americans deserve piece of mind and the assurances that their government is working. Congress needs to complete its appropriations so that the agencies and service providers can plan programs, pay staff and work with the American public in an effective manner.

It is high time for the congressional leadership to do its job and for the Congress to get on about the business of governing.

Congress should not be taking breaks without having completed the work of the people. Such callous disregard for the needs of the American people has become too much the rule as year after year under Republican leadership Congress recesses without having completed its work on emergency supplementals, budgets, and appropriations bills.

The Senate has also failed to take action to end the judicial emergency in the United States Court of Appeals for the Second Circuit. On March 25, the five continuing vacancies on the 13-member court caused Chief Judge Ralph Winter to certify a Circuit emergency, to begin canceling hearings and to take the unprecedented step of having 3-judge panels convened that include only one Second Circuit judge.

I have been urging favorable Senate action on the nomination of Judge Sonia Sotomayor to the Second Circuit to fill a longstanding vacancy. That nomination remains stalled on the Senate calendar. Before the last recess I introduced legislation calling upon the Senate to address this kind of judicial emergency before it takes another extended recess. The Senate has pending before it four outstanding nominees to the Second Circuit whose confirmations would end this crisis.

Unfortunately Republican Senate leadership has not taken the judicial vacancies crisis seriously and has failed to take the concerted action needed to end it. They continue to perpetuate vacancies in almost one in 10 federal judgeships.

With 11 nominees on the Senate calendar and 32 pending in Committee, we could be making a difference if we would take our responsibilities to the federal courts seriously and devote the time necessary to consider these nominations and confirm them. Instead, we are having hearings at a rate of one a month, barely keeping up with attrition and hardly making a dent in the vacancies crisis that the Chief Justice of the United States has called the most serious problem confronting the judiciary.

We began this legislative year prepared finally to make progress on issues like campaign finance reform, tobacco legislation and juvenile crime legislation. Republican leadership has lead to inaction on all three.

On the issue of campaign finance reform, Democrats and some notable Republicans have been prepared to attack the soft money that so pervades the current system. Rather than close the loopholes and correct the system, the Republican leadership has chosen to close the debate and perpetuate the status quo.

On tobacco legislation, we have an important opportunity to make real progress. Now that the courts have moved to disclose the secret documents from the industry's efforts to hide the nature of nicotine addiction and their marketing efforts to children, now that the tobacco companies' lobbying stranglehold on Congress has been loosened, and now that we have demonstrated that the majority of the Senate agrees with Senator GREGG and me that we need not grant special legal protections to tobacco companies in order to enact legislation that can make a difference, it is time for the Senate to move forward. We should be passing strong tobacco legislation.

Since the first week of the year I have been urging attention to the matter of juvenile crime. When the Judiciary Committee reported a misguided bill last year, I noted the improvements that had been made in the Committee's consideration and the aspects that needed to change for us to develop a legislative consensus that could help State and local law enforcement in the battle against juvenile crime.

We have heard for months this would be a priority this Congress. Instead of reaching across the aisle and working to develop a consensus, some have limited themselves to Republican-only Dear Colleague letters and seeking to pick off a few Democratic allies. Juvenile crime should not be a Republican or Democratic issue. There are things we can do to assist State and local law enforcement without partisanship and by consensus.

Afterschool programs and crime prevention programs should be central to those efforts. I hope that the Senate Republican leadership will join in a truly bipartisan effort.

We still face the same problems and challenges with which we began the year. We need to make progress on encryption policy and we need to promote personal privacy in the electronic age.

Given the lack of attention to congressional responsibilities and the real problems of working families in the first half of this session, I fear what the remainder of this year may hold.

I expect the Republican leadership will find time for some carefully choreographed media efforts and will make time for more personal attacks against the President and the First Lady. In an election year, I will not be surprised if they look to rewrite the Constitution of the United States through a series of popular-sounding amendments.

I hope that the Republican majority will find the time to make progress on the legislative agenda that can make a difference in the lives of American people and lead to economic opportunity in the coming century.

INDEPENDENT COUNSELS AREN'T ABOVE THE LAW, EITHER

Mr. LEVIN. Mr. President, about one year from now, in June 1999, the independent counsel law is due to expire unless Congress acts to renew it. In the Senate, the Governmental Affairs Committee, of which I am a member, is responsible for examining whether the independent counsel law ought to be reauthorized. I rise today because, as I've begun to look at the reauthorization issues, one stands out as central to the law, central to the question of reauthorization, and central to the issue of whether the independent counsel law is a tool of fairness or a weapon of politics.

In a recent Law Day speech, independent counsel Kenneth Starr proclaimed that, "No one is above the law." He is correct. No one is above the law—certainly not the President, who was the focus of Starr's remarks, but equally so, not an independent counsel.

The question I want to discuss today is whether independent counsels are themselves complying with the law, in particular a provision at 28 U.S.C. 594(f)(1), which states that independent counsels "shall" comply with the "written or other established policies of the Department of Justice."

This is a straightforward provision. The law says "shall," not "may," not "should." It makes compliance with established Justice Department policies mandatory, not discretionary, for every independent counsel. The only exception to this rule is where compliance with Departmental policies would be "inconsistent with the purposes of the statute" such as, for example, compliance with a policy requiring the permission of the Attorney General to take a specific act. Barring this exception, the law's clear general rule is that independent counsels must comply with established Justice Department policies.

This provision in the law is an important one. It is a key constraint to ensure that persons who are subject to

independent counsel investigations receive the same treatment as ordinary citizens—no better and no worse. It is a key safeguard against an overly zealous prosecutor.

The Senate felt so strongly about this requirement that, during the law's 1994 reauthorization, the Senate approved an amendment by Senator Bob Dole emphasizing that failure to follow Justice Department policies constitutes "cause" for removing an independent counsel from office. The final conference report on the law, while omitting the Senate provision as accurate but too limiting, said, "refusal to follow important Department guidelines . . .—like many other circumstances—do provide potential grounds for removing an independent counsel from office."

Independent counsel compliance with Justice Department policies was important to the Supreme Court. In the key decision upholding the independent counsel law, Morrison v. Olson, the Supreme Court referred to the requirement as one of the keys to the law's constitutionality. The Court did so when determining whether the independent counsel law, "taken as a whole, violates the principle of separation of powers by unduly interfering with the role of the Executive Branch," in particular the Constitutional requirement that the President, as head of the executive branch, ensure that the laws be faithfully executed. The Supreme Court stated:

> It is undeniable that the Act reduces the amount of control or supervision that the Attorney General and, through him, the President exercises over the investigation and prosecution of a certain class of alleged criminal activity. . . . Nonetheless, the Act does give the Attorney General several means of supervising or controlling the prosecutorial powers that may be wielded by an independent counsel. Most importantly, the Attorney General retains the power to remove the counsel for 'good cause,' a power that we have already concluded provides the Executive with substantial ability to ensure that the laws are 'faithfully executed' by an independent counsel. No independent counsel may be appointed without a specific request by the Attorney General, and the Attorney General's decision not to request appointment if he finds 'no reasonable grounds to believe that further investigation is warranted' is committed to his unreviewable discretion. . . . In addition, the jurisdiction of the independent counsel is defined with reference to the facts submitted by the Attorney General, and once a counsel is appointed, the Act requires that the counsel abide by Justice Department policy unless it is not 'possible' to do so.

The Court then went on to say, in language directly relevant to this issue: "Notwithstanding the fact that the counsel is to some degree 'independent' and free from executive supervision to a greater extent than other federal prosecutors, in our view these features of the Act give the Executive Branch sufficient control over the independent counsel to ensure the President is able to perform his constitutionally assigned duties."

The Supreme Court thus highlighted four "features" of the independent counsel law which enable the Attorney General to meet the constitutional requirement that the President, as head of the executive branch, ensure the faithful execution of the law. The four features identified by the Court are the Attorney General's sole authority to request appointment of an independent counsel, her authority to remove an independent counsel from office for good cause, her authority to define the scope of an independent counsel's investigation, and the requirement that independent counsels must abide by Justice Department policy.

Mandatory compliance with Justice Department policies is important not only for the law to be constitutional, but also because that compliance is one of the few practical constraints on the conduct of an independent counsel. The Supreme Court has held that the special court which appoints independent counsels "has no power to supervise or control the activities of the counsel" it has appointed. Congress, legally empowered to oversee independent counsels, has shown little interest under the current Republican leadership in monitoring independent counsels investigating the Clinton Administration.

The law does empower the Attorney General to remove an independent counsel from office for good cause, but that draconian penalty is not a practical one and has never been used. For example, if Attorney General Reno were to fire independent counsel Starr for enforcing subpoenas served on Secret Service personnel, the Republican Congress as well as the news media would have her head. The power to terminate an independent counsel, while an essential element in the law's architecture for purposes of constitutionality, is simply not, except for unusual circumstances, a practical means for limiting an independent counsel's individual prosecutorial decisions.

That means a key remaining constraint on independent counsels is the legal requirement that they comply with established Justice Department policies.

Yet questions have increasingly arisen about whether sitting independent counsels are acting in ways that an ordinary federal prosecutor would, or whether they are taking actions outside the established practices of the Department of Justice.

A prime example is an independent counsel subpoena so troubling that the Supreme Court has agreed to review it on an expedited basis next month. This subpoena was served by independent counsel Starr on a private attorney who, in 1993, met with Vincent Foster nine days before his suicide to discuss representing him during inquiries into the White House travel office. The Starr subpoena demands the notes taken by the attorney during that meeting, on the ground that the attorney-client relationship dissolved upon Mr. Foster's death.

The U.S. Attorney Manual states that the Justice Department, "as a matter of policy will respect bona fide attorney-client relationships, wherever possible, consistent with its law enforcement responsibilities and duties." But instead of respecting the bona fide attorney-client relationship between Mr. Foster and his attorney, Starr asserted a legal position that the Justice Department—in over one hundred years of criminal prosecution—has never taken. As Starr admits in a Supreme Court filing, the Foster case "is the first federal decision addressing the question . . . of whether attorney-client privilege fully survives the client's death."

A federal trial judge asked to enforce the Starr subpoena struck it down for violating attorney-client confidentiality, but an appeals court, in a 2–1 decision over a strong dissent, reversed. The dissenting judge wrote that the Starr subpoena is contrary to the law in all 50 states, the Supreme Court's advisory committee, and model codes of evidence. He characterized the Starr subpoena as striking "a fundamental blow to the attorney-client privilege." An independent counsel stretching that far is assuming the authority of the Justice Department to set legal policy for the United States.

Required compliance with Departmental policies not only helps ensure that persons who are subjects of independent counsel investigations receive the same treatment as ordinary citizens, but also guards against an independent counsel's misuse of the authority to represent the United States. Developing federal legal policy is the province of the Justice Department, which is institutionally motivated and equipped to consider competing public policies, constitutional values, and the long-term health of the American legal system. It is not the province of an independent counsel who has a narrow mandate and operates without accountability for legal positions that may reverberate throughout the federal criminal justice system.

Yet in the Foster matter, we have an independent counsel arguing a dramatically new position, that the attorney-client privilege disappears at death, without the Justice Department's ever determining whether that is a suitable position for the United States to take.

And the prosecutorial stretch illustrated by the issuance of the Foster subpoena is not the only instance in which an independent counsel appears to have stretched his authority. Just last week, over the strenuous objection of the Justice Department and for the

first time in the nation's history, Starr asked a federal court to force Secret Service personnel to disclose how they operate and what they have observed of the President in the course of protecting him. No federal prosecutor has ever before asked a court to compel such testimony from a Secret Service agent, according to the Justice Department.

But Starr is undeterred by the opposition of both the Justice Department and Secret Service. Discounting arguments regarding the safety of the presidency and effective operation of Secret Service personnel, Starr has assumed the role of policymaker. In so doing, he has issued subpoenas which are not only unprecedented, but also, judging from the opposition of the Justice Department, in violation of Justice Department policy and in violation of Mr. Starr's obligation to comply with Justice Department policy.

There's more. The Department of Justice has carefully constructed policies determining when government attorneys may contact possible targets of prosecution without the knowledge and consent of their attorney. These policies are intended to protect every citizen's right to legal counsel in the criminal justice arena. In a Departmental regulation, 28 CFR 77.8, the Justice Department explicitly prohibits federal prosecutors from offering an immunity deal to a target without the consent of the target's legal counsel. Yet independent counsel Starr's staff reportedly confronted Monica Lewinsky, in the first contact they had with her, at a shopping mall outside the presence of her counsel for the express purpose of offering her an immunity deal. Indeed, it has been alleged that the independent counsel's office made the immunity deal contingent upon her NOT contacting her counsel. The press has reported that the judge supervising independent counsel Starr's grand jury proceedings issued a sealed opinion expressing concern about the actions of the independent counsel in this matter and indicating she may refer the matter to the Justice Department's Office of Professional Responsibility which is authorized to examine alleged violations of the rules prohibiting contact with a represented person.

There's more. Independent counsel Starr issued subpoenas to force two bookstores to disclose all purchases by Monica Lewinsky over a 2 year period. The bookstores, supported by the publishing and bookselling communities, the American Library Association and others, moved to quash the subpoenas. Ruling that the subpoenas implicate the First Amendment, the presiding judge required Starr to provide additional justification for the subpoenas. The American Booksellers Foundation for Free Expression has stated that "in the long experience" of their members, these subpoenas are "unprecedented" in their breadth and "threaten free speech by making people afraid that the government will find out what they are reading."

Then there are the subpoenas Starr has issued to news organizations to obtain nonpublic information from their news gathering efforts. Long-standing Justice Department regulations caution federal prosecutors against such subpoenas in order to safeguard freedom of the press. The regulations require trying elsewhere for the information, negotiating requests for information first, and, in a final provision that a court has found falls within the exception to the compliance requirement, obtaining the Attorney General's permission prior to issuing a subpoena. Despite the established policy discouraging media subpoenas, independent counsel Starr and independent counsel Donald Smaltz have issued subpoenas to news organizations on several occasions. When ABC News objected to one such subpoena, Starr stated in a court pleading that the Justice regulations "do not govern an Independent Counsel, who, by statutory design, operates for the most part outside the Department of Justice."

Then there are the subpoenas Starr issued calling a White House aide before the grand jury to question him about his communications with the media and calling another White House aide before the grand jury to question him about his communications with his local Democratic party. In both cases, Starr created the appearance of using the grand jury to silence or intimidate critics of his office—surely not an established practice of the Justice Department.

Then there is the subpoena to Monica Lewinsky's mother despite a stated policy in the U.S. Attorneys' Manual that, "the Department will ordinarily avoid seeking to compel the testimony of a witness who is a close family relative of . . . the person upon whose conduct grand jury scrutiny is focusing."

The list goes on.

The key question, here, is whether the actions taken by Starr were in compliance with established Justice Department policies or whether they were actions that no ordinary federal prosecutor would take. The test, by the way, is not whether a judge would uphold the action in a court of law—prosecutorial conduct not in accordance with Justice policies may still be legal. The proper test is not whether the prosecutor's action is legal, but whether it is the type of action that the Justice Department has determined represents what federal prosecutors ought to be doing.

A federal prosecutor may be legally able to subpoena a target's mother, but should he? A federal prosecutor may be legally able to subpoena a Secret Service agent, but should he? A federal prosecutor may be legally able to offer immunity to a target without telling her attorney, but should he? A federal prosecutor may be legally able to subpoena the media's nonpublic information, but should he? Justice Department policy says, in most cases, he should not. Such policies raise serious questions as to whether independent counsel Starr is meeting his legal obligation to comply with Justice Department policies.

Starr is not, by the way, the only independent counsel to raise these concerns. Independent counsel Smaltz, appointed to determine whether then-Agriculture Secretary Mike Espy violated criminal laws, is another example. One key issue in this area involves the role that courts play in enforcing independent counsel compliance with Justice Department policies, as mandated by statute. To date, several courts have held that criminal defendants lack standing to enforce such compliance and have declined to examine the substance of their claims. One judge handling a prosecution by independent counsel Smaltz went further, all but reading the requirement to comply with Justice Department policies out of the law.

The case involved Ronald Blackley, one time chief of staff to Secretary Espy. Independent counsel Smaltz charged Blackley, among other crimes, with making false statements on a financial disclosure form. Blackley moved for dismissal, in part by citing section 9–85A.304 of the U.S. Attorneys' Manual which he said prohibited:

> prosecuting alleged violations of financial disclosure requirements under 18 U.S.C. 1001 "unless a nondisclosure conceals significant wrongdoing." . . . [T]here is no allegation of any underlying wrongdoing. . . . We have found no case where an individual filer has been criminally prosecuted in a situation similar to this one.

In a published decision, *United States* v. *Blackley*, 986 F. Supp. 607 (1997), the judge held the following:

> It undeniable that Congress's addition of section 594(f) to the Independent Counsel statute in 1982 created somewhat of a paradox between that provision's purpose and the rationale underlying the overall Independent Counsel framework. On the one hand, through section 594(f)(1), Congress is ensuring that there are not two different standards of justice depending on the prosecutor; that "treatment of officials is equal to that given to ordinary citizens under similar circumstances." . . . To prevent against public officials being subject to potentially capricious prosecutorial conduct, an Independent Counsel needs to be tethered to some quantifiable standard, and the Department of Justice policy guidelines provide arguably the most complete, detailed and time-tested standards available. Furthermore . . . adherence to the executive branch's established prosecutorial guidelines helps to guard against constitutional separation-of-powers challenges to the Independent Counsel statute. . . . On the other hand, if an Independent Counsel is supposed to operate

as nothing more than the identical twin of the Department of Justice, with no permissible variance in prosecutorial discretion, then the need for the Independent Counsel structure becomes highly questionable. . . . For the Independent Counsel to play a meaningful role, he or she is necessarily expected to act in a manner different from, and sometimes at odds with, the Department of Justice. . . . Therefore, the Independent Counsel may prosecute this case, even if said prosecution is contrary to the general prosecutorial policies of DOJ. . . . Potential criminal ethical violations that may be too small to concern the Department of Justice are nonetheless properly within the purview of the Independent Counsel because the Independent Counsel is, in a sense, charged with the responsibility of ensuring that public officials have maintained the highest standards of ethical conduct.

The court then upheld the indictment of Blackley, ruling that it was irrelevant whether or not the charge in question complied with Justice Department policy.

Contrary to the court's ruling, however, Congress has never charged independent counsels with ethics enforcement. Independent counsels are federal prosecutors required to act in accordance with established Justice Department policies. The Blackley decision misreads both the law and the legislative history, not only by expanding the mission of independent counsels beyond criminal law into ethics enforcement, but also in essentially reading out of the statute the requirement that independent counsels comply with Justice Department policies.

The Blackley decision is now on appeal. It brings legal focus to the issue of independent counsel compliance with established Justice Department policies—its importance to the law and the question of how to enforce it.

The Supreme Court stated the following in a 1935 case about prosecutorial misconduct, *Berger* v. *United States*, 295 U.S. 78:

The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. . . . He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

This language applies with equal force to an independent counsel, and mandatory compliance with established Justice Department policies is a means to that end.

As the chief law enforcement officer of the United States, the Attorney General is responsible for ensuring that "no one is above the law." The law requires independent counsel compliance with established Justice Department policies. Where there is evidence that independent counsels are not complying with Justice Department policies, the Attorney General has a legal obligation to determine if that is so and, if so, to take whatever action is appropriate to obtain independent counsel compliance. In light of court rulings that persons who are the victims of independent counsel noncompliance lack standing to contest the independent counsel's actions in this area, no one other than the Attorney General has the responsibility and the capability to enforce independent counsel compliance with the law.

If the Attorney General does not act, we need to understand why. If the reason is that the Attorney General feels she has insufficient statutory authority to obtain independent counsel compliance with Justice Department policies, we need to clarify the statute. If the reason is not the wording of the law, but politics that makes it impossible for the Attorney General to insist on compliance, we need to design new enforcement mechanisms which are more politically feasible. Stronger enforcement mechanisms could include, for example, amending the law to require an independent counsel to obtain from the Attorney General a certification of compliance with Justice Department policies before seeking court enforcement of a subpoena or filing an appeal of a question of law, or adding a provision giving affected persons legal standing in court to force independent counsel compliance with Justice Department policies.

The requirement for compliance with Justice Department policies is central to the law's constitutionality and fairness. The Attorney General and the Attorney General alone can enforce it. Since an independent counsel is not above the law, the Attorney General must enforce Section 594(f), which is the law of the land and essential to the independent counsel law's constitutionality and purpose.

ISRAELI MEMBERSHIP IN A UNITED NATIONS REGIONAL GROUP

Mr. MOYNIHAN. Mr. President, today a unanimous Senate will state in clear and simple terms that we will no longer abide by the discrimination faced by Israel at the United Nations. I speak of the fact that Israel is excluded from a United Nations regional group. Israel is the only one of the 185 member states of the United Nations barred from membership in a regional group. The United Nations member states have organized themselves by regional groups since before Israel joined the United Nations in 1949. Membership in a United Nations regional group confers eligibility to sit on the Security Council, the Economic and Social Council, as well as other United Nations councils, commissions, and committees.

For the first time, the Senate provides notice of its intention to work to end this Cold War anachronism. One sorry throwback to an era when the institutionalized isolation of Israel was a given in international affairs—the ugly "gentlemen's agreement" that excludes Israel and only Israel from membership in any United Nations Regional Group. Israel, and only Israel, can never sit on the United Nations Security Council. Israel, and only Israel, can never serve on the United Nations Economic and Social Council, where her expertise is so sorely missed. Israel, and only Israel, is less than a full member of the very international organization which bravely voted on November 29, 1947 to create it.

Today we call for Israel's admission to a United Nations Regional Group. This must be a goal of our government's foreign policy and a priority of reform efforts at the United Nations. That such legislation is necessary is a reminder that, despite the unparalleled success of the Zionist movement in its first hundred years, the state created half a century ago, as the fruit of this ideal, still requires support from its friends to overcome this institutional prejudice.

It is a fitting tribute to this vision that our country will take its rightful place in the forefront of the effort to allow Israel to participate fully in international affairs and to be counted as a legitimate member among the nations of the world. I am joined in this effort by 54 cosponsors. I thank my colleagues for their support and in particular the distinguished senior Senator from Indiana, Senator LUGAR, for his leadership.

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 two treaties and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT TO CONGRESS ON THE WHEREABOUTS OF THE U.S. CITIZENS WHO HAVE BEEN MISSING FROM CYPRUS SINCE 1974—MESSAGE FROM THE PRESIDENT—PM 133

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with Public Law 103–372, I hereby submit the enclosed "Report to Congress on the Investigation of the Whereabouts of the U.S. Citizens Who Have Been Missing from Cyprus Since 1974." The report was prepared by retired Ambassador Robert S. Dillon, with significant contribution by former State Department Associate Director of Security Edward L. Lee, II. Their intensive investigation centered on Cyprus, but it followed up leads in the United States, Turkey, Greece, Switzerland, and the United Kingdom.

The investigation led to the recovery of partial remains that were identified through DNA testing (done at the Armed Forces Institute of Pathology DNA Identification Laboratory) and other evidence as being those of one of the missing Americans, Andreas Kassapis. The report concludes that Mr. Kassapis was killed shortly after his capture in August 1974. The report also concludes that, although their remains could not be recovered, the other four missing U.S. citizens in all likelihood did not survive the events in Cyprus in July and August 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1998.*

MESSAGES FROM THE HOUSE

At 1:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3616. An act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 98. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 3616. An act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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–5025. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled, "The Health Insurance Purchasing Cooperative Act"; to the Committee on Labor and Human Resources.

EC–5026. A communication from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of an administrative directive regarding prevailing wage policy for researchers received on May 20, 1998; to the Committee on Labor and Human Resources.

EC–5027. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling; Petitions for Nutrient Content and Health Claims, General Provisions" (Docket 98N–0274) received on May 20, 1998; to the Committee on Labor and Human Resources.

EC–5028. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revocation of Lather Brushes Regulation" (Docket 97P–0418) received on May 20, 1998; to the Committee on Labor and Human Resources.

EC–5029. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1, 1997 through September 30, 1997; to the Committee on the Judiciary.

EC–5030. A communication from the Acting General Counsel of the Department of Defense, transmitting, the draft of two items of proposed legislation that provide specific exemptions under the Freedom of Information Act in order to address management concerns of the Department of Defense; to the Committee on the Judiciary.

EC–5031. A communication from the Director of the National Legislative Commission of the American Legion, transmitting, pursuant to law, a report of statements describing the financial condition of the American Legion as of December 31, 1997; to the Committee on the Judiciary.

EC–5032. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List received on May 18, 1998; to the Committee on Governmental Affairs.

EC–5033. A communication from the Chairman of the Postal Rate Commission, transmitting, a report regarding the Postal Rate Commission's recommended decision on the Omnibus Rate Case R97–1; to the Committee on Governmental Affairs.

EC–5034. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of major defense equipment to Chile (DTC–40–98); to the Committee on Foreign Relations.

EC–5035. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notification that the danger pay allowance for Cambodia has been eliminated; to the Committee on Foreign Relations.

EC–5036. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense services to Saudi Arabia (DTC–31–98); to the Committee on Foreign Relations.

EC–5037. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense services to Kuwait (DTC–56–98); to the Committee on Foreign Relations.

EC–5038. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed transfer of major defense equipment to Australia (RSAT–3–98); to the Committee on Foreign Relations.

EC–5039. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of major defense equipment to Japan (DTC–53–98); to the Committee on Foreign Relations.

EC–5040. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense equipment to Japan (DTC–51–98); to the Committee on Foreign Relations.

EC–5041. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed manufacturing license agreement with Japan (DTC–57–98); to the Committee on Foreign Relations.

EC–5042. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements other than treaties and background statements; to the Committee on Foreign Relations.

EC–5043. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Distribution of Stock and Securities of a Controlled Corporation" (Notice 98–27) received on May 18, 1998; to the Committee on Finance.

EC–5044. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative, Procedural, and Miscellaneous Service-Initiated Accounting Method Changes" (Notice 98–31) received on May 20, 1998; to the Committee on Finance.

EC–5045. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electronic Funds Transfer—Temporary Waiver of Failure to Deposit Penalty for Certain Taxpayers" (Notice 98–30) received on May 20, 1998; to the Committee on Finance.

EC–5046. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property" (Notice 98–28) received on May 20, 1998; to the Committee on Finance.

EC–5047. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to foreign insurance companies (Procedure 98–31) received on May 20, 1998; to the Committee on Finance.

EC–5048. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of legislation regarding the proposed Treasury International Affairs Technical Assistance Program; to the Committee on Finance.

EC–5049. A communication from the Chief of Staff of the Office of the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of a rule regarding the application of holdings of the United States Courts of Appeals received on May 20, 1998; to the Committee on Finance.

EC–5050. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Treasury Forfeiture Fund for fiscal year 1997; to the Committee on Finance.

EC–5051. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Year 2000 Readiness of Computer Systems at Nuclear Power Plants" (Letter 98–01) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5052. A communication from the Service Federal Register Liaison Officer, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of an emergency rule to establish an additional manatee sanctuary in Kings Bay, Crystal River, FL (RIN1018–AE47) received on May 20, 1998; to the Committee on Environment and Public Works.

EC–5053. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Access Authorization Fee Schedule for Licensee Personnel" (RIN3150–AF90) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5054. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Physical Protection for Spent Nuclear Fuel and High-Level Radioactive Waste" (RIN3150–AF32) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5055. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule regarding a complete revision of the agency's Enforcement Policy (NUREG–1600, Rev. 1) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5056. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules regarding OMB approval numbers, Michigan Implementation Plans, and Illinois Implementation Plans (FRL6013–2, FRL6003–6, FRL6012–7) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5057. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules regarding new CI marine engines, Bacillus thuringiensis plant pesticide, HEDP antimicrobial pesticide, and OMB approval numbers (FRL6014–4, FRL5790–3, FRL5790–1, FRL6013–2) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5058. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedure for Water Heaters" (RIN1904–AA52) received on May 18, 1998; to the Committee on Energy and Natural Resources.

EC–5059. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, a report regarding safety modifications and proposed corrective actions applicable to the Pueblo Dam, Fryingpan-Arkansas Project; to the Committee on Energy and Natural Resources.

EC–5060. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Burmese Sanctions Regulations" received on May 18, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5061. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report for 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–5062. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Manufactured Home Construction and Safety Standards: Metal Roofing; Interpretative Bulletin I–2–98" received on May 18, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5063. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Voucher and Certificate Programs: Restrictions on Leasing to Relatives" received on May 20,1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5064. A communication from the Acting Deputy Secretary of Housing and Urban Development, transmitting, three reports on the HUD 2020 Management Reform Plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–5065. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of five rules: "Suspension of Community Eligibility" (Docket FEMA–7686), "Communities Eligible for Sale of Flood Insurance" (Docket FEMA–7687), "Changes in Flood Elevation Determinations" (2 rules), "Final Flood Elevation Determination" received on May 20, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5066. A communication from the Acting Assistant Secretary for Force Management Policy, Department of Defense, transmitting, pursuant to law, the annual DoD Education Activity Accountability Report and Accountability Profiles of the DoD Dependents Schools; to the Committee on Armed Services.

EC–5067. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report entitled "Report to Congress on the Use of the DoD Laboratory Revitalization Demonstration Program"; to the Committee on Armed Services.

EC–5068. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The Pilot Program for Micro-Purchases"; to the Committee on Armed Services.

EC–5069. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize the transfer of naval vessels to certain foreign countries; to the Committee on Armed Services.

EC–5070. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Addition to Quarantined Area" (Docket 97–056–12) received on May 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5071. A communication from the Director of Procurement and Property Management, Office of the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agriculture Acquisition Regulation; Preference for Selected Biobased Products" (RIN0599–AA00) received on May 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5072. A communication from the Deputy Executive Director, U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Chicago Board of Trade Futures Contracts in Corn and Soybeans; Order to Designate Contract Markets and Amending Order of November 7, 1997, as Applied to Such Contracts" received on May 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5073. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–344 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5074. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–343 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5075. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–342 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5076. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–341 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5077. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–340 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5078. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–338 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5079. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–337 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5080. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–336 adopted by the Council on

April 7, 1998; to the Committee on Governmental Affairs.

EC–5081. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–335 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5082. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–334 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5083. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–333 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5084. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–332 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5085. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–330 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5086. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–329 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5087. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–328 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5088. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding marine events in the vicinity of Annapolis Harbor, Maryland (RIN2115–AE46 1998–0015) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5089. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; New Rochelle Harbor, New York" (RIN2115–AE47 1998–0016) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5090. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; San Juan Harbor, San Juan, Puerto Rico" (RIN2115–AA97 1998–0019) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5091. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; FLEET WEEK Air/Sea Demonstrations, Hudson River, New York" (RIN2115–AA97 1998–0020) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5092. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Metric Conversion—Tires" (RIN2127–AH07) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5093. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Metric Conversion—Phase II" (RIN2127–AG55) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5094. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Eastland Municipal, TX" (RIN2120–AA66 1998–0209) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5095. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Gallup, NM" (RIN2120–AA66 1998–0208) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5096. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Bartlesville, OK" (RIN2120–AA66 1998–0207) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5097. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cleveland, OK" (RIN2120–AA66 1998–0206) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5098. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Pawnee, OK" (RIN2120–AA66 1998–0205) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5099. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Wagoner, OK" (RIN2120–AA66 1998–0204) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5100. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Coalgate, OK" (RIN2120–AA66 1998–0203) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5101. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Bristow, OK" (RIN2120–AA66 1998–0202) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5102. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Claremore, OK" (RIN2120–AA66 1998–0201) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5103. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Shawnee, OK" (RIN2120–AA66 1998–0200) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5104. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Muskogee, OK" (RIN2120–AA66 1998–0199) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5105. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Poteau, OK" (RIN2120–AA66 1998–0198) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5106. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Fryer, OK" (RIN2120–AA66 1998–0197) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5107. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Stillwater, OK" (RIN2120–AA66 1998–0196) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5108. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Tahlequah, OK" (RIN2120–AA66 1998–0195) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5109. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Grove, OK" (RIN2120–AA66 1998–0194) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5110. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Henryetta, OK" (RIN2120–AA66 1998–0193) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5111. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; McAlester, OK" (RIN2120–AA66 1998–0191) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5112. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Miami, OK" (RIN2120–AA66 1998–0190) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5113. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Wrightstown, NJ" (Docket 98–AEA–01) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5114. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Downingtown, PA" (Docket 98–AEA–04) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5115. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Martin, SD" (Docket 97–AGL–62) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5116. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Casey, IL" (Docket 98–AGL–10) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5117. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Nauvoo, IL" (Docket 98–AGL–12) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5118. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lakeview, MI" (Docket 98–AGL–14) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5119. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Milwaukee, WI" (Docket 98–AGL–5) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5120. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Wautoma, WI" (Docket 98–AGL–7) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5121. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Portland, IN" (Docket 98–AGL–8) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5122. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Millersburg, OH" (Docket 98–AGL–9) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5123. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Chicago, IL" (Docket 98–AGL–11) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5124. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Watford City, ND, and Modification of Class E Airspace; Williston, ND" (Docket 98–AGL–15) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5125. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models B200, B200C, and B200T Airplanes" (Docket 97–CE–72–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5126. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International CFM56–3, –3B, –3C, –5, –5B and –5C Series Turbofan Engines" (Docket 97–ANE–54–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5127. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; REVO, Incorporated Models Colonial C–2, Lake LA–4, Lake LA–4A, Lake LA–4P, and Lake LA–4–200 Airplanes" (Docket 98–CE–48–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5128. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes" (Docket 96–NM–257–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 1642. A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public (Rept. No. 105–194).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 1250. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes (Rept. No. 105–195).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments and an amendment to the title:

S. 1325. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes (Rept. No. 105–196).

EXECUTIVE REPORTS OF COMMITTEE

The following executive report of committee was submitted:

By Mr. SHELBY, from the Select Committee on Intelligence: Joan Avalyn Dempsey, of Virginia, to be Deputy Director of Central Intelligence for Community Management. (New Position)

(The above nomination was reported with the recommendation that she be confirmed.)

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. ENZI (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. THOMAS, and Mr. NICKLES):

S. 2112. A bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer; to the Committee on Labor and Human Resources.

By Mr. ROBB:

S. 2113. A bill to reduce traffic congestion, promote economic development, and improve the quality of life in the metropolitan Washington region; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. FAIRCLOTH, Mr. AKAKA, Ms. MOSELEY-BRAUN, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. GRAHAM, Mr. JOHNSON, Mr. CLELAND, Ms. LANDRIEU, Mr. REID, Mr. TORRICELLI, Mr. DODD, Mr. KOHL, Mr. WARNER, Mrs. BOXER, and Mrs. MURRAY):

S. 2114. A bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act 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 Labor and Human Resources.

By Mr. ROCKEFELLER (for himself and Ms. MIKULSKI):

S. 2115. A bill to amend title 38, United States Code, to establish a scholarship program and an education loan debt reduction program to facilitate the employment of primary care and other health care professionals by the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

By Mr. LUGAR:

S. 2116. A bill to clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 2117. A bill to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. MURKOWSKI, Mr. COCHRAN, Mr. INOUYE, Mr. DASCHLE, Mr. ROCKEFELLER, Mr. MACK, Mr. LUGAR, Mr. BUMPERS, Mr. FRIST, and Mr. SANTORUM):

S. 2118. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. CAMPBELL):

S. 2119. A bill to amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes,

and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself and Mr. FRIST):

S. 2120. A bill to improve the ability of Federal agencies to license federally-owned inventions; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX:

S. 2121. A bill to encourage the development of more cost effective commercial space launch industry in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2122. A bill to amend the Internal Revenue Code of 1986 to provide that certain liquidating distributions of a regulated investment company or real estate investment trust which are allowable as a deduction shall be included in the gross income of a distributee; to the Committee on Finance.

By Mr. SANTORUM:

S. 2123. A bill to amend the Higher Education Act of 1965 to improve accountability and reform certain programs; to the Committee on Labor and Human Resources.

By Mrs. HUTCHISON (for herself and Mr. INOUYE):

S. 2124. A bill to authorize appropriations for fiscal year 1999 for the Maritime Administration and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 2125. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of section 42 housing cooperatives and the shareholders of such cooperatives, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. HELMS, Mr. BIDEN, Mr. THOMAS, Mr. INOUYE, Mr. LUGAR, Mrs. BOXER, Mr. COCHRAN, Mrs. MURRAY, Mr. ROTH, Mr. COVERDELL, Mrs. FEINSTEIN, and Mr. DURBIN):

S. Res. 235. A resolution commemorating 100 years of relations between the people of the United States and the people of the Philippines; to the Committee on Foreign Relations.

By Mr. DOMENICI (for himself, Mr. MCCAIN, Mr. HATCH, Mr. DEWINE, Mr. CHAFEE, Mr. LUGAR, Mr. HAGEL, Mr. GRASSLEY, Mr. ABRAHAM, and Mrs. HUTCHISON):

S. Res. 236. A resolution to express the sense of the Senate regarding English plus other languages; to the Committee on Labor and Human Resources.

By Mr. FEINGOLD (for himself, Mr. REED, Mr. LEAHY, Mr. MOYNIHAN, Mr. KOHL, Mr. KENNEDY, Mr. HARKIN, and Mr. WELLSTONE):

S. Res. 237. A resolution expressing the sense of the Senate regarding the situation in Indonesia and East Timor; to the Committee on Foreign Relations.

By Mr. LOTT:

S. Con. Res. 99. A concurrent resolution authorizing the flying of the POW/MIA flag; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. THOMAS, and NICKLES):

S. 2112. A bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer; to the Committee on Labor and Human Resources.

POSTAL EMPLOYEES SAFETY ENHANCEMENT ACT

Mr. ENZI. Mr. President, I rise to introduce the Postal Employees Safety Enhancement Act of 1998.

Mr. President, this bipartisan legislation, cosponsored by my colleagues Senators BINGAMAN, KENNEDY, JEFFORDS and HUTCHINSON would fully bring the United States Postal Service under the regulatory umbrella of the Occupational Safety and Health Administration. It has always been my unshakeable belief that the Government must play by its own rules. This important legislation is an incremental step in the effort to ensure that the "law of the land" applies equally to all branches of the Government as well as the private sector—and everything in-between.

Since I became a member of this distinguished body, I've been advocating legislation geared to improve the safety and health of our nation's workplaces. My sincere devotion to this issue, however, goes back much farther than my work here in Washington. For 12 years, I was an accountant for Dunbar Well Service in Gillette, WY, an oil well servicing company with offices throughout Wyoming. Like most businesses in my home state, Dunbar Well Service is a small business. The payroll consisted of 130 employees. As a result, I wore several hats. One of my roles was safety instruction, which required me to travel the state teaching employees about the importance of workplace safety and health. The company's rigorous safety program even had me collecting samples for drug tests—an extremely effective method of deterring workplace injuries and fatalities, by the way.

I saw things with OSHA that I thought needed to be changed. I served in the State legislature. I was told that States can't change that and I understand that. Then I got to come to Washington, and in Washington we can make a difference in the workplace. I went to work on a SAFE Act, one that will provide safety in all businesses. That has been through hearings. It has been through markups in the Labor Committee and is ready to be debated on this floor. I have had hands-on experience in the workplace with safety, and I know that workplace safety and health is everyone's business. And that's the only way it works. It is not a political issue, it is an issue that cannot be divided by a barrier that separates even the public and the private sector. It's everybody's concern, and that is the only way it works.

We must ensure the safety and health of all employees because they are the most important asset of any business. Its success or failure rests with their ability to provide efficient care and service to their customers, whoever they may be. Although all Federal agencies must comply with the 1970 Occupational Safety and Health statute, they are not required to pay penalties issued to them by OSHA. The bill I am introducing today is the first step in the effort to eliminate this barrier.

It is important to point out that this legislation is not intended to single out the Postal Service. My first look at how ineffective Federal agencies are at making workplace safety and health a priority began when I noted that Yellowstone National Park was cited by OSHA last February for 600 violations—92 of them serious. One of those serious violations was the Park's failure to report an employee's death to OSHA. In fact, Yellowstone has posted five employee deaths in the past 3½ years. Although there are these and other serious problems noted in the Park's safety and health record, I later found that it pales in comparison to the United States Postal Service's record.

After looking at the past 5 year totals for all Federal workplace injuries, illnesses, lost work time and fatalities, I was shocked to see the Postal Service at the very top of the list. It was my initial feeling that the armed forces would be the most hazardous occupation in the Federal Government. That notion was proven wrong. Surprisingly, the Postal Service employs relatively the same number of workers as the Department of Defense. Yet it has double the number of total workplace injuries and illnesses and almost double the number of lost work-time cases as the Department of Defense.

What is most troubling about the Postal Service's safety record, however, is its annual workers' compensation payments. From 1992 to 1997, the Postal Service paid an annual average of $505 million in workers' compensation costs—placing them once again at the top of the Federal Government's list. Moreover, the Postal Service's annual contribution to workers' compensation amounts to almost one-third of the Federal program's $1.8 billion price tag. These facts are simply inexcusable and clearly justify the need for legislation. Better yet, this legislation would likely decrease the annual expenditures for workers' compensation because of a reduction in workplace injuries, illnesses, lost time and fatalities.

In 1970, Congress passed the Postal Reorganization Act, eliminating the

old Postal Department status as a cabinet office. Twelve years later, the Postal Service became fiscally self-sufficient—depending on market-driven revenues rather than taxpayer dollars.

Of course the Postal Service is big. The Postal Service is 43 percent of the world's mail. It has annual profits that exceed $1.5 billion. If the Postal Service were a private company, it would be the 9th largest business in the United States and 29th in the entire world. It is bigger than Coca-Cola, Xerox, and Kodak combined. It has offices in virtually every community. In fact, some of the communities in my State are communities because they are a post office. So it covers the big and it covers the small.

When I did the SAFE Act I talked to my colleagues on both sides of the aisle. I talked to any group that would talk to me. I talked to businesses, I talked to employers, I talked to employees, I talked to unions, and then drafted a bill. That bill is going through the process.

When I noticed this problem, I went through the same process. I have met with those groups—agencies, unions that are involved in this process—and I have to say, I have gotten some very helpful, constructive suggestions from those groups. Those suggestions appear in the bill.

I have talked to the Postal Service about it. They have reviewed it. They have asked for additional time to review it. The bill is only five pages long. I don't know how long it takes to review that, so I can only assume that they have no problem with the bill either, although I am sure they are not excited to come under the same rules that everyone else plays under.

The point of this legislation is simple. If government makes the rules, Government must play by them. this is the same basic premise adopted by Congress when it passed the Congressional Accountability Act during the 104th Congress. The Postal Service is not above the law and its employees are no less important to its daily operations than the employees of private businesses are to the companies that employ them. When advocating workplace safety and health in this context, I can think of no better place to start than the Postal Service—which calls itself a Federal agency when it is helpful to refer to itself as such. In fact, it's not a Federal agency at all. It's a self-sufficient, quasi-governmental entity. How many Federal agency's employees can collectively bargain under the 1935 National Labor Relations Act? How many Federal agencies don't receive one dime of the taxpayers' money? How many Federal agencies post annual profits exceeding $1.5 billion? The Postal Service exhibits almost every characteristic of a private business. Still, it's reluctant to fully comply with Federal occupational safety and health law. Clearly, that must change.

After carefully examining the perspectives of the Postal Service and the unions representing its employees, I have concluded that the Postal Employees Safety Enhancement Act is necessary legislation. The bill would permit OSHA to fully regulate the Postal Service the same way it does private businesses. In addition, the bill would prevent the Post Office from closing or consolidating rural post offices or services simply because it's required to comply with OSHA. Service to all areas of the Nation, rural or urban, was made a part of the Postal Service's mission by the 1970 Postal Reorganization Act. The quality of the service it provides should not decrease because of efforts to protect and ensure employee safety and health. Along this same premise, the bill would prevent the Postal Rate Commission from raising the price of stamps to help the Postal Service pay for potential OSHA fines. Rather, the Postal Service should offset the potential for OSHA fines by improving workplace conditions which would decrease its annual $500 million expenditure on workers' compensation claims.

This bipartisan bill will make the law of the land mean what it says. Congress would only be applying those standards to the Postal Service that it applied to itself three years ago. The Postal Service has the most alarming occupational safety and health record in the Federal Government. It should therefore be the first to be reined in.

Every schoolchild is familiar with the words on the New York Post Office that became the motto of the Postal Service, "Neither snow, nor rain, nor heat, nor gloom of night stays these couriers from the swift completion of their appointed rounds." Add to that the million and one barriers, complaints, dogs, assaults and other obstacles our postal workers must deal with every day and it is clear that they have more than enough to deal with without having to worry about the conditions of their workplace as well.

I urge my colleagues to support this necessary, common sense legislation to show our support for workplace safety and health everywhere throughout the country, in every business and corporation, in both private and the public sector.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection the bill was ordered printed in the RECORD, as follows:

S. 2112

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 "Postal Employees Safety Enhancement Act".

SEC. 2. APPLICATION OF ACT.

(a) DEFINITION.—Section 3(5) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(5)) is amended by inserting after "the United States" the following: "(not including the United States Postal Service)".

(b) FEDERAL PROGRAMS.—

(1) OCCUPATIONAL SAFETY AND HEALTH.—Section 19(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668(a)) is amended by inserting after "each Federal Agency" the following: "(not including the United States Postal Service)".

(2) OTHER SAFETY PROGRAMS.—Section 7902(a)(2) of title 5, United States Code, is amended by inserting after "Government of the United States" the following: "(not including the United States Postal Service)".

SEC. 3. CLOSING OR CONSOLIDATION OF OFFICES NOT BASED ON OSHA COMPLIANCE.

Section 404(b)(2) of title 39, United States Code, is amended to read as follows:

"(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

"(A) shall consider—

"(i) the effect of such closing or consolidation on the community served by such post office;

"(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

"(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

"(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and

"(v) such other factors as the Postal Service determines are necessary; and

"(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).".

SEC. 4. PROHIBITION ON RESTRICTION OR ELIMINATION OF SERVICES.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding after section 414 the following:

"§ 415. Prohibition on restriction or elimination of services

"The Postal Service may not restrict, eliminate, or adversely affect any service provided by the Postal Service as a result of the payment of any penalty imposed under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

"415. Prohibition on restriction or elimination of services.".

SEC. 5. LIMITATIONS ON RAISE IN RATES.

Section 3622 of title 39, United States Code, is amended by adding at the end the following:

"(c) Compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service.".

Mr. BINGAMAN. Mr. President, I am pleased to join with my friend and colleague from Wyoming, Senator ENZI, in introducing the Postal Employees Safety Enhancement Act of 1998.

I want to begin by commending the distinguished Senator from Wyoming

for bringing this issue before the Senate. As my colleagues know, in the short time he has been in the Senate, Senator ENZI has become one of the leading experts on the Occupational Health and Safety Act of 1970. I have found him to be extremely willing to listen to all sides of what are complex issues, to work in a bipartisan manner and to engage all interested parties in a constructive dialogue on OSHA related issues. I also commend him for recognizing the need which this legislation will address and for working with all interested parties over the past few weeks to draft a bill that will address that need.

Mr. President, the bill we are introducing today is really rather simple. It will make the Occupational Health and Safety Act applicable to the United States Postal Service as it would be to any other private sector employer. The reasons for doing this, and the need to do so, are very obvious to anyone who looks at this issue. A comparison of all of the worker's compensation costs charged to federal employing agencies from July 1, 1993 to July 30, 1994 showed the Postal Service had a significantly higher rate of employment based injury claims than any federal agency. There are numerous reports of safety and health problems that have gone unaddressed by the P.O., some of which have been laid out by Senator ENZI this morning. Unfortunately, unlike every other private sector employee in America, Postal Service workers do not have the benefit, or the protections of the OSHA Act. While the Postal Service has some internal mechanisms for addressing employee injuries most would find these to be inadequate to protect employees and to help the Postal Service provide a safer workplace. This legislation should be welcomed by all who care about worker safety and health and I believe the Postal Service does care.

As my colleagues know, the Postal Service is one of the largest U.S. employers. Over the past several years it has gone through a series of reorganizations and restructuring to improve the quality of the service it provides. I commend the Postal Service for many of these initiatives and appreciate the service it provides to the people of my state. Like Senator ENZI, I do not mean to single out the Postal Service with this legislation. However, because the Postal Service operates in essence like any other private business, I think it is appropriate to expect that it complies with the same safety and health standards as other businesses. Likewise I think Postal workers deserve the same protections afforded all other private sector workers, under the Act.

Mr. President, I hope the Senate will work quickly to adopt this legislation this year. I see no reason why this bill should not pass quickly and overwhelmingly.

Again Mr. President, I commend Senator ENZI for bringing this important worker safety measure before the Senate and look forward to working with him to ensure its swift passage.

Mr. KENNEDY. Mr. President, I am proud to join my colleagues, Senator ENZI, Senator JEFFORDS, and Senator BINGAMAN, in introducing the Postal Employees Safety Enhancement Act. This important legislation will extend coverage of the Occupational Safety and Health Act to employees of the United States Postal Service.

Few issues are more important to working families than health and safety on the job. For the past 28 years, OSHA has performed a critical role—protecting American workers from on-the-job injuries and illnesses.

In carrying out this mission, OSHA has made an extraordinary difference in people's lives. Death rates from on-the-job accidents have dropped by over 60% since 1970—much faster than before the law was enacted. More than 140,000 lives have been saved.

Occupational illnesses and injuries have dropped by one-third since OSHA's enactment—to a record low rate of 7.4 per 100 workers in 1996.

These numbers are still unacceptably high, but they demonstrate that OSHA is a success by any reasonable measure.

Even more lives have been saved in the two places where OSHA has concentrated its efforts. Death rates have fallen by 61% in construction and 67% in manufacturing. Injury rates have dropped by half in construction, and nearly one-third in manufacturing. Clearly, OSHA works best where it works hardest.

Unfortunately, these efforts do not apply to federal agencies. The original OSHA statute required only that federal agencies provide "safe and healthful places and conditions of employment" to their employees. Specific OSHA safety and health rules did not apply.

In 1980, President Carter issued an Executive Order that solved this problem in part. It directed federal agencies to comply with all OSHA safety standards, and it authorized OSHA to inspect workplaces and issue citations for violations.

President Carter's action was an important step, but more needs to be done. When OSHA inspects a federal workplace and finds a safety violation, OSHA can direct the agency to eliminate the hazard. But OSHA has no authority to seek enforcement of its order in court, and it cannot assess a financial penalty on the agency to obtain compliance.

The situation is especially serious in the Postal Service. Postal employees suffer one of the highest injury rates in the federal government. In 1996 alone, 78,761 postal employees were injured on the job—more than nine injuries and illnesses for every hundred workers. This rate is 23% higher than the overall private sector rate, and 40% higher than the overall federal rate. Fourteen postal employees were killed on the job in 1996—one-sixth of the federal total. Workers' compensation charges at the Postal Service are also high—$538 million in 1997.

This legislation will bring down these unacceptably high rates. It permits OSHA to issue citations for safety hazards, and back them up with penalties. This credible enforcement threat will encourage the Postal Service to comply with the law. It will save taxpayer dollars currently spent on worker's compensation costs.

Most important, it will reduce the extraordinarily high rate of injuries among postal employees. Every worker deserves a safe and healthy place to work, and this bill will help achieve that goal for the 860,000 employees of the Postal Service. They deserve it, and I urge my colleagues to provide it.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. FAIRCLOTH, Mr. AKAKA, Ms. MOSELEY-BRAUN, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. GRAHAM, Mr. JOHNSON, Mr. CLELAND, Ms. LANDRIEU, Mr. REID, Mr. TORRICELLI, Mr. DODD, Mr. KOHL, Mr. WARNER, Mrs. BOXER, and Mrs. MURRAY):

S. 2114. A bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act 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 Labor and Human Resources.

OLDER WOMEN'S PROTECTION FROM VIOLENCE ACT OF 1998

• Mr. DURBIN. Mr. President, today I introduce this legislation with my distinguished colleague from Maine, Senator COLLINS. Unfortunately for some, domestic violence is a life long experience. Those who perpetrate violence against their family members do not desist because the family member grows older. In fact, in some cases, the abuse may become more severe as the victim ages becoming more isolated from the community with their removal from the workforce. Other age-related factors such as increased frailty may increase a victim's vulnerability. It also is true that older victims' ability to report abuse is frequently confounded by their reliance on their abuser for care or housing. Every seven minutes in Illinois, there is an incidence of elder abuse. Several research studies have shown that elder

abuse is the most under reported familial crime. It is even more under reported than child abuse with only between one in eight and one in fourteen incidents estimated to be reported. Seniors who experience abuse worry they will be banished to a nursing home if they report abuse. They also must struggle with the ethical dilemma of reporting abuse by their children to the authorities and thus increasing their child's likelihood of going to jail. Shame and fear gag them so that they remain "silent victims."

Domestic violence programs have a moral and ethical responsibility to provide services to individuals of any age who are the victims of domestic abuse. Yet most domestic violence programs see only a few older women a year. That is not to say that the domestic violence service providers actively discriminate against older victims. Analysis of the few studies that do exist of elder domestic abuse indicate that the vast majority do not themselves seek to access existing services. There may be many reasons for this. The images portrayed in the media of the victims of domestic violence generally depict a young woman, with small children. Seniors suffering domestic abuse may not readily identify with these images and, therefore, may not see those services as being for them. Other cultural barriers may also exist. Many older women were raised to believe that family business is a private matter. Problems within families were not to be discussed with anyone, especially strangers or counselors. Only a handful of domestic abuse programs throughout the country are reaching out to older women.

This legislation seeks to improve current federal family violence programs, such as The Violence Against Women Act (VAWA) and Family Violence Prevention Services Act (FVPSA), to make them more sensitive to the needs of the nations seniors. Title I of this bill promotes the inclusion of elder abuse cases in law school clinics and training for law enforcement in the identification and referral of older victims of domestic violence or elder abuse to services. Title II allows FVPSA grant funds to be used for outreach to older individuals. We know that great improvements have taken place since VAWA was first passed. One of the most successful programs is the law enforcement training program, which received $200 million in FY 1998. However, improvement can be made with respect to identifying abuse among all age groups. When the abuser is old, there may be a reticence on the part of law enforcement to deal with this person in the same way that they might deal with a younger person. Who wants to send an "old guy" to jail? However, lack of action jeopardizes the victim further because then the abuser has every reason to believe that there are no consequences for their actions. Another common problem is differentiating between injuries related to abuse and injuries arising from aging, frailty or illness. Too many older women's broken bones have been attributed to disorientation, osteoporosis or other age-related vulnerabilities without any questions being asked to make sure that they are not the result of abuse.

Title III reauthorizes the very important Elder Rights programs contained within the Older Americans Act. These programs provide seed money for state elder abuse programs. Included here is the Long-term-care Ombudsman program that monitors nursing homes and investigates reports of abuse in such institutions.

Most domestic abuse shelters are filled with young families. The staff and volunteers are predominantly younger than 50 years old. The recreation calendar has activities for young women and children. Discussions at support groups can be dominated by younger women talking about their children, child care and custody. Many domestic abuse shelters are not readily accessible to those who are less mobile. For instance, some may not be accessible via the ground floor. Moving from your home into a shelter is always a traumatic event. However, it may be even harder for those who find themselves in surroundings so unfamiliar and so totally oriented to a different age group. In my home state of Illinois, there are only two centers that focus on the shelter needs of seniors. One is the Center for Prevention of Abuse in Peoria, the other is the Swan center in Olney, which has a comprehensive elder protective services program. Title III seeks to address this shortage by encouraging expanded access to domestic violence shelters that cater to the needs of older individuals.

This bill seeks to help foster collaboration between the aging networks and domestic violence coalitions. Throughout the United States, through the Older Americans Act, a variety of programs seek to serve seniors in their communities. Home-delivered meals and other services provide an opportunity for seniors to interact with individuals outside their own homes. Increasing the knowledge of such care providers in how to identify and refer victims of domestic violence would likely provide much-needed relief to many of these individuals. Title III of this bill contains a "Community Initiatives and Outreach" grants program to help coordinate both public and private efforts in elder domestic abuse prevention and treatment. Fostering communication between these two groups has the potential of dramatically increasing the number of individuals that are sensitive to these issues of abuse and, also, to increase the number of individuals who are served by domestic violence programs generally.

Family violence is one of the most common causes of disease and distress seen by physicians. In spite of its existence as a pervasive and debilitating medical and social problem, many advocates in the domestic violence community believe that it receives insufficient attention in the curricula of most schools of medicine or other health professional training institutions. Dr. Jane Jackman, past president of the Illinois State Medical Society noted last year "Doctors are finding that the problem is under-recognized. Elder abuse or maltreatment is growing in significance as a factor in trauma, hospital admissions, rising costs of long term care and, ultimately, deaths." Title III of this bill directs the Assistant Secretary of Aging to collaborate with other Departments of Health and Human Services and the National Institute of Aging to update and improve curricula for both training and retraining of health professionals and others in the area of elder domestic abuse. These curricula would be made available to educational institutions involved in training health professionals. Title IV would amend the Area Health Education Center and Geriatric Education Centers funded through the Health Professionals Education Act to allow them to use funds for training and retraining health professionals in elder domestic abuse.

The last title of the bill, Title V, examines the issue of financial exploitation of seniors. Take the case of Helen (not her real name) reported in the Chicago Tribune last year. Helen was a 66-year-old mother and grandmother from DuPage County. Early in 1997, Helen lost $90,000 and even access to her own kitchen due to the actions of her daughter. Helen describes how she felt like a P.O.W. Helen had agreed to pool resources with her daughter and son-in-law and buy a house where all of them would live; the deal seemed like a win-win proposition. Unbeknownst to Helen, most of the money went to pay off her son-in-law's debts. Soon the young couple asked Helen for thousands more and $300 in monthly rent. Shortly after this, her daughter had construction done on the house which put a new wall between Helen's bedroom and the kitchen, blocking her way to the kitchen and forcing her to prepare her food in the bathroom. Eventually, Helen found herself in a shelter. She now lives in a government subsidized apartment.

The Illinois Department of Aging and other elder abuse service providers will attest to the fact that Helen is not alone in experiencing such financial exploitation. Of the 5,833 reports of elder abuse in Illinois in 1997, nearly half (44.6%) were reports of financial exploitation. Statistics compiled by the Illinois Department on Aging show that the majority of financial abuse victims are female and that most have a functional impairment, such as Alzheimer's

disease. For some, financial exploitation may at times be accompanied by physical abuse or the threat of physical abuse or other form of coercion. The states Attorneys General have efforts underway to examine this area and are cooperating in sharing information on how best to deal with such abuse. Financial exploitation is probably more complex and sometimes more difficult to detect than other forms of abuse. Therefore, we are proposing a study by experts in the field to more comprehensively analyze the problem and to make recommendations for future actions.

With the greying of America, the problems of elder domestic abuse in all its many ugly manifestations, is likely to grow. I believe that we need to take a comprehensive look at our existing family violence programs and ensure that these and other programs that serve seniors are sensitive and knowledgeable of elder domestic abuse. I am pleased that Senators AKAKA, MOSELEY-BRAUN, HARKIN, MIKULSKI, WELLSTONE, DODD, KOHL, WARNER, BOXER, GRAHAM, CLELAND, LANDRIEU, REID, TORRICELLI and FAIRCLOTH have all joined Senator COLLINS and myself in introducing this bill, and I hope that many more will join us in this effort to focus attention on the needs of the "forgotten older victims of domestic violence."

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. 2114

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 "Older Women's Protection From Violence Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—VIOLENCE AGAINST WOMEN ACT OF 1994
Sec. 101. Elder abuse, neglect, and exploitation.
TITLE II—FAMILY VIOLENCE PREVENTION AND SERVICES ACT
Sec. 201. Definitions.
Sec. 202. Domestic abuse services for older individuals.
Sec. 203. State grants.
Sec. 204. Demonstration grants for community initiatives.
Sec. 205. Study regarding health professional training with respect to detection and referral of victims of family violence.
TITLE III—OLDER AMERICANS ACT OF 1965
Sec. 301. Definitions.
Sec. 302. Research about the sexual assault of women who are older individuals.
Sec. 303. State Long-Term Care Ombudsman program.
Sec. 304. Domestic violence shelters and programs for older individuals.
Sec. 305. Authorization of appropriations.
Sec. 306. Community initiatives and outreach.
Sec. 307. Training for health professionals, and other providers of services to older individuals, on screening for elder abuse, neglect, and exploitation.
TITLE IV—PUBLIC HEALTH SERVICE ACT
Sec. 401. Area health education centers.
Sec. 402. Geriatric centers and training.
TITLE V—FINANCIAL EXPLOITATION OF OLDER INDIVIDUALS
Sec. 501. Study and report.

SEC. 2. FINDINGS.

Congress finds that—

(1) of the estimated more than 1,000,000 persons age 65 and over who are victims of abuse each year, at least two-thirds are women;

(2) in almost 9 out of 10 incidents of domestic elder abuse and neglect, the perpetrator is a family member and adult children of the victims are the largest category of perpetrators and spouses are the second largest category of perpetrators;

(3) the number of reports of elder abuse in the United States increased by 150 percent between 1986 and 1996 and is expected to continue growing;

(4) it is estimated that at least 5 percent of the Nation's elderly are victims of moderate to severe abuse and that the rate for all forms of abuse may be as high as 10 percent;

(5) elder abuse is severely underreported, with 1 in 5 cases being reported in 1980 and 1 in 8 cases being reported today;

(6) based on site-specific information from the Indian Health Service, the rate of trauma and violence faced by Indian women could be considered to be epidemic;

(7) elder abuse takes on many forms, including physical abuse, sexual abuse, psychological (emotional) abuse, neglect (intended or unintended), and financial exploitation;

(8) many older persons, particularly women and minorities, fail to report abuse because of shame or as a result of prior unsatisfactory experiences with individual agencies or others who lacked sensitivity to the concerns or needs of older people;

(9) the lack of culturally relevant elder abuse services for Indian women makes access to shelter and other services difficult and often impossible for some Indian women;

(10) many older persons fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized;

(11) the lack of access to telephones, law enforcement, and health services in remote areas, including Indian reservations, makes access to relief from elder abuse particularly difficult for some populations;

(12) public and professional awareness and identification of elder abuse is difficult because older persons are not tied into many social networks (such as schools or jobs), and may become isolated in their homes, which can increase the risk of elder abuse;

(13) the Department of Justice does not include age as a category for criminal statistics reporting;

(14)(A) there are relatively few statistics and research studies regarding violence against older women, and even less is known about the incidence of violence against Indian women; and

(B) there is no national data base regarding violence against Indian women; and

(15) older persons would greatly benefit from policies that develop, strengthen, and implement programs for the prevention of abuse, including neglect and exploitation, and provide related assistance for victims.

TITLE I—VIOLENCE AGAINST WOMEN ACT OF 1994

SEC. 101. ELDER ABUSE, NEGLECT, AND EXPLOITATION.

The Violence Against Women Act of 1994 (108 Stat. 1902) is amended by adding at the end the following:

"Subtitle H—Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older Individuals

"SEC. 40801. DEFINITIONS.

"In this subtitle:

"(1) IN GENERAL.—The terms 'elder abuse, neglect, and exploitation', 'domestic violence', and 'older individual' have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

"(2) SEXUAL ASSAULT.—The term 'sexual assault' has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

"SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

"The Attorney General shall make grants to law school clinical programs for the purposes of funding the inclusion of cases addressing issues of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

"SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS.

"The Attorney General shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, tribal, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

"SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.".

TITLE II—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 201. DEFINITIONS.

Section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408) is amended by adding at the end the following:

"(7) The term 'elder domestic abuse' means domestic violence, as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002), against an older individual, as defined in such section.".

SEC. 202. DOMESTIC ABUSE SERVICES FOR OLDER INDIVIDUALS.

Section 311(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) work with domestic violence programs to encourage the development of programs, including outreach, support groups, and counseling, targeted to victims of elder domestic abuse.".

SEC. 203. STATE GRANTS.

Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "age," after "because of".

SEC. 204. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

Section 318(b)(2)(F) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(b)(2)(F)) is amended by inserting "and adult protective services entities" before the semicolon.

SEC. 205. STUDY REGARDING HEALTH PROFESSIONAL TRAINING WITH RESPECT TO DETECTION AND REFERRAL OF VICTIMS OF FAMILY VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:

"SEC. 319. STUDY REGARDING HEALTH PROFESSIONAL TRAINING WITH RESPECT TO DETECTION AND REFERRAL OF VICTIMS OF FAMILY VIOLENCE.

"(a) IN GENERAL.—The Secretary shall request that the Institute of Medicine of the National Academy of Sciences, in collaboration with the Family Violence Prevention Fund, conduct a study of the adequacy of training for health professionals with respect to the detection and referral of victims of family violence.

"(b) PURPOSE OF STUDY.—The study conducted under this section shall—

"(1) determine the number of teaching institutions that incorporate training for health professionals in the area of domestic violence and elder abuse;

"(2) assess whether when such training is available, the training is adequate for both detection and referral of victims of domestic violence and elder abuse; and

"(3) examine whether increased training is needed with respect to detection of domestic violence and elder abuse.

"(c) RECOMMENDATIONS.—The Secretary shall ensure that the Institute of Medicine, in consultation with the Family Violence Prevention Fund and based on the results of the study under this section, develops recommendations for improvements in training for health professionals with respect to detection and referral of victims of family violence, through legislative or nonlegislative means.

"(d) FACTORS FOR CONSIDERATION.—In developing the recommendations described in subsection (c), the Secretary shall ensure that Institute of Medicine—

"(1) examines whether preferences, in federally funded educational programs for medical educational entities that include domestic violence and elder abuse training in the curricula of the entities, are effective in providing an incentive for incorporation of such training in the curricula;

"(2) determines whether there are other legislative means that may be effective in encouraging the training described in paragraph (1), such as grant programs for curriculum development; and

"(3) determines an appropriate level of funding for any such grant program recommended.

"(e) REPORT.—The Secretary shall ensure that, not later than 12 months after the date of enactment of the Older Women's Protection From Violence Act of 1998, a report concerning the study conducted under this section is prepared by the Institute of Medicine and submitted to Congress.".

TITLE III—OLDER AMERICANS ACT OF 1965

SEC. 301. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

"(45) The term 'domestic violence' means an act or threat of violence, not including an act of self defense, committed—

"(A) by a current or former spouse of the victim;

"(B) by a person related by blood or marriage to the victim;

"(C) by a person who is cohabiting with or has cohabited with the victim;

"(D) by a person with whom the victim shares a child in common;

"(E) by a person who is or has been in the social relationship of a romantic or intimate nature with the victim; or

"(F) by a person similarly situated to a spouse of the victim, or by any other person, if the domestic or family violence laws of the jurisdiction of the victim provide for legal protection of the victim from the person.

"(46) The term 'sexual assault' has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).".

SEC. 302. RESEARCH ABOUT THE SEXUAL ASSAULT OF WOMEN WHO ARE OLDER INDIVIDUALS.

Section 202(d)(3)(C) of the Older Americans Act of 1965 (42 U.S.C. 3012(d)(3)(C)) is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; and"; and

(3) by adding at the end the following:

"(iii) in establishing research priorities under clause (i), consider the importance of research about the sexual assault of women who are older individuals.".

SEC. 303. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(1)) is amended by inserting before the period the following: ", except that for grants to carry out section 321(a)(10), there are authorized to be appropriated such sums as may be necessary without fiscal year limitation".

SEC. 304. DOMESTIC VIOLENCE SHELTERS AND PROGRAMS FOR OLDER INDIVIDUALS.

Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)) is amended—

(1) by striking "and" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting a semicolon; and

(3) by adding at the end the following:

"(13) expand access to domestic violence shelters and programs, including mental health services, for older individuals and encourage the use of senior housing, nursing homes, or other suitable facilities or services when appropriate as emergency short-term shelters or measures for older individuals who are the victims of elder abuse, including domestic violence, and sexual assault, against older individuals; and

"(14) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and programs, such as impediments to provision of the services in coordination with delivery of health care or senior services.".

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

(a) OMBUDSMAN PROGRAM.—Section 702(a) of the Older Americans Act of 1965 (42 U.S.C. 3058a(a)) is amended to read as follows:

"(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2 such sums as may be necessary without fiscal year limitation.".

(b) ELDER ABUSE PREVENTION PROGRAM.—Section 702(b) of the Older Americans Act of 1965 (42 U.S.C. 3058a(b)) is amended to read as follows:

"(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3 such sums as may be necessary without fiscal year limitation.".

SEC. 306. COMMUNITY INITIATIVES AND OUTREACH.

Title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.) is amended—

(1) by redesignating subtitle C as subtitle D;

(2) by redesignating sections 761 through 764 as sections 771 through 774, respectively; and

(3) by inserting after subtitle B the following:

"Subtitle C—Community Initiatives and Outreach

"SEC. 761. COMMUNITY INITIATIVES TO COMBAT ELDER ABUSE, NEGLECT, AND EXPLOITATION.

"(a) IN GENERAL.—The Assistant Secretary shall make grants to nonprofit private organizations or tribal organizations to support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

"(b) AWARD REQUIREMENT.—In awarding grants under subsection (a) the Assistant Secretary shall take into consideration—

"(1) State and tribal efforts to carry out the activities described in such subsection; and

"(2) encouraging coordination among the State and tribal efforts, State adult protective service activities, and activities of private nonprofit organizations.

"SEC. 762. OUTREACH TO OLDER INDIVIDUALS.

"(a) IN GENERAL.—The Assistant Secretary shall make grants to develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation (including domestic violence, and sexual assault, against older individuals), including programs directed toward assisting the individuals in senior housing complexes, nursing homes, board and care facilities, and senior centers.

"(b) AWARD REQUIREMENT.—In awarding grants under subsection (a) the Assistant Secretary shall take into consideration—

"(1) State and tribal efforts to develop and implement outreach programs described in such subsection; and

"(2) encouraging coordination among the State and tribal efforts, State adult protective service activities, and activities of private nonprofit organizations.

"SEC. 763. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle such sums as may be necessary without fiscal year limitation.".

SEC. 307. TRAINING FOR HEALTH PROFESSIONALS, AND OTHER PROVIDERS OF SERVICES TO OLDER INDIVIDUALS, ON SCREENING FOR ELDER ABUSE, NEGLECT, AND EXPLOITATION.

Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) is amended by adding at the end the following:

"(f)(1) The Assistant Secretary for Aging shall, in consultation with the Assistant Secretary for Children and Families, the Surgeon General, the Indian Health Service, the Director of the National Institute on Aging, the Family Violence Prevention Fund, the National Center on Elder Abuse, the National Coalition Against Domestic Violence, and other specialists working in the areas of domestic violence against seniors

and elder abuse, update and improve curricula and implement continuing education training programs for adult protective service workers, persons carrying out a State Long-Term Care Ombudsman program, health care providers (including home health care providers) and mental health providers (including specialists), social workers, clergy, domestic violence service providers, and other community-based social service providers in settings, including senior centers, adult day care facilities, nursing homes, board and care facilities, senior housing, and the homes of older individuals, to improve the ability of the persons using the curriculum and training programs to recognize and address instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

"(2) In carrying out paragraph (1), the Assistant Secretary shall develop and implement separate curricula and training programs for medical students, physicians, mental health providers, physician assistants, nurse practitioners, nurses, and social workers.

"(3) In carrying out paragraph (1), the Assistant Secretary shall provide information about the curricula and training programs to entities described in sections 791(c)(2) and 860(f)(2) of the Public Health Service Act (42 U.S.C. 295j(c)(2) and 298b-7(f)(2)) that seek grants or contracts under title VII or VIII of such Act.".

TITLE IV—PUBLIC HEALTH SERVICE ACT

SEC. 401. AREA HEALTH EDUCATION CENTERS.

Subparagraphs (D) and (E) of section 746(d)(2) of the Public Health Service Act (42 U.S.C. 293j(d)(2) are each amended by inserting ", which may include training in domestic violence and elder abuse screening and referral protocols" before the semicolon.

SEC. 402. GERIATRIC CENTERS AND TRAINING.

(a) GERIATRIC EDUCATION CENTERS.—Section 777(a)(4) of the Public Health Service Act (42 U.S.C. 294o(a)(4)) is amended by inserting ", including training and retraining of faculty to provide instruction regarding identification and treatment of older individuals who are the victims of domestic violence and elder abuse" before the semicolon.

(b) GERIATRIC TRAINING REGARDING PHYSICIANS AND DENTISTS.—Section 777(b)(2)(D) of the Public Health Service Act (42 U.S.C. 294o(b)(2)(D)) is amended—

(1) by striking "and exposure" and inserting ", exposure"; and

(2) by inserting ", and screening for elder abuse and domestic abuse," after "of elderly individuals".

TITLE V—FINANCIAL EXPLOITATION OF OLDER INDIVIDUALS

SEC. 501. STUDY AND REPORT.

(a) DEFINITIONS.—In this section—

(1) the term "financial exploitation" means any fraud, coercion, or other conduct by a caregiver, family member, or fiduciary that constitutes a violation of any Federal, State, or tribal law, including any legally enforceable professional standard applicable to any profession or occupation;

(2) the term "financial institution" has the meaning given the term in section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401);

(3) the term "older individual" has the meaning given the term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002); and

(4) the term "Secretary" means the Secretary of the Treasury.

(b) STUDY.—The Secretary, in consultation with the Attorney General of the United States, State attorneys general, and tribal and local prosecutors, shall conduct a study of the nature and extent of financial exploitation of older individuals.

(c) CONSULTATION.—In conducting the study under this section, the Secretary shall solicit comments and information from—

(1) senior citizen advocacy groups;

(2) law centers specializing in elder law;

(3) financial institutions;

(4) elder abuse coalitions;

(5) privacy experts;

(6) providers of adult protective services;

(7) Indian tribes, the Director of Indian Health Service of the Department of Health and Human Services, and the Commissioner of Indian Affairs of the Department of the Interior;

(8) State Long-Term Care Ombudsmen described in the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

(9) area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002));

(10) recipients of grants under title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.); and

(11) other service providers.

(d) PURPOSE OF STUDY.—In conducting the study under this section, the Secretary shall—

(1) define and describe the scope of the problem of financial exploitation of older individuals;

(2) conduct a survey of financial institutions in order to obtain—

(A) an estimate of the number and type of financial transactions that are considered by those institutions to constitute financial exploitation of older individuals; and

(B) a detailed description of the types and characteristics of risk faced by elderly customers with respect to financial exploitation;

(3) examine whether Federal, State, and tribal laws and regulatory practices are adequate to protect older individuals from financial exploitation; and

(4) examine the extent to which a better public understanding of Federal, State, and tribal laws would help to prevent financial exploitation of older individuals, including an examination regarding whether improved training of officers, employees, and agents of financial institutions concerning their responsibilities under section 1103 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3403) would help to combat the problem of financial exploitation of older individuals.

(e) RECOMMENDATIONS.—

(1) IN GENERAL.—Based on the results of the study under this section, the Secretary, in consultation with the Attorney General and State attorneys general, shall develop recommendations for legislative or other action to prevent the financial exploitation of older individuals.

(2) FACTORS FOR CONSIDERATION.—In developing the recommendations under paragraph (1), the Secretary shall—

(A) balance the needs of older individuals to be free from financial exploitation with their need for financial privacy, and their right against self-incrimination;

(B) consider the most effective and least intrusive legislative solutions to combat the problem of financial exploitation of older individuals;

(C) with respect to the reporting of incidences of financial exploitation of older individuals, consider—

(i) the appropriate Federal, State, or tribal agency to which such incidences should be reported, and the means by which a financial institution would obtain information regarding the manner in which to report such an incidence; and

(ii) whether there should be limitations on the authority of a financial institution to disclose information relating to an older individual who is a customer of the financial institution in order to combat the problem of financial exploitation of older individuals, including limitations on—

(I) the number of times such a disclosure may be made;

(II) the number and type of governmental or tribal agencies to which such a disclosure may be made; and

(III) the duration of the authority of the financial institution to make such a disclosure; and

(D) whether there is a need for adult protective services to combat such exploitation.

(f) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report, which shall include—

(1) the results of the study conducted under this section, including an analysis of the extent of the problem of financial exploitation of older individuals; and

(2) the recommendations developed under subsection (e).•

• Ms. COLLINS. Mr. President, there is no conduct less consistent with the precepts of a civilized society than the physical abuse of those unable to defend themselves. Our recognition of this has led to an aggressive and ongoing campaign against child abuse, and it must lead to an equally strong response to domestic violence directed at older Americans. For that reason, I am honored to rise today to cosponsor the Older Women's Protection from Violence Act, legislation introduced by my distinguished colleague from Illinois, Senator DURBIN, and I commend Senator DURBIN for his leadership in this area.

Mr. President, at a 1995 hearing in Portland, Maine, chaired by my predecessor, Senator Cohen, elder abuse was aptly described as "society's secret shame." Family violence, particularly when directed at the elderly, was a major concern of Senator Cohen, and I welcome the opportunity to continue his efforts to combat this intolerable mistreatment of older Americans.

Mr. President, earlier this month my home state released its crime statistics for 1997. I was cheered by the wonderful news that crime fell by 8.7% from 1996, to the lowest rate in at least 20 years. Hidden behind this positive statistic, however, was one that was very disquieting, namely, that domestic violence increased by 7.8%. Ironically, at the same time as we are becoming less likely to be harmed by strangers, many of our neighbors face an increasing threat from members of their own households.

National data demonstrate that cases of domestic elder abuse, which includes neglect as well as physical abuse, are steadily increasing. From 1986 to 1996, the number of cases went from 117,000 to 293,000, an increase of 150%. Furthermore, there is widespread agreement

that this type of abuse is greatly underreported. For example, although the number of reported cases in 1994 was 241,000, the National Center on Elder Abuse estimates that the true number of cases was 818,000.

Mr. President, while these numbers indicate a serious and growing problem, all of the statistics in the world do not describe the problem as eloquently as the words of a single victim. At the Maine hearing, one such victim told what happened to her at the hands of her husband after her children left home.

[T]hings got really bad. I had two broken wrists, cracked ribs, held down with his knee on my chest with a knife at my throat. I was made to crawl across the floor with a gun resting on my head, ready to fire. I've been choked until I was limp, and then he would drop me on the floor with a kick. I've been spit on, thrown through a window, dragged into the lake as he said he was going to drown me.

Astonishingly, but not atypically, the witness was married to her husband for 44 years.

Compounding the physical abuse suffered by elderly victims of violence is the sense of being trapped. Again, one of the witnesses at the Portland hearing described this far more effectively than I can.

People ask why I remained under such circumstances. It was fear that kept me there. . . . I had been on an island for eight years. Where would I go? I had no money, no home, no job, and no credit. Although I had left good jobs to follow him from job to job, at age 60 who would hire me? Health insurance was my greatest concern.

With a dependence on the abuser for financial support and physical care, with a long history of emotional ties to that person, with the fear of being held up to ridicule, and with a sense of hopelessness about finding a way out of the predicament, it is hardly surprising that the elderly victim is often reluctant to report domestic assaults.

Domestic violence against older women is a complex problem about which we still lack adequate information. This has led to some erroneous assumptions. For example, it had been thought that assaults against the elderly usually result from caregiver stress, but while this is a factor, its effect now appears to have been overstated. Indeed, according to a recent report, "[a]busers are not identical in their behavior or their assumptions about abusive conduct." As the report points out, this means that a "cookie cutter" approach will not solve the problem.

Further complicating our efforts to deal with domestic violence against older women are the conflicting feelings and desires of many of the victims. It is quite common for the victim to have a familial relationship with the abuser, and thus, far more is likely to be involved in dealing with these situations that in dealing with an assault committed by a stranger. For understandable reasons, the older woman may want to preserve the relationship while ending the abuse. Finding effective ways to accomplish this can be a formidable challenge.

Mr. President, the legislation that Senator DURBIN and I are introducing today recognizes that complex problems defy simple solutions. Thus, the Older Women's Protection from Violence Act does not purport to contain a magic bullet that will eliminate this reprehensible conduct, but rather looks to a multi-faceted approach to address a multi-faceted problem. Similarly, the bill does not offer revolutionary solutions; instead, its message is that the time has come for society to roll up its sleeves and engage in the hard work of protecting those who have contributed so much to our individual and collective well-being.

In keeping with the nature of the problem, the legislation provides for training those who are in a position to identify cases of domestic violence against older women. Consistent with the notion that we cannot stop or correct what we do not discover, the primary recipients of that training would be law enforcement officers and health professionals. In addition, the Attorney General is authorized to make grants to law school clinical programs to include elder abuse cases.

The bill reauthorizes and expands programs that provide services to battered older women. Such services include outreach, support, and counseling. It also enhances their access to domestic violence shelters, something that can mean the difference between life and death in some cases. I should emphasize that the provision of these services will be largely at the local level, with financial assistance from the federal government.

Mr. President, in a prior position, I managed a state agency that has as one of its principal mandates that protection of Maine people, many of them elderly, from fraud and other financial abuses. Thus, I am especially pleased that in addition to addressing violence against older women, this bill seeks to shed light on a problem affecting the elderly that has received even less attention, namely, their financial exploitation by a caregiver or family member.

Two cases discussed at the Maine hearing illustrate my point. In one, an elderly gentleman from southern Maine went without food because his two nephews were stealing his money. Yet, he refused to send them away because they were "family." In the second case, a 75-year old eastern Maine woman returned from the hospital after a severe stroke to find that her daughter and son-in-law had changed the locks on her house. The physical and emotional impact of the experience was so great that she was unable to undertake the legal battle to reclaim her home.

This bill will shed light on this type of abuse by requiring the Secretary of the Treasury to conduct a study of the nature and extent of financial exploitation of older individuals. Our society simply cannot allow our senior citizens who have labored hard to build up a nest egg to have it wrongfully taken from them at the time they need it most.

Mr. President, interest in elder abuse did not begin in our country until the late 1980s, long after we began to focus on child abuse in the 1960s. This may be because these cases are among the least likely to be reported. It may also be because our culture tends to worship youth, perhaps giving our older citizens the sense that we care less about them. In any case, this must change, not only because of demographic trends, but also because it is right.

This bill will contribute to that change by dealing specifically with domestic violence against older women. In addition to providing services to the victims of this conduct, it funds research into various aspects of the problem to enhance our understanding and improve our ability to respond. Our secret shame must not remain a secret.

Mr. President, in 1996 the average age of elder abuse victims was 78. There can be no justification for letting these older Americans, who have reached the point in life where they deserve peace, comfort, and respect, to be the victims of domestic violence or any other form of abuse. This bill is designed to prevent that, and I trust that my colleagues will support us in the effort.•

By Mr. ROCKEFELLER (for himself and Ms. MIKULSKI):

S. 2115. A bill to amend title 38, United States Code, to establish a scholarship program and an education loan debt reduction program to facilitate the employment of primary care and other health care professionals by the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS PRIMARY CARE PROVIDERS INCENTIVE ACT OF 1998

• Mr. ROCKEFELLER. Mr. President, I am pleased today to introduce the following legislation, "The Department of Veterans Affairs Primary Care Providers Incentive Act of 1998." This legislation is intended to revitalize the VA's Health Professionals Education Assistance Program, thereby reducing waste, targeting primary care professions and under-served areas, and making the VA more competitive with private employers for skilled personnel. I am pleased to be joined by my respected colleague from Maryland, Senator MIKULSKI, in this effort. I urge our colleagues to join us in supporting this legislation.

The VA health care system is in the midst of a major reorganization that is

simultaneously reducing the current workforce and creating the need for more primary care health professionals. This reorganization has dramatically changed the way the VA delivers health care, by shifting the emphasis to outpatient rather than inpatient care. As part of this process, the Department of Veterans Affairs has set a goal of doubling the number of primary care providers in the VA health care system, and we want to assist them. There are two good ways to hire and keep highly skilled professionals—offer incentives to current employees to get training in new areas of need by providing scholarships, and recruit new primary care providers by offering assistance in paying off student loans. This legislation, which includes both a scholarship program and an education debt reduction program, can help.

The VA needs educational assistance programs such as these to effectively recruit and retain trained primary care health professionals. In the VA hospitals and clinics, some of the most difficult positions to fill are those of nurse practitioners, physical therapists, and occupational therapists. In my home state of West Virginia, for example, at one of the VA hospitals there has been a vacancy for an occupational therapist for over twelve years! Two of the VA hospitals have no physical therapists at all. This is simply unacceptable.

The plain fact is that the VA cannot offer the same starting salaries as those available in private practice. The Education Debt Reduction Program included within the Primary Care Providers Incentive Act gives the VA a financial recruitment tool that will be an enormous help in making the VAMCs more competitive for these much-needed and highly skilled individuals. This program was first designed by Senator MIKULSKI in 1993 in recognition of this very problem. It was needed then, and it is still needed now.

Recruitment is only half the problem in building a new workforce that is geared toward providing primary care. Retention of trained people, especially in the face of low morale due to budget cuts, is equally important. The scholarship program in this legislation is designed to answer this very need. Eligibility is limited to current VA employees, thus enabling VA to build staff morale. The scholarship program provides a means for vulnerable employees to protect themselves against future RIFs by acquiring training in the new areas of need. And, VA gets the workforce they need, composed of motivated and loyal employees.

Professional associations representing primary care health workers, VAMC human resources personnel, and past recipients of VA scholarships are strongly in support of this legislation. Although this is a time of budget reductions in health care, these programs are a worthwhile investment, enhancing morale of the VA health care providers in the short term, while building a workforce that matches VA's needs and improves veterans' health care in the long run.

Mr. President, I ask that the text of the bill be printed in the RECORD at this point.

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

S. 2115

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 "Department of Veterans Affairs Primary Care Providers Incentive Act of 1998".

SEC. 2. SCHOLARSHIP PROGRAM FOR DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES RECEIVING EDUCATION OR TRAINING IN THE HEALTH PROFESSIONS.

(a) PROGRAM AUTHORITY.—(1) Chapter 76 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

"§ 7671. Authority for program

"As part of the Educational Assistance Program, the Secretary shall carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Employee Incentive Scholarship Program (hereinafter in this subchapter referred to as the 'Program').

"§ 7672. Eligibility; agreement

"(a) ELIGIBILITY.—To be eligible to participate in the Program, an individual—

"(1) must be an eligible Department employee who is accepted for enrollment or enrolled (as described in section 7602 of this title) as a full-time or part-time student in a field of education or training described in subsection (c); and

"(2) must demonstrate financial need, as determined under regulations prescribed by the Secretary.

"(b) ELIGIBLE DEPARTMENT EMPLOYEES.—For purposes of subsection (a), an eligible Department employee is any employee of the Department who, as of the date on which the employee submits an application for participation in the Program, has been continuously employed by the Department for not less than two years.

"(c) QUALIFYING FIELDS OF EDUCATION OR TRAINING.—A scholarship may be awarded under the Program only for education and training in a field leading to appointment or retention in a position under section 7401 of this title.

"(d) PREFERENCE IN AWARD OF SCHOLARSHIPS.—(1) Notwithstanding section 7603(d) of this title and subject to paragraph (2), in selecting participants in the Program, the Secretary shall give preference to the following applicants, in the order specified:

"(A) Applicants who are or will be pursuing a course of education or training in a field relating to the provision of primary care health services, as designated by the Secretary.

"(B) Applicants who are employed at Department health-care facilities located in rural areas or at which there is an inadequate supply of individuals qualified to hold a position under section 7401 of this title, as so designated.

"(2) In the case of a pool of applicants covered by subparagraph (A) or (B) of paragraph (1), the Secretary shall give preference in the award of scholarships to the members of the pool who have the greatest financial need.

"(3) The Secretary shall maintain, and update periodically, a list setting forth—

"(A) the fields of education or training covered by subparagraph (A) of paragraph (1); and

"(B) the facilities covered by subparagraph (B) of that paragraph.

"(e) AGREEMENT.—(1) An agreement between the Secretary and a participant in the Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

"(A) The Secretary's agreement to provide the participant with a scholarship under the Program for a specified number (from one to three) of school years during which the participant pursues a course of education or training described in subsection (c) that meets the requirements set forth in section 7602(a) of this title.

"(B) The participant's agreement to serve as a full-time employee in the Veterans Health Administration for a period of time (hereinafter in this subchapter referred to as the 'period of obligated service') of one calendar year for each school year or part thereof for which the participant was provided a scholarship under the Program, but for not less than two years.

"(C) The participant's agreement to serve under subparagraph (B) in a Department facility selected by the Secretary.

"(2) In a case in which an extension is granted under section 7673(c)(2) of this title, the number of years for which a scholarship may be provided under the Program shall be the number of school years provided for as a result of the extension.

"(3) In the case of a participant who is a part-time student—

"(A) the period of obligated service shall be reduced in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant, but in no event to less than one year; and

"(B) the agreement shall include the participant's agreement to maintain employment, while enrolled in such course of education or training, as a Department employee permanently assigned to a Department health-care facility.

"§ 7673. Scholarship

"(a) SCHOLARSHIP.—A scholarship provided to a participant in the Program for a school year shall consist of payment of the tuition of the participant for that school year and payment of other reasonable educational expenses (including fees, books, and laboratory expenses) for that school year.

"(b) AMOUNTS.—The total amount of the scholarship payable under subsection (a)—

"(1) in the case of a participant in the Program who is a full-time student, may not exceed $10,000 for any one year; and

"(2) in the case of a participant in the Program who is a part-time student, shall be the amount specified in paragraph (1) reduced in accordance with the proportion that the number of credit hours carried by the participant in that school year bears to the number of credit hours required to be carried by a full-time student in the course of education or training being pursued by the participant.

"(c) LIMITATION ON YEARS OF PAYMENT.—(1) Subject to paragraph (2), a participant in the Program may not receive a scholarship under subsection (a) for more than three school years.

"(2) The Secretary may extend the number of school years for which a scholarship may be awarded to a participant in the Program who is a part-time student to a maximum of six school years if the Secretary determines that the extension would be in the best interest of the United States.

"(d) PAYMENT OF EDUCATIONAL EXPENSES BY EDUCATIONAL INSTITUTIONS.—The Secretary may arrange with an educational institution in which a participant in the Program is enrolled for the payment of the educational expenses described in subsection (a). Such payments may be made without regard to subsections (a) and (b) of section 3324 of title 31.

"§ 7674. Status of certain participants

"(a) STATUS.—A participant in the Program described in subsection (b) shall not, by reason of such participation—

"(1) be considered an employee of the Federal Government; or

"(2) be counted against any personnel ceiling affecting the Veterans Health Administration.

"(b) COVERED PARTICIPANTS.—Subsection (a) applies in the case of any participant in the Program who is a student on a full-time basis and is not performing service for the Department.

"§ 7675. Obligated service

"(a) IN GENERAL.—Each participant in the Program shall provide service as a full-time employee of the Department for the period of obligated service provided in the agreement of the participant entered into under section 7603 of this title. Such service shall be provided in the full-time clinical practice of such participant's profession or in another health-care position in an assignment or location determined by the Secretary.

"(b) DETERMINATION OF SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before a participant's service commencement date, the Secretary shall notify the participant of that service commencement date. That date is the date for the beginning of the participant's period of obligated service.

"(2) As soon as possible after a participant's service commencement date, the Secretary shall—

"(A) in the case of a participant who is not a full-time employee in the Veterans Health Administration, appoint the participant as such an employee; and

"(B) in the case of a participant who is an employee in the Veterans Health Administration but is not serving in a position for which the participant's course of education or training prepared the participant, assign the participant to such a position.

"(3)(A) In the case of a participant receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the participant's service commencement date is the date upon which the participant becomes licensed to practice medicine, osteopathy, dentistry, optometry, or podiatry, as the case may be, in a State.

"(B) In the case of a participant receiving a degree from a school of nursing, the participant's service commencement date is the later of—

"(i) the participant's course completion date; or

"(ii) the date upon which the participant becomes licensed as a registered nurse in a State.

"(C) In the case of a participant not covered by subparagraph (A) or (B), the participant's service commencement date is the later of—

"(i) the participant's course completion date; or

"(ii) the date the participant meets any applicable licensure or certification requirements.

"(4) The Secretary shall by regulation prescribe the service commencement date for participants who were part-time students. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3).

"(c) COMMENCEMENT OF OBLIGATED SERVICE.—(1) Except as provided in paragraph (2), a participant in the Program shall be considered to have begun serving the participant's period of obligated service—

"(A) on the date, after the participant's course completion date, on which the participant (in accordance with subsection (b)) is appointed as a full-time employee in the Veterans Health Administration; or

"(B) if the participant is a full-time employee in the Veterans Health Administration on such course completion date, on the date thereafter on which the participant is assigned to a position for which the participant's course of training prepared the participant.

"(2) A participant in the Program who on the participant's course completion date is a full-time employee in the Veterans Health Administration serving in a capacity for which the participant's course of training prepared the participant shall be considered to have begun serving the participant's period of obligated service on such course completion date.

"(d) COURSE COMPLETION DATE DEFINED.—In this section, the term 'course completion date' means the date on which a participant in the Program completes the participant's course of education or training under the Program.

"§ 7676. Breach of agreement: liability

"(a) LIQUIDATED DAMAGES.—A participant in the Program (other than a participant described in subsection (b)) who fails to accept payment, or instructs the educational institution in which the participant is enrolled not to accept payment, in whole or in part, of a scholarship under the agreement entered into under section 7603 of this title shall be liable to the United States for liquidated damages in the amount of $1,500. Such liability is in addition to any period of obligated service or other obligation or liability under the agreement.

"(b) LIABILITY DURING COURSE OF EDUCATION OR TRAINING.—(1) Except as provided in subsection (d), a participant in the Program shall be liable to the United States for the amount which has been paid to or on behalf of the participant under the agreement if any of the following occurs:

"(A) The participant fails to maintain an acceptable level of academic standing in the educational institution in which the participant is enrolled (as determined by the educational institution under regulations prescribed by the Secretary).

"(B) The participant is dismissed from such educational institution for disciplinary reasons.

"(C) The participant voluntarily terminates the course of education or training in such educational institution before the completion of such course of education or training.

"(D) The participant fails to become licensed to practice medicine, osteopathy, dentistry, podiatry, or optometry in a State, fails to become licensed as a registered nurse in a State, or fails to meet any applicable licensure requirement in the case of any other health-care personnel who provide either direct patient-care services or services incident to direct patient-care services, during a period of time determined under regulations prescribed by the Secretary.

"(E) In the case of a participant who is a part-time student, the participant fails to maintain employment, while enrolled in the course of training being pursued by the participant, as a Department employee.

"(2) Liability under this subsection is in lieu of any service obligation arising under a participant's agreement.

"(c) LIABILITY DURING PERIOD OF OBLIGATED SERVICE.—(1) Except as provided in subsection (d), if a participant in the Program breaches the agreement by failing for any reason to complete such participant's period of obligated service, the United States shall be entitled to recover from the participant an amount determined in accordance with the following formula:

$$A=3\Phi\left(\frac{t-s}{t}\right)$$

"(2) In such formula:

"(A) 'A' is the amount the United States is entitled to recover.

"(B) 'Φ' is the sum of—

"(i) the amounts paid under this subchapter to or on behalf of the participant; and

"(ii) the interest on such amounts which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

"(C) 't' is the total number of months in the participant's period of obligated service, including any additional period of obligated service in accordance with section 7673(c)(2) of this title.

"(D) 's' is the number of months of such period served by the participant in accordance with section 7673 of this title.

"(d) LIMITATION ON LIABILITY FOR REDUCTIONS-IN-FORCE.—Liability shall not arise under subsection (b)(1)(E) or (c) in the case of a participant otherwise covered by the subsection concerned if the participant fails to maintain employment as a Department employee due to a reduction-in-force.

"(e) PERIOD FOR PAYMENT OF DAMAGES.—Any amount of damages which the United States is entitled to recover under this section shall be paid to the United States within the one-year period beginning on the date of the breach of the agreement.

"§ 7677. Expiration of program

"The Secretary may not furnish scholarships to individuals who commence participation in the Program after December 31, 2001.".

(2) The table of sections at the beginning of chapter 76 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

"7671. Authority for program.
"7672. Eligibility; agreement.
"7673. Scholarship.
"7674. Status of certain participants.
"7675. Obligated service.
"7676. Breach of agreement: liability.
"7677. Expiration of program.".

(b) REGULATIONS.—The Secretary of Veterans Affairs may treat regulations prescribed subchapter II of chapter 76 of title 38, United States Code, as regulations required under subchapter VI of that chapter, as added by subsection (a), but only to the extent that the regulations prescribed under such subchapter II are not inconsistent with the provisions of such subchapter VI.

SEC. 3. EDUCATION DEBT REDUCTION PROGRAM FOR VETERANS HEALTH ADMINISTRATION HEALTH PROFESSIONALS.

(a) PROGRAM AUTHORITY.—Chapter 76 of title 38, United States Code (as amended by section 2), is further amended by adding after subchapter VI the following new subchapter:

"SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

"§ 7681. Authority for program

"(a) IN GENERAL.—(1) As part of the Educational Assistance Program, the Secretary may carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Primary Care Workers Education Debt Reduction Program (hereinafter in this subchapter referred to as the 'Education Debt Reduction Program').

"(2) The purpose of the Education Debt Reduction Program is to assist personnel serving in health-care positions in the Veterans Health Administration in reducing the amount of debt incurred by such personnel in completing programs of education or training that qualified such personnel for such service.

"(b) RELATIONSHIP TO EDUCATIONAL ASSISTANCE PROGRAM.—Education debt reduction payments under the Education Debt Reduction Program shall be in addition to other assistance available to individuals under the Educational Assistance Program.

"§ 7682. Eligibility

"(a) ELIGIBILITY.—An individual eligible to participate in the Education Debt Reduction Program is any individual who—

"(1) is serving in a position in the Veterans Health Administration under an appointment under section 7402(b) of this title; and

"(2) owes any amount of principal or interest under a loan the proceeds of which were used by or on behalf of the individual to pay costs relating to a course of education or training which led to a degree that qualified the individual for a position referred to in paragraph (1).

"(b) COVERED COSTS.—For purposes of subsection (a)(2), costs relating to a course of education or training include—

"(1) tuition expenses;

"(2) all other reasonable educational expenses, including expenses for fees, books, and laboratory expenses; and

"(3) reasonable living expenses.

"§ 7683. Preference

"(a) PREFERENCE.—Notwithstanding section 7603(d) of this title, in selecting individuals for education debt reduction payments under the Education Debt Reduction Program, the Secretary shall give preference to the following (in the order specified):

"(1) Individuals recently appointed by the Secretary to positions under section 7401 of this title in fields relating to primary care health services, as designated by the Secretary.

"(2) Individuals recently appointed by the Secretary to positions under such section in areas in which the recruitment or retention of an adequate supply of qualified health-care personnel is difficult, as so designated.

"(3) Any other individuals serving in appointments to positions described in paragraphs (1) and (2).

"(b) RECENTLY APPOINTED INDIVIDUALS.—An individual shall be treated as recently appointed to a position for purposes of subsection (a) if the individual was appointed to the position not more than 6 months before the date of treatment for such purposes.

"§ 7684. Education debt reduction

"(a) IN GENERAL.—Education debt reduction payments under the Education Debt Reduction Program shall consist of payments to individuals selected to participate in the program of amounts to reimburse such individuals for payments by such individuals of principal and interest on loans described in section 7682(a)(2) of this title.

"(b) FREQUENCY OF PAYMENT.—(1) The Secretary may make education debt reduction payments to any given participant in the Education Debt Reduction Program on a monthly or annual basis, at the election of the Secretary.

"(2) The Secretary shall make such payments at the end of the period elected by the Secretary under paragraph (1).

"(c) PERFORMANCE REQUIREMENT.—The Secretary may make education debt reduction payments to a participant in the Education Debt Reduction Program for a period only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the participant during the period.

"(d) MAXIMUM ANNUAL AMOUNT.—(1) Subject to paragraph (2), the total amount of education debt reduction payments made to a participant for a year under the Education Debt Reduction Program shall be—

"(A) $6,000 for the first year of the participant's participation in such Program;

"(B) $8,000 for the second year of the participant's participation in such Program; and

"(C) $10,000 for the third year of the participant's participation in such Program.

"(2) The total amount payable to a participant in such Program for any year may not exceed the amount of the principle and interest on loans referred to in subsection (a) that is paid by the individual during such year.

"§ 7685. Expiration of program

"The Secretary may not make education debt reduction payments to individuals who commence participation in the Education Debt Reduction Program after December 31, 2001.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 of title 38, United States Code (as amended by section 2(b)), is further amended by adding at the end the following:

"SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

"7681. Authority for program.
"7682. Eligibility.
"7683. Preference.
"7684. Education debt reduction.
"7685. Expiration of program.".

SEC. 4. REPEAL OF PROHIBITION ON PAYMENT OF TUITION LOANS.

Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4959; 38 U.S.C. 7601 note) is repealed.

SEC. 5. OUTREACH.

The Secretary of Veterans Affairs shall take appropriate actions to notify employees of the Department of Veterans Affairs of the benefits available under the Department of Veterans Affairs Employee Incentive Scholarship Program under subchapter VI of chapter 76 of title 38, United States Code (as added by section 2), and under the Department of Veterans Affairs Primary Care Workers Education Debt Reduction Program under subchapter VII of that chapter (as added by section 3).

SEC. 6. CONFORMING AMENDMENTS.

Chapter 76 of title 38, United States Code (as amended by this Act), is further amended as follows:

(1) In section 7601(a)—

(A) by striking out "and" at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(4) the employee incentive scholarship program provided for in subchapter VI of this chapter; and"; and

"(5) the education debt reduction program provided for in subchapter VII of this chapter.".

(2) In section 7602—

(A) in subsection (a)(1)—

(i) by striking out "subchapter I or II" and inserting in lieu thereof "subchapter II, III, or VI";

(ii) by striking out "or for which" and inserting in lieu thereof ", for which"; and

(iii) by inserting before the period at the end the following: ", or for which a scholarship may be awarded under subchapter VI of this chapter, as the case may be"; and

(B) in subsection (b), by striking out "subchapter I or II" and inserting in lieu thereof "subchapter II, III, or VI".

(3) In section 7603—

(A) in subsection (a)—

(i) by striking out "To apply to participate in the Educational Assistance Program," and inserting in lieu thereof "(1) To apply to participate in the Educational Assistance Program under subsection II, III, V, or VI of this chapter,"; and

(ii) by adding at the end the following:

"(2) To apply to participate in the Educational Assistance Program under subchapter VII of this chapter, an individual shall submit to the Secretary an application for such participation."; and

(B) in subsection (b)(1), by inserting "(if required)" before the period at the end.

(4) In section 7604, by striking out "subchapter II, III, or V" each place it appears in paragraphs (1)(A), (2)(D), and (5) and inserting in lieu thereof "subchapter II, III, V, or VI".

(5) In section 7632—

(A) in paragraph (1)—

(i) by striking out "and the Tuition Reimbursement Program" and inserting in lieu thereof ", the Tuition Reimbursement Program, the Employee Incentive Scholarship Program, and the Education Debt Reduction Program"; and

(ii) by inserting "(if any)" after "number of students";

(B) in paragraph (2), by inserting "(if any)" after "education institutions"; and

(C) in paragraph (4)—

(i) by striking "and per participant" and inserting in lieu thereof ", per participant"; and

(ii) by inserting ", per participant in the Employee Incentive Scholarship Program, and per participant in the Education Debt Reduction Program" before the period at the end.

(6) In section 7636, by striking "or a stipend" and inserting "a stipend, or education debt reduction".●

• Ms. MIKULSKI. Mr. President, today I am cosponsoring with Senator ROCKEFELLER, the DVA Primary Care Incentive Act of 1998.

Mr. President, I believe that this bill will ultimately benefit our veterans. It will help the Department of Veterans Affairs in its effort to provide the highest quality of care that our veterans deserve.

Mr. President, this bill will create a new Education Debt Reduction program, and an Employee Incentive Scholarship Program. The Debt Reduction Program will aid the VA in its efforts to increase its number of primary care professionals. Preference will be given to those choosing to serve at rural or under-served sites, and to those professionals in hard to fill specialties. The bill provides the Secretary of the VA with the discretion to determine priority needs with respect to profession, and locations with the greatest need. Debt Reduction program recipients will have to serve a term with the VA equivalent to the length of the repayments. A key component of the Debt Reduction Program is that each years repayments won't begin until a person has completed a corresponding year of service to the VA. This requirement is critical to ensuring that our veterans get the service they deserve, and that taxpayers get a return on their tax dollars invested.

Mr. President, I introduced a debt reduction bill in 1992 because I recognized the need to provide the VA with adequate resources to recruit the professionals it needs. And I realized that some who may want to get the training to help our veterans may not have all of the necessary means to do so. I applaud Senator ROCKEFELLER for including an updated debt reduction component to this bill.

The second component of the bill is the Employee Incentive Scholarship Program. This is designed to help meet the VA's need for more primary care professionals and to help retain and retrain some of the VA's current employees. Like the Debt Reduction program, priority would be given to those willing to serve in under-served areas and in hard to fill specialties. Recipients would also have to serve at a VA clinical site for a term equivalent to the scholarship term. The difference is that the Scholarship program would be open only to current VA employees with a minimum of two years of service. We want to ensure that those benefiting from the Scholarship program have demonstrated a commitment to the VA. We also want to provide the opportunity structure for those employees who want to expand their skills and move into new fields.

In 1996, Veterans Health Administration Under Secretary for Health, Dr. Kenneth Kizer, published a work called "Prescription for Change". In it, he noted the VA's goal to increase the number of VA non-physician primary care providers by 200 percent by 1998. While the VA has made progress, it has not met its goal. This bill seeks to provide another tool in the VA's tool belt that will allow it to meet its goal.

Mr. President, I have been an advocate for our nation's veterans for years. I firmly believe that promises made to our nations veterans must be promises kept. Our veterans risked their lives for our freedom and the protection of democracy. I believe that we as a nation are committed to providing the services that our veterans need.

As the VA continues its move to more outpatient primary care, we must make sure that the VA can attract and retain the type of professionals who can give our veterans the medical care and treatment they deserve.

I urge my colleagues' support.•

By Mr. LUGAR:

S. 2116. A bill to clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

THE USDA INFORMATION TECHNOLOGY REFORM AND YEAR-2000 COMPLIANCE ACT OF 1998

• Mr. LUGAR. Mr. President, today I introduce the USDA Information Technology Reform and Year-2000 Compliance Act of 1998. This legislation aims to centralize all year 2000 computer conversion and other information technology acquisition and management activities within the Officer of the Chief Information Office of the Department of Agriculture. Centralization is the most efficient way to manage the complex and important task of ensuring that all critical computer functions at the department are operational on January 1, 2000. It is also a wiser and more cost effective way to construct an information technology infrastructure to enable USDA's hundreds of computer systems to interoperate, which unfortunately they cannot now do.

The Department of Agriculture is charged with enormous responsibilities and its year 2000 readiness is crucial. It has a diverse portfolio of over 200 federal programs throughout the nation and the world. The department delivers about $80 billion in programs. It is the fourth largest federal agency, with 31 agencies and offices. The department is responsible for the safety of our food supply, nutrition programs that serve the poor, young and old, and the protection of our natural resources. Since forty percent of the non-tax debt owed to the federal government is owed to USDA, the department has a responsibility to ensure the financial soundness of taxpayers' investments.

The dentralized approach to the year 2000 issue at USDA has led to a lack of focus on departmental priorities. In fact, none exist. No planning to assure the continuation of the overall mission of the department has occurred. Each agency has been allowed to determine what services, programs and activities it deems important enough to be operational at the end of the millennium. This decentralized approach has also led to a lack of guidance, oversight and the development of contingency plans. At a hearing before the Committee on Agriculture, Nutrition, and Forestry on May 14th, the General Accounting Office reported that eighty percent of the work remains to be done in the ten component agencies reviewed. Responsibility for keeping the mission-critical information technology functioning should clearly rest with the Chief Information Officer.

In fiscal year 1998 alone, USDA plans to spend approximately $1.2 billion on information technology and related information resources management activities. The General Accounting Office has chronicled USDA's long history of problems in managing its substantial information technology investments. The GAO reports that such ineffective planning and management have resulted in USDA's wasting millions of dollars on computer systems.

Last year, I introduced S. 805, a bill to reform the information technology systems of the Department of Agriculture. It gave the Chief Information Officer control over the planning, development and acquisition of information technology at the department. Introduction of that bill prompted some coordination of information technology among the department's agencies and offices. However, component agencies are still allowed to independently acquire and manage information technology investments solely on the basis of their own parochial interests or needs. This revised legislation is now needed to strengthen that coordination and ensure that centralized information technology management continues in the future.

This legislation further requires that the Chief Information Officer manage the design and implementation of an information technology architecture based on strategic business plans that maximizes the effectiveness and efficiency of USDA's program activities. Included in the bill is authority for the Chief Information Officer to approve expenditures for information resources and for year 2000 compliance purposes, except for minor acquisitions. To accomplish these purposes, the bill requires that each agency transfer not less than five percent of its information technology budget to the Chief Information Officer's control.

The bill makes the Chief Information Officer responsible for ensuring that the information technology architecture facilitates a flexible common computing environment for the field service centers based on integrated program delivery and provides maximum data sharing with USDA customers and other federal and state agencies, which

is expected to result in significant reduction in operating costs.

Mr. President, this is a bill whose time has come. Unfortunately, USDA's problems in managing information technology are not unusual among government agencies, according to the General Accounting Office. I commend the attention of my colleagues to this bill designed to address a portion of the information resource management problems of the federal government and ask for their support of it.•

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 2117. A bill to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1998

• Mr. JOHNSON. Mr. President, today I am proud to introduce legislation to authorize a critically important rural water system in South Dakota, the "Perkins County Rural Water System Act of 1998." I am pleased to have my good friend and colleague from South Dakota, Senator DASCHLE, as an original cosponsor of this important legislation, which I had introduced during the 104th Congress as a Member of the House of Representatives. Congressman THUNE of South Dakota is the sponsor of similar legislation in the House during this Congress. This legislation is also strongly supported by the State of South Dakota and local project sponsors, who have demonstrated that support by agreeing to substantial financial contributions from the local level.

Like many parts of South Dakota, Perkins County has insufficient water supplies of reasonable quality available, and the water supplies that are available do not meet the minimum health and safety standards, thereby posing a threat to public health and safety.

In addition to improving the health of residents in the region, I strongly believe that this rural drinking water delivery project will help to stabilize the rural economy as well. Water is a basic commodity and is essential if we are to foster rural development in many parts of rural South Dakota, including the Perkins County area.

The "Perkins County Rural Water System Act of 1998" authorizes the Bureau of Reclamation to construct a Perkins County Rural Water System providing service to approximately 2,500 people, including the communities of Lemmon and Bison, as well as rural residents. The Perkins County Rural Water System is located in northwestern South Dakota along the South Dakota/North Dakota border and it will be an extension of an existing rural water system in North Dakota, the Southwest Pipeline Project. The State of South Dakota has worked closely with the State of North Dakota over the years on the Perkins County connection to the Southwest Pipeline Project. A feasibility study completed in 1994 looked at several alternatives for a dependable water supply, and the connection to the Southwest Pipeline Project is clearly the most feasible for the Perkins County area.

Mr. President, South Dakota is plagued by water of exceedingly poor quality, and the Perkins County rural water project is an effort to help provide clean water—a commodity most of us take for granted—to the people of Perkins County, South Dakota. I am a strong believer in the federal governments role in rural water delivery, and I hope to continue to advance that agenda both in South Dakota and around the country. I urge my colleagues to support this important rural water legislation, and I look forward to working with my colleagues on the Senate Energy and Natural Resources Committee to move forward on enactment as quickly as possible.

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. 2117

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 "Perkins County Rural Water System Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies of reasonable quality available to the members of the Perkins County Rural Water System located in Perkins County, South Dakota, and the water supplies that are available do not meet minimum health and safety standards, thereby posing a threat to public health and safety;

(2) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(3) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101-294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation;

(4) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project; and

(5) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Perkins County Rural Water System, Inc., members is the waters of the Missouri River as delivered by the Southwest Pipeline Project in North Dakota.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the members of the Perkins County Rural Water Supply System, Inc., in Perkins County, South Dakota;

(2) to assist the members of the Perkins County Rural Water Supply System, Inc., in developing safe and adequate municipal, rural, and industrial water supplies; and

(3) to promote the implementation of water conservation programs by the Perkins County Rural Water System, Inc.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.", as amended in March 1995.

(2) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(3) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines to the point of delivery of water by the Perkins County Rural Water System to each entity that distributes water at retail to individual users.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

(5) WATER SUPPLY SYSTEM.—The term "water supply system" means the Perkins County Rural Water System, Inc., a nonprofit corporation, established and operated substantially in accordance with the feasibility study.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate municipal, rural, and industrial water supplies, mitigation of wetlands areas, repairs to existing public water distribution systems, and water conservation in Perkins County, South Dakota.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the Federal share under section 10.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system;

(2) a final engineering report has been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system; and

(3) the water supply system has developed and implemented a water conservation program.

SEC. 5. WATER CONSERVATION PROGRAM.

(a) PURPOSE.—The water conservation program under section 4(d)(3) shall be designed to ensure that users of water from the water supply system will use the best practicable technology and management techniques to conserve water use.

(b) DESCRIPTION.—The water conservation program shall include—

(1) low consumption performance standards for all newly installed plumbing fixtures;

(2) leak detection and repair programs;

(3) rate structures that do not include declining block rate schedules for municipal households or special water users (as defined in the feasibility study);

(4) public education programs;

(5) coordinated operation and maintenance (including necessary repairs to ensure minimal water losses) by and between the water supply system and any member of the system that is a preexisting water supply facility within the service area of the system; and

(6) coordinated operation between the Southwest Pipeline Project of North Dakota and the Perkins County Rural Water System, Inc., of South Dakota.

(c) REVIEW AND REVISION.—The program described in subsection (b) shall contain provisions for periodic review and revision, in cooperation with the Secretary.

SEC. 6. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 7. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Perkins County Rural Water System, Inc.;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 8. NO LIMITATION ON WATER PROJECTS IN STATES.

This Act does not limit the authorization for water projects in South Dakota and North Dakota under law in effect on or after the date of enactment of this Act.

SEC. 9. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 10. FEDERAL SHARE.

The Federal share under section 4 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 11. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 12. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—The Secretary may provide construction oversight to the water supply system for areas of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $15,000,000 for the planning and construction of the water system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.•

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. MURKOWSKI, Mr. COCHRAN, Mr. INOUYE, Mr. DASCHLE, Mr. ROCKEFELLER, Mr. MACK, Mr. LUGAR, Mr. BUMPERS, Mr. FRIST, and Mr. SANTORUM):

S. 2118. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 per dose; to the Committee on Finance.

LEGISLATION LOWERING THE FEDERAL EXCISE TAX ON VACCINES

• Mr. CHAFEE. Mr. President, today I am introducing legislation reducing the excise tax on vaccines from seventy-five cents to twenty-five cents per dose. I am introducing this bill along with my colleagues on the Finance Committee, Senators BREAUX, MACK and ROCKEFELLER as well as Senators DASCHLE, MURKOWSKI, COCHRAN, INOUYE, LUGAR, BUMPERS, FRIST, and SANTORUM.

Vaccines are a modern miracle—preventing disease and illness often for a lifetime with just a few doses. Vaccines have virtually eliminated the scourge of smallpox in the world. Polio as a wild virus has been eliminated in the western hemisphere. Measles, mumps, rubella, pertussis, diphtheria, tetanus and hepatitis vaccines have saved thousands of lives. Technology in vaccines is on the brink of preventing other diseases ranging from Lyme disease to widespread rotavirus in the third world.

Unfortunately, there is a small minority of children whose systems cannot handle vaccines and become injured. Recognizing this problem and acknowledging that childhood vaccination is required, Congress in 1986 set up a Vaccine Injury Compensation Trust Fund into which federal excise taxes are paid. This modified no-fault system allows parents of vaccine-injured children to receive compensation for their children if the vaccine is covered by the fund. Childhood vaccines recommended by the federal government for routine use in children are covered (1) once approved by the Advisory Committee on Immunization Practices, (2) added to the Vaccine Injury Compensation Program (VICP), and (3) included on the list of vaccines on which the tax is imposed by Congress.

When the trust fund was established there was no experience with what claims would commit to and what the size of the tax should be. Estimates were made and different tax levels were established for each vaccine.

By 1993, it was apparent that the tax levels were far too high and a surplus was building up in the fund. Today that surplus totals 1.2 billion dollars. The Ways and Means and Finance Committees directed the Administration to study the system and develop a proposal that solves the overfunding problem.

A consensus proposal was drafted and signed on to by all sectors of the public health community—physicians, manufacturers, parent's groups and health departments. That plan called for a new flat tax of 51 cents per antigen (or disease). But even this new rate was far more than was necessary to fund the

system. For example, the guardian of the fund, the Advisory Commission on Childhood Vaccines, recommended 25 cents per antigen even when the surplus was half its level today.

Last year, as part of the balanced budget bill, Congress established a single rate tax structure but did so at a level of seventy-five cents per dose. The seventy-five cents per dose amount was chosen to satisfy the revenue neutrality goals of the overall bill. Congress did not solve the overfunding problem and the result was that while some vaccine taxes were reduced dramatically, others were increased. Three new vaccines were added to the program at the seventy-five cents per dose rate.

At the beginning of this year, the Vaccine Injury Compensation Trust Fund had a balance of 1.2 billion dollars. If you assumed that future outlays from the fund would be twice as large as the fund's average over the past eight years, it would take more than 20 years to exhaust the assets in the trust fund, even if no excise tax revenues were collected from this date forward. Stated another way, the interest earned on the trust fund assets is more than enough to pay annual claims and administrative cost. As with many other trust funds within the federal budget, these taxes are being used for other federal spending.

This proposal will also provide significant benefits to the states. When states purchase vaccines they pay the excise tax. Our bill would save the States $52 million annually. For my home state of Rhode Island, that would amount to 353,000 dollars annually. By lowering these taxes we can lower health care costs to vaccine recipients and providers while saving states and the federal government the money they now pay in excise taxes when they buy vaccines.

This proposal is supported by physicians, state health departments, manufacturers and parental groups. Most significantly, the Advisory Commission on Childhood Vaccines (ACCV) which Congress created to make recommendations on changes to the Vaccine Injury Compensation Program, strongly supports this proposal.

I encourage my colleagues to join me as cosponsors of this important health initiative.•

• Mr. BREAUX. Mr. President, today I introduce with my colleague from Rhode Island, Senator CHAFEE, a very important bill for America's children. Our bill, the Vaccinate America's Children Now Act, will cut the excise tax on all vaccines to twenty-five cents per dose. Lowering the price of vaccines against such deadly and crippling diseases as polio and meningitis will not only result in lower health care costs, but also greater immunization rates. As a result, fewer American children will ever have to know the pain and devastation of childhood disease.

Federal excise taxes on vaccines were first enacted in the late 1980s to fund a vaccine injury compensation fund to pay for those rare injuries associated with vaccination. Since enactment, this compensation fund has accumulated a surplus of $1.2 billion and the surplus continues to grow. However, claims against the fund have been falling as a result of safer vaccines. The interest alone on this fund is now enough to pay the anticipated claims and costs each year. Lowering the excise tax rate on vaccines will not endanger the solvency of the vaccine injury compensation trust fund in any way. In fact, the guardian of the trust fund, the Advisory Commission on Childhood Vaccines has unanimously endorsed our proposal.

Lowering the vaccine tax rates will, however, reduce health care costs and make immunization more affordable. Our bill will save states money because states pay these excise taxes when vaccines are purchased for state immunization programs. For example, our bill will save my own State of Louisiana approximately $1 million. Nationwide, reducing the excise tax will save the states almost $53 million. These cost savings are one reason why the Association of States and Territorial Health Officers which represents all of the state health departments also supports our bill.

Vaccines are a modern miracle—preventing disease and illness often for a lifetime with just a few doses. Vaccines have virtually eliminated the scourge of smallpox in the world. Polio as a wild virus has been eliminated in the western hemisphere. Measles, mumps, rubella, pertussis, diphtheria, tetanus and hepatitis vaccines have saved thousands of lives. We must do every thing that we can to ensure that children continue to be immunized. Our bill will make these vaccines more affordable and more available to all of America's children.•

By Mr. STEVENS (for himself and Mr. CAMPBELL):

S. 2119. A bill to amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998

Mr. STEVENS. Mr. President, I am pleased to introduce the Olympic and Amateur Sports Act Amendments of 1998, a bill to update the federal charter of the U.S. Olympic Committee and the framework for Olympic and amateur sports in the United States. Senator CAMPBELL joins me as an original cosponsor.

This framework is commonly known as the "Amateur Sports Act," because most of its provisions were added by the Amateur Sports Act of 1978 (P.L. 95-606). The Act gives the U.S. Olympic Committee certain trademark protections to raise money—and does not provide recurring appropriations—so therefore does not come up for routine reauthorization.

The Amateur Sports Act has not been amended since the comprehensive revision of 1978—a revision which provided the foundation for the modern Olympic movement in the United States.

Key components of the 1978 Act included—

(1) measures to expand the authority of the U.S. Olympic Committee to allow it to better serve as the coordinating body for amateur sports;

(2) criteria for the selection of national governing bodies, and mechanisms to allow NGBs to be replaced if they are doing a poor job;

(3) and perhaps most importantly—comprehensive measures to protect the right of athletes to compete.

The 1978 Act was based on recommendations of President Ford's Commission on Olympic Sports, which had worked from 1975 until 1977 to determine how to correct factional disputes between sports organizations which were depriving many athletes of the opportunity to compete.

I served on the Commission, along with Senators Culver and Stone. When the Commission's report was delivered to Congress, Chairman Warren Magnuson asked me to head up the Commerce Committee's review. In addition to numerous working sessions, we spent two full days of Commerce Committee hearings on October 18 and October 19, 1977 discussing the report and the bill implementing it.

Our bill was enacted into law on November 8, 1978. It was a tremendous achievement, which had the consensus support of all entities involved—a rarity even then. It is a resilient statute which, to the credit of all involved, served its purposes for 15 years before showing signs of needing a tune-up.

Based on the review we've just completed, I can say that the Act is still fundamentally sound and that it will serve the United States admirably into the 21st century. However, the significant changes which have occurred in the world of Olympic and amateur sports since 1978 warrant some fine-tuning of the Act.

Some of the developments of the past 20 years include:

(1) that the schedule for the Olympics and Winter Olympics has been alternated so that games are held every two years, instead of every four—significantly increasing the workload of the U.S. Olympic Committee;

(2) that sports have begun to allow professional athletes to compete in some Olympic events;

(3) that even sports still considered "amateur" have athletes with greater

financial opportunities and professional responsibilities than we ever considered in 1978; and

(4) that the Paralympics—the Olympics for disabled amateur athletes—have grown significantly in size and prestige.

These and other changes led me to call for a comprehensive review of the Amateur Sports Act in 1994. The Commerce Committee has held three hearings since then.

At the first and second—on August 11, 1994 and October 18, 1995—witnesses identified where the Amateur Sports Act was showing signs of strain. We postponed our work until after the 1996 Summer Olympics in Atlanta, but on April 21, 1997, held a third hearing at the Olympic Training Center in Colorado Springs to discuss solutions to the problems which had been identified.

By January, 1998, we'd refined the proposals into possible amendments to the Amateur Sports Act, which we discussed at length at an informal working session on January 26, 1998 in the Commerce Committee hearing room.

The bill that Senator CAMPBELL and I introduce today reflects the comments received in January, and excludes proposals for which consensus appeared unachievable.

Some measures in the bill may need further refinement, and if necessary, I will ask for unanimous consent to issue a star print on June 4, 1998. As with the 1978 Act, I believe we will have broad consensus on the bill, and I expect to present the bill to the Commerce Committee for its consideration during June.

I will include a longer summary of the bill for the RECORD, but will briefly explain its primary components:

(1) the bill would change the title of the underlying law to the "Olympic and Amateur Sports Act" to reflect that more than strictly amateurs are involved now, but without lessening the amateur and grass roots focus reflected in the title of the 1978 Act;

(2) the bill would add a number of measures to strengthen the provisions which protect athletes' rights to compete;

(3) it would add measures to improve the ability of the USOC to resolve disputes—particularly close the Olympics, Paralympics, or Pan-American Games—and reduce the legal costs and administrative burdens of the USOC;

(4) it would add measures to fully incorporate the Paralympics into the Amateur Sports Act, and update the existing provisions affecting disabled athletes;

(5) it would improve the notification requirements when an NGB has been put on probation or is being challenged;

(6) it would increase the reporting requirements of the USOC and NGB with respect to sports opportunities for women, minorities, and disabled individuals; and

(7) it would require the USOC to report back to Congress in five years with any additional changes that may be needed to the act.

Mr. President, I am the only Senator from President Ford's Commission still serving—and of the Commerce Committee members involved with the 1978 Act, only myself and Senators HOLLINGS, INOUYE, and FORD remain on the Committee.

It has therefore been very helpful to have Senator CAMPBELL—an Olympian himself in 1964—involved in this process. Senator CAMPBELL and I are hopeful the rest of the Senate and Congress will appreciate the need for the relatively minor improvements we propose today, and will help us enact these changes before the end of this Congress.

I ask unanimous consent that both my summary and the bill be printed in the RECORD.

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

S. 2119

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 referred to as the "Olympic and Amateur Sports Act Amendments of 1998".

SEC. 2. OLYMPIC AND AMATEUR SPORTS ACT; AMENDMENT OF ACT.

(a) The Act entitled "An Act to incorporate the United States Olympic Association", approved September 21, 1950 (36 U.S.C. 371 et seq.), as amended, shall be cited hereafter as the "Olympic and Amateur Sports Act".

(b) Except as otherwise expressly provided, whenever in this Act 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 Olympic and Amateur Sports Act (36 U.S.C. 371 et seq.), as renamed by subsection (a).

SEC. 3. OBJECTS AND PURPOSES.

(a) Section 104(3) (36 U.S.C. 374(3)) is amended by inserting ", the Paralympic Games," after "Olympic Games" in both places it appears.

(b) Section 104(4) (36 U.S.C. 374(4)) is amended by inserting ", the Paralympic Games," after "Olympic Games".

(c) Section 104(13) (36 U.S.C. 374(13)) is amended to read as follows:

"(13) encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes; and".

SEC. 4. POWERS OF CORPORATION.

(a) Section 105(a)(2) (36 U.S.C. 375(a)(2)) is amended by inserting before the semicolon, "and as its national Paralympic committee in relations with the International Paralympic Committee".

(b) Section 105(a)(3) (36 U.S.C. 375(a)(3)) is amended by inserting ", the Paralympic Games," after "Olympic Games".

(c) Section 105(a)(4) (36 U.S.C. 375(a)(4)) is amended by inserting ", the Paralympic Games," after "Olympic Games".

(d) Section 105(a)(5) (36 U.S.C. 375(a)(5)) is amended by striking ", Pan-American world championship competition" and inserting in lieu thereof "Paralympic Games, the Pan-American Games, world championship competition".

(e) Section 105(a)(6) (36 U.S.C. 375(a)(6)) is amended by inserting after "sued" a comma and the following, "except that the Corporation may be sued only in federal court for matters pertaining solely to this Act".

SEC. 5. MEMBERSHIP; REPRESENTATION.

(a) Section 106(b)(2) (36 U.S.C. 376(b)(2)) is amended to read as follows:

"(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the proceeding 10 years, including through provisions which—

"(A) establish and maintain an Athletes' Advisory Council composed of, and elected by, such amateur athletes to ensure communication between the Corporation and such amateur athletes; and

"(B) ensure that the membership and voting power held by such amateur athletes is not less than 20 percent of the membership and voting power held in the board of directors of the Corporation and in the committees and entities of the Corporation;".

(b) Section 106(b)(3) (36 U.S.C. 376(b)(3)) is amended by inserting ", the Paralympic Games," after "Olympic Games".

SEC. 6. USE OF OLYMPIC, PARALYMPIC, AND PAN-AMERICAN SYMBOLS.

(a) Section 110(a) (36 U.S.C. 380(a)) is amended—

(1) in paragraph (1) by inserting before the semicolon, ", the symbol of the International Paralympic Committee, consisting of three TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings";

(2) in paragraph (3) by inserting ", the International Paralympic Committee, the Pan-American Sports Organization," after "International Olympic Committee"; and

(3) in paragraph (4)—

(A) by inserting "'Paralympic', 'Paralympiad', 'Pan-American', 'America Espirito Sport Fraternite'," before "or any combination"; and

(B) by inserting ", Paralympic, or Pan-American Games" after "any Olympic".

(b) Section 110(b) (36 U.S.C. 380(b)) is amended—

(1) by inserting ", International Paralympic Committee, Pan-American Sports Organization," after "International Olympic Committee"; and

(2) by inserting ", Paralympic," before "or Pan-American team".

(c) Section 110(c) (36 U.S.C. 380(c)) is amended—

(1) by striking "symbol" and inserting "symbols"; and

(2) by inserting ", 'Paralympic', 'Paralympiad', 'Pan-American'," before "or any combination".

SEC. 7. AGENT FOR SERVICE OF PROCESS.—

Section 111 (36 U.S.C. 381) is amended by striking "file in the office" and all that follows through the period, and inserting in lieu thereof "have a designated agent in the State of Colorado to receive service of process for the Corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.".

SEC. 8. REPORTS.

Section 113 (36 U.S.C. 382a) is amended to read as follows:

"SEC. 113. The Corporation shall, on or before the first day of June, 2001 and every

fourth year thereafter, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding four years, including a full and complete statement of its receipts and expenditures and a comprehensive description of the activities and accomplishments of the Corporation during such four year period. The report shall contain data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the Corporation and national governing bodies, and a description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities. Copies of the report shall be made available by the Corporation to interested persons at a reasonable cost.".

SEC. 9. RESOLUTION OF DISPUTES.

(a) Section 114 (36 U.S.C. 382b) is amended—

(1) by inserting "(a)" before the first sentence;

(2) by inserting "the Paralympic Games," before "Pan-American Games"; and

(3) by inserting at the end the following, "In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the Corporation within 30 days before the beginning of such games if the Corporation has stated in writing to such court that its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games.".

(b) Section 114 (36 U.S.C. 382b), as amended by subsection (a), is amended further by adding at the end the following new subsection:

"(b) Upon nomination by the Athletes' Advisory Council, the Corporation shall hire and provide administrative expenses for an ombudsman for athletes. The ombudsman for athletes shall provide advice at no cost to amateur athletes with respect to, among other issues, the resolution of any dispute involving the opportunity of an amateur athlete to participate in an amateur athletic competition, including the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition or other protected competition. The Corporation may terminate the employment of an individual serving as ombudsman for athletes, and may reduce the salary or administrative expenses of such individual, only if such termination or reduction is approved by a majority of the voting members of the Athletes' Advisory Council. The ombudsman for athletes shall receive salary and administrative cost increases in increments similar to other employees and offices of the Corporation. The Athletes' Advisory Council shall nominate a replacement to fill any vacancy that occurs in the position of ombudsman for athletes.".

SEC. 10. COMPLETE TEAMS.

Title I (36 U.S.C. 371 et seq.) is amended by inserting after section 114 the following new section:

"SEC. 115. In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, and Pan-American Games, the Corporation, either directly or by delegation to the appropriate national governing body, may select, but is not obligated to select, athletes who have not met the eligibility standard of at least one of the national governing body, the Corporation, the International Olympic Committee, or the appropriate international sports federation, when the number of athletes who have met the eligibility standard of at least one of such entities is insufficient to fill the roster for an event.".

SEC. 11. RECOGNITION OF AMATEUR SPORTS ORGANIZATIONS.

(a) Section 201(a)(36 U.S.C. 391(a)) is amended—

(1) by inserting ", the Paralympic Games," after "Olympic Games";

(2) by inserting before the period at the end of the second sentence ", except as provided in subsection (e)";

(3) by striking "hold a hearing" and inserting in lieu thereof "hold at least two hearings"; and

(4) by inserting at the end, "In addition, the Corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the Corporation in that sport.".

(b) Section 201(b) (36 U.S.C. 391(b)) is amended—

(1) in paragraph (3)—

(A) by striking "commercial rules of the American Arbitration Association" and inserting in lieu thereof "Commercial rules of the American Arbitration Association, as modified by the Corporation with the concurrence of the Athletes' Advisory Council,"; and

(B) by striking "or involving the opportunity of any" and inserting in lieu thereof "or, upon demand of the Corporation or any aggrieved amateur athlete, coach, trainer, manager, administrator or official, to such arbitration in any controversy involving the opportunity of such";

(2) in paragraph (6) by inserting "that comports with basic concepts of fundamental fairness, due process, and a presumption of innocence" after opportunity for a hearing";

(3) in paragraph (8)—

(A) by striking "includes" and inserting in lieu thereof "has established criteria for and maintains";

(B) by inserting "that such criteria and the procedure for selecting such individuals is approved by the Athletes' Advisory Council and the Corporation," after "preceding 10 years,"; and

(C) by striking "membership and" in both places it appears; and

(4) in paragraph (12) by inserting "or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games" after "amateur status".

(c) Section 201 (36 U.S.C. 391), as amended, is amended further by adding at the end the following new subsection:

"(e) For any sport which is included on the program of the Paralympic Games, the Corporation is authorized to designate, where feasible and when such designation would serve the best interest of the sport, a national governing body recognized under subsection (a) to govern such sport. Where such designation is not feasible or would not serve the best interest of the sport, the Corporation is authorized to recognize as a national governing body another amateur sports organization to govern such sport, except that, notwithstanding the other requirements of this Act, such national governing body—

"(1) shall comply only with those requirements, perform those duties, and have those powers that the Corporation determines are appropriate to meet the objects and purposes of the Act; and

"(2) may, with the approval of the Corporation, govern more than one sport included on the program of the Paralympic Games.".

SEC. 12. DUTIES OF NATIONAL GOVERNING BODIES.

(a) Section 202(a)(3) (36 U.S.C. 392(a)(3) is amended—

(1) by inserting (A)" immediately after "(3)";

(2) by inserting "and" after the semicolon; and

(3) by inserting at the end the following new subparagraph:

"(B) disseminate and distribute to amateur athletes, coaches, trainers, managers, administrators and officials in a timely manner the applicable rules and any changes to such rules of the national governing body, the Corporation, the appropriate international sports federation, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization;".

(b) Section 202(a)(7) (36 U.S.C. 392(a)(7)) is amended by striking "handicapped" in each of the three places it appears and inserting in lieu thereof "disabled".

SEC. 13. AUTHORITY OF NATIONAL GOVERNING BODIES.

(a) Section 203(6) (36 U.S.C. 393(6)) is amended by inserting ", the Paralympic Games," after "Olympic Games".

(b) Section 203(7) (36 U.S.C. 393(7)) is amended by inserting ", the Paralympic Games," after "Olympic Games".

SEC. 14. REPLACEMENT OF NATIONAL GOVERNING BODY.

(a) Section 205(a)(3)(C)(i) (36 U.S.C. 395(a)(3)(C)(i)) is amended by inserting "and notify such national governing body of such probation and of the actions needed to comply with such requirements," before "or".

(b) Section 205(b) (36 U.S.C. 395(b)) is amended—

(1) in paragraph (1) by striking "Olympic Games or in both" and inserting in lieu thereof "Olympic Games or the Paralympic Games, or in both";

(2) in paragraph (2)—

(A) by striking "registered" and inserting "certified"; and

(B) by inserting "and with any other organization that has filed an application" after "applicable national governing body"; and

(3) in paragraph (3)—

(A) by inserting "open to the public" after "formal hearing" in the first sentence; and

(B) by inserting after the second sentence, "In addition, the Corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the Corporation in that sport.".

SEC. 15. SPECIAL REPORT TO CONGRESS.

Five years from the date of the enactment of this Act, the United States Olympic Committee shall submit a special report to the Congress on the effectiveness of the provisions of this Act, together with any additional proposed changes to the Olympic and Amateur Sports the United States Olympic Committee determines are appropriate.

SHORT SUMMARY OF OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998

TITLE CHANGE

The bill would amend the title of the federal statute which is the charter of the United States Olympic Committee (USOC) and national framework for amateur sports activities so that it would be called the "Olympic and Amateur Sports Act" (section 2(a) of the bill). The title of the bill, itself, is the "Olympic and Amateur Sports Act Amendments of 1998."

The original federal law incorporating the USOC (Public Law 81-805) was enacted in 1950 and is presently known only as the "Act to incorporate the United States Olympic Association." In 1964, not long after the USOC

name was changed from "United States Olympic Association" to "United States Olympic Committee," technical and conforming changes were made to the 1950 Act through Public Law 88–407. In 1978, the 1950 Act was substantially expanded and rewritten into its present form through amendments made by the landmark statute, the "Amateur Sports Act of 1978." Because the amendments made by the 1978 Act so greatly changed and expanded the 1950 Act, the 1950 Act, as amended, is now commonly referred to as the "Amateur Sports Act," though its title was never changed.

Section 2(a) of the bill would rename this original 1950 law, as amended by the 1964 and 1978 changes, as the "Olympic and Amateur Sports Act." The addition of the word "Olympic" to the popularly used title "Amateur Sports Act" is meant to take into account the participation of professional and quasi-amateur athletes in some of the sports of the Olympic Games and Pan-American Games, but at the same time continue to reflect the unique role the USOC and national governing bodies have in the national framework of truly amateur sports activities. By giving the entire underlying body of law a new title (replacing the simple descriptive title of the original 1950 Act mentioned above), the amendment would leave in place in federal statute the title of the "Amateur Sports Act of 1978" for historic reference.

PROTECTION OF ATHLETES RIGHTS

Athletes' Advisory Council/Athlete Membership on USOC Board—Section 5(a) of the bill would amend the Act to require the creation of an Athletes' Advisory Council (AAC), which is currently created as part of the USOC constitution and bylaws and not recognized in the Act. Section 5(a) would also amend the Act to require that at least 20 percent of the membership and voting power of the USOC Board of Directors and other USOC committees and entities be comprised of athletes. This, too, is presently only required under the USOC constitution and bylaws.

Ombudsman—Section 9(b) of the bill would require the USOC to hire an ombudsman for athletes to provide free advice to athletes about their rights under the Act and under the constitution and bylaws of the USOC and their NGB, and in particular, their rights in any dispute involving an opportunity to compete. The USOC would hire and pay an individual nominated by the AAC to serve as the ombudsman, and could only fire or reduce the pay or administrative expenses of the ombudsman with the consent of the AAC. This restriction is intended to protect the objectivity and autonomy of the ombudsman. The AAC would be expected to consent to the termination of an ombudsman for conduct which would lead to the termination of other USOC employees. The USOC would be required to hire another ombudsman nominated by the AAC in the event of a vacancy.

Arbitration—Section 11(b)(1) of the bill would amend the Act to clarify that NGB's must agree to arbitration using the Commercial rules of the American Arbitration Association in disputes with athletes, but that these rules may be modified by the Corporation, with the consent of the AAC. In addition, section 11(b) would clarify that NGB's must agree to submit to arbitration at the request of an amateur athlete regardless of whether the USOC has demanded such arbitration. It is anticipated that these amendments would precipitate a review of the arbitration rules used for NGB/athlete arbitrations under the Act, and that the USOC, AAC, and NGB Council would reach agreement with respect to: (1) the relief available under arbitration; (2) the point during a dispute at which an athlete may obtain arbitration; and (3) the standard of review to be used by arbitration panels.

Due Process/Fairness—Section 11(b)(2) of the bill would amend the Act to clarify that the hearing required under the Act before an NGB can declare an athlete ineligible to participate must comport with basic concepts of fairness, due process, and the presumption of innocence.

Athlete Membership on NGB Boards—Section 11(b)(3) of the bill would amend the Act to allow NGBs individually to establish the criteria and selection procedures for "active athletes" in satisfying the existing statutory requirement that 20 percent of NGB governing boards be comprised of amateur athletes. However, the bill would require that both the AAC and USOC approve the criteria and selection process used by an NGB. In addition, the bill would change the Act to require that only 20 percent of the voting power, rather than 20 percent of the voting power and membership, be held by amateur athletes. These amendments are intended to provide flexibility so that the different characteristics of NGB boards and athletes in various sports can be taken into account. The amendments would allow the amateur athlete membership of some NGB boards to dip below 20 percent, but it is expected that this would occur only where the characteristics of the sport or of the governing board make it very difficult to meet a 20 percent membership standard. Under no circumstances would the voting power of amateur athletes on the board of an NGB be allowed to be below 20 percent. It is anticipated that further clarification may be needed as to whether the 20 percent threshold will provide adequate athlete voting power on existing NGBs which become the NGB for a sport on the program of the Paralympic Games.

Distribution of Information—Section 12(a) of the bill would make it a specific duty of NGBs to disseminate and distribute in a timely manner to athletes, coaches and others in the sport the rules—and any changes to the rules—of the NGB, the USOC, the appropriate international sports federation, the International Olympic Committee, the International Paralympic Committee (as appropriate), and the Pan-American Sports Organization.

USOC AUTHORITY

Jurisdiction—Section 4(e) of the bill would amend the Act so that the USOC could be sued only in federal court for issues pertaining solely to the Act. This amendment is not intended to affect the existing law with respect to private actions.

Trademark Protection—Section 6 of the bill would provide the USOC with the same trademark protection for the Paralympic Games, Pan-American Games and symbols and words associated with those games as it presently has for the Olympics. It would also give the USOC the exclusive power to authorize the use of these names and symbols in order to raise funds to carry out the Act.

Service of Process—Section 7 of the bill would require the USOC have a designated agent in the State of Colorado to receive service of process, rather than an agent in every state. Requiring an agent in only one location is consistent with the service requirements of many other patriotic societies which are catalogued in title 36 of the United States Code. As with these other entities, notice to or service on the agent—or mailed to the business address of the agent—would be considered notice to or service on the USOC.

Report to Congress—Section 8 of the bill would require the USOC to submit a formal report to Congress only once every four years (instead of annually under the present Act) to conform more closely with the four-year budget cycle of the USOC and to reduce administrative burdens. The report would, however, be required to include data on the participation of women, disabled individuals and racial and ethnic minorities, including a description of the steps that have been taken to encourage increased participation by these groups of people in amateur sports.

Injunction Immunity—Section 9(a) of the bill would prevent a court from granting injunctive relief against the USOC in a dispute involving the participation of an athlete within 30 days of the beginning of the Olympics, the Paralympics, or the Pan-American Games if the USOC has stated in writing to the court that its constitution and bylaws cannot provide for the resolution of the dispute before the beginning of the games. The provision is intended to give the USOC the ability to decide who will represent the United States in the rare NGB/athlete dispute which may arise too close to Olympics, Paralympics, or Pan-American Games to be resolved prior to the beginning of those games. It would not take away any other type of relief that may be available, or injunctive relief for disputes which may be resolved under the constitution and bylaws prior to the beginning of the Olympics, Paralympics, or Pan-American Games.

Complete Teams—Section 10 of the bill would give the USOC the authority to send an incomplete team for a sport if not enough athletes have met the eligibility standards of at least one of: the USOC, the NGB, the IOC, or the national federation for the sport. The USOC could send a complete team in that circumstance, but would not be required to send a complete team. The bill (in section 11(b)(4)) would specify, however, that NGB's cannot have eligibility criteria for participation in the Olympics, Pan-American Games or Paralympics which are more restrictive than the criteria for the international sports federation for their sport.

Flexibility for Paralympic NGBs—The bill (see summary of the Paralympic provisions below and section 11(c) of the bill) would give the USOC full flexibility to minimize the potential burdens, financial or otherwise, of integrating the Paralympics into the USOC framework.

NATIONAL GOVERNING BODIES

NGB Selection Hearings—Section 11(a)(3) would require that at least two public hearings be held (instead of one) prior to the recognition of a new NGB.

Written Notice of NGB Hearings—Sections 11(a)(4) and 13(b)(3) would require the USOC to send written notice to known amateur sports organizations in the sport at least 30 days prior to an NGB selection hearings (including a hearing on an application to replace an existing NGB) and to include a copy of the application in the notice.

Participation Critera—Section 11(b)(4) of the bill would prohibit NGBs from having eligibility criteria that is more restrictive than its international sports federation for participation in events at the Olympic Games, Paralympic Games, and Pan-American Games. The amendment in part would help provide balance with an amendment (see above) allowing the USOC not to send a complete team under certain circumstances.

NGB Notification—Section 14(a) of the bill would specifically require the USOC to notify an NGB of the actions the NGB must

take to correct violations of the Act if the USOC has placed an NGB on probation after a complaint has been filed.

PARALYMPICS

Recognition of Paralympic Games—The bill would make amendments in a number of places in the Act to provide for the recognition of the Paralympic Games. Under the amendments, the USOC would have same duties as with the Olympic Games to, among other things, "either directly or [by delegation to NGB]": select athletes for U.S. teams, represent the United States in relations with the International Paralympic Committee, organize and finance U.S. teams, as well as to provide equitable and fair dispute resolution procedures for disabled athletes. In addition, the USOC would be required: to allow Paralympic sports organizations to join USOC; and to use and protect the trademarks of Paralympics.

Disabled Amateur Athletes—Section 3(c) of the bill would eliminate references in the bill to "handicapped individual" and insert instead the term "amateur athlete with disabilities." The use of the new words would update terminology and, more importantly, make clear that disabled athletes are "amateur athletes" under the Act's existing definition, provided that they meet the eligibility standards of their NGB, as required by the existing definition of "amateur athlete".

Paralympic NGBs—Section 11(c) of the bill would make it the first priority of the USOC to merge sports on the program of the Paralympic Games with existing able-bodied NGBs. Where it is not feasible or in the best interest of a Paralympic sport to put it under an able-bodied NGB, the USOC would be allowed to recognize another amateur sports organization as a new NGB for the Paralympic sport, except that the USOC would be allowed to waive the requirements, duties, and powers of the NGB as necessary to meet the objects and purposes of the Act. In addition, a Paralympic NGB could govern more than one sport on the program of the Paralympic Games with the approval of the USOC. By giving the USOC the authority to waive normal NGB requirements, the bill is intended to allow a smooth transition as Paralympic sports become integrated under the USOC umbrella, and to allow the USOC to prevent any severe financial impacts on existing NGBs. The provisions in the bill are largely consistent with the general direction the USOC has taken already with respect to Paralympics.

World Games for the Deaf—It has been suggested that both the bill and the Committee report which eventually accompanies the bill include language in support of the World Games for Deaf and of deaf athletes. It is anticipated that this issue will be addressed by consensus before the bill becomes enacted.

RESTRICTED COMPETITION

The bill does not amend section 206 of the Act, which addresses the jurisdiction of amateur sports organizations over competitions restricted to certain classes of athletes (such as high school students, college students, etc.). A number of concerns were raised and discussed during the Commerce Committee hearings about section 206, and it has been suggested that the Committee report which eventually accompanies the bill should discuss these concerns.

SPECIAL REPORT TO CONGRESS

Section 15 of the bill would require the USOC to report to Congress after five years on the effectiveness of the new provisions added to the Act by the bill, as well as any additional suggested changes to the Act that the USOC believes are needed. The report would provide an occasion for Congress to review the implementation of the amendments and any modifications proposed by the USOC.

By Mr. ROCKEFELLER (for himself and Mr. FRIST):

S. 2120. A bill to improve the ability of Federal agencies to license federally—owned inventions; to the Committee on Commerce, Science, and Transportation.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1998

• Mr. ROCKFELLER. Mr. President, today with my colleague Senator FRIST, I introduce the Technology Transfer Act of 1998. This bill would make technical changes and clarifications to the legislation which governs the transfer of intellectual property from the federal government to the private sector.

The original Technology Transfer Improvements Act (TTIA), which I was author of in 1995, allowed for easier and quicker access to intellectual property which the government owns and private industry wants. It created a win-win situation. The government gets royalties from these licenses, private industry gets the intellectual property that it needs, and Americans get jobs from the production of inventions based on this intellectual property.

This bill builds on the strong positive response from TTIA. It reduces the requirements for obtaining a non-exclusive license in order to allow as many companies and individuals as possible access to the information. It also addresses private industry's concerns about maintaining confidential information within applications.

However, this does not come at the expense of the government being able to keep control of its property. This bill also clarifies the ability of the licensing agencies to terminate a license if certain criteria are not met. Furthermore, it allows the government to consolidate intellectual property which is developed in cooperation with a private entity so that the package can be relicensed to a third party.

Technology transfer is a vital part of our national economy. It is what allows our industries to remain at the leading edge in their field. This bill clarifies and adjusts current legislation to allow for an even better working relationship between the federal government and private industry. I encourage my colleagues to support this bill and I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 2120

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 "Technology Transfer Commercialization Act of 1998".

SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting "or, subject to section 209 of title 35, United States Code, may grant a license to an invention which is Federally owned, made before the signing of the agreement, and directly related to the scope of the work under the agreement," after "under the agreement,".

SEC. 3. LICENSING FEDERALLY—OWNED INVENTIONS.

(a) AMENDMENT.—Section 209 of title 35, United States Code, is amended to read as follows:

"§ 209. Licensing federally—owned inventions

"(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally-owned invention only if—

"(1) granting the license is a reasonable and necessary incentive to—

"(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

"(B) otherwise promote the invention's utilization by the public;

"(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical utilization, as proposed by the applicant, or otherwise to promote the invention's utilization by the public;

"(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time;

"(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

"(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

"(b) MANUFACTURE IN UNITED STATES.—A Federal agency shall normally grant any license to use or sell any federally-owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c) SMALL BUSINESS.—First preference for the granting of any exclusively or partially exclusive licenses under this section shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

"(d) TERMS AND CONDITIONS.—Any licenses granted under section 207 shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions—

"(1) shall include provisions—

"(A) retaining a nontransferable, irrevocable, paid-up license for the Federal agency to practice the invention or have the invention practiced throughout the world by or on behalf of the Government of the United States;

"(B) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to

determine whether the terms of the license are being complied with; and

"(C) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

"(i) the licensee is not executing its commitment to achieve practical utilization of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken, or can be expected to take within a reasonable time, effective steps to achieve practical utilization of the invention;

"(ii) the licensee is in breach of an agreement described in subsection (b);

"(iii) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

"(iv) the licensee has been found by a competent authority to have violated the Federal antitrust laws in connection with its performance under the license agreement.

"(e) PUBLIC NOTICE.—No exclusive or partially exclusive license may be granted under the section unless public notice of the intent to grant such license has been provided at least 30 days before the license is granted, and the Federal agency has considered all comments received in response to that public notice.

"(f) DEVELOPMENT PLAN.—A Federal agency may grant a license on a federally-owned invention only if the person requesting the license has supplied to the agency a basic business plan with development or commercialization milestones. Each Federal Agency, in consultation with the Small Business Administration, shall develop consistent standards for exempting small business firms from the requirements of this subsection or nonexclusive licenses.

"(g) NONDISCLOSURE OF CERTAIN INFORMATION.—An application shall include, as an independent subdocument a detailed description of the applicant's plan for development or marketing (or both) of the invention. The subdocument, which is exempt from disclosure under section 552 of title 5, United States Code, shall include only a statement—

"(1) of the time, nature, and amount of anticipated investment of capital and other resources which the applicant believes will be required to bring the invention to practical application;

"(2) as to the applicant's capability and intention to fulfill the plan, including information regarding manufacturing, marketing, financial, and technical resources;

"(3) of the fields of use for which the applicant intends to practice the invention; and

"(4) of the geographic areas—

"(A) in which the applicant intends to manufacture any product embodying the invention;

"(B) where the applicant intends to use or sell the invention; or

"(C) both.".

(b) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

"209. Licensing federally-owned inventions."

SEC. 4. REVIEW OF COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT PROCEDURES.

(a) REVIEW.—The Director of the Office of Science and Technology Policy, in consultation with the Office of Management and Budget, relevant Federal agencies, national laboratories, and any other person the director considers appropriate, shall review the procedures used by Federal agencies to gather and consider the views of other agencies before final approval or disapproval of—

(1) a joint work statement under section 12(c)(5)(C) or (D) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)(C) or (D));or

(2) in the case of a laboratory described in section 12(d)(2)(A) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)(A)), a cooperative research and development agreement under such section 12, that involves national security, or relates to a project which may have a significant impact on domestic or international competitiveness.

(b) PROCEDURES.—Within 1 year after the date of enactment of this Act, the director of the Office of Science and Technology Policy shall establish and distribute to appropriate Federal agencies—

(1) specific criteria to indicate the necessity for interagency review of an approval or disapproval described in subsection (a); and

(2) procedures for carrying out such interagency review.

Procedures established under this subsection shall be designed to the extent possible to use or modify existing procedures, to minimize burdens on Federal agencies, and to minimize delay in the approval or disapproval of the joint work statement or cooperative research and development agreement under interagency review.

SEC. 5. TECHNICAL AMENDMENTS TO BAYH-DOLE ACT.

Chapter 18 of title 35, United States Code (popularly known as the "Bayh-Dole Act"), is amended—

(1) by amending section 202(e) to read as follows:

"(e) In any case when a Federal employee is a co-inventor of any invention made under a funding agreement with a nonprofit organization or small business firm, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention——

"(1) license or assign whatever rights it may acquire in the subject invention to the nonprofit organization or small business firm; or

"(2) acquire any rights in the subject invention from the nonprofit organization or small business firm, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction.";

and

(2) in section 207(a)—

(A) by striking "patent applications, patents, or other forms of protection obtained" and inserting "inventions" in paragraph (2); and

(B) by inserting ", including acquiring rights for the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally-owned invention" after "or through contract" in paragraph (3).

SEC. 6. TECHNICAL AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 14(a)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)) is amended——

(1) in subparagraph (A)(i), by inserting ", if the inventor's or coinventor's rights are assigned to the United States" after "inventor or coinventors"; and

(2) in subparagraph (B), by striking "succeeding fiscal year" and inserting "2 succeeding fiscal years".

By Mr. BREAUX:

S. 2121. A bill to encourage the development of more cost effective commercial space launch industry in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SPACE LAUNCH COST REDUCTION ACT OF 1998

Mr. BREAUX. Mr. President, I take this opportunity to rise to introduce a piece of legislation, which I will send to the desk. It is called the Space Launch Cost Reduction Act of 1998.

The commercial space launch industry is an essential part of the U.S. economy and opportunities for U.S. companies are growing as international markets expand. United States trading partners have been able to aggressively lower their commercial space launch prices either through direct cash payments for commercially targeted product development or with indirect benefits derived from nonmarket economy status. Because United States incentives for launch vehicle development have historically focused on civil and military rather than commercial use, and as a result U.S. launch costs have remained relatively high, the U.S. share of the world commercial market has decreased from nearly 100% twenty years ago to approximately 40% in 1998. This is very serious erosion.

The key to regaining United States leadership in the world market is not another massive government program, but rather provision of just enough government support to enable the more cost effective private sector to build lower-cost space launch vehicles. Private sector companies across the United States are already attempting to develop a variety of lower-cost space launch vehicles, but lack of sufficient private financing has proven a major obstacle, an obstacle our trading partners have chosen to remove by providing direct access to government funding. Given the unique strength of private industry in the United States, a more effective alternative to the approach of our trading partners is for the U.S. government to provide limited financial incentives in the form of loan guarantees, which would help qualifying private-sector companies secure otherwise unattainable private financing, while at the same time keeping government involvement at an absolute minimum.

The purpose of the Space Launch Cost Reduction Act of 1998 is, therefore, to ensure availability of otherwise unattainable private sector financing for private sector development of commercial space launch vehicles with launch costs significantly below current levels. As a result, it will be possible to: increase the international competitiveness of the United States space industry, encourage the growth of space-related commerce in the United States and internationally, increase the number of high-value jobs in

United States space-related industries, and reduce United States Government space launch expenditures.

Commercialization of space is an issue of importance not only to our nation as a whole but also to the state of Louisiana. Louisiana is already an active participant in the American space effort. For example, the Michoud Facility in New Orleans has been selected as the fabrication center for the experimental X-33 space vehicle's liquid oxygen tanks. The fuel tanks for the Space Shuttle are also built at Michoud, and Shuttle engines are tested at the Stennis Space Center in neighboring Mississippi. Furthermore, NASA has entered a partnership with the University of Southwestern Louisiana in Lafayette to establish a Regional Application Center for commercial remote sensing technology. Looking toward the future, Louisiana is clearly well positioned to participate actively in the commercialization of space and to benefit from the Space Launch Cost Reduction Act of 1998.

By Mr. ROTH (for himself, and Mr. MOYNIHAN):

S. 2122. A bill to amend the Internal Revenue Code of 1986 to provide that certain liquidating distributions of a regulated investment company or real estate investment trust which are allowable as a deduction shall be included in the gross income of a distributee; to the Committee on Finance.

TAX LEGISLATION

Mr. ROTH. Mr. President, in coordination with the Treasury Department, Senator MOYNIHAN and I are introducing a bill today to eliminate an unwarranted tax benefit which involves the liquidation of a Regulated Investment Company ("RIC") or Real Estate Investment Trust ("REIT"), where at least 80 percent of the liquidating RIC or REIT is owned by a single corporation. Identical legislation is being introduced in the House of Representatives by Congressman ARCHER.

The RIC and REIT rules allow individual shareholders to invest in stock and securities (in the case of RICs) and real estate assets (in the case of REITs) with a single level of tax. The single level of tax is achieved by allowing RICs and REITs to deduct the dividends they pay to their shareholders.

Some corporations, however, have attempted to use the "dividends paid deduction" in combination with a separate rule that allows a corporate parent to receive property from an 80 percent subsidiary without tax when the subsidiary is liquidating. Taxpayers argue that the combination of these two rules permits income deducted by the RIC or REIT and paid to the parent corporation to be entirely tax-free during the period of liquidation of the RIC or REIT (which can extend over a period of years). The legislation is intended to eliminate this abusive application of these rules by requiring that amounts which are deductible dividends to the RIC or REIT are consistently treated as dividends by the corporate parent.

RICs and REITs are important investment vehicles, particularly for small investors. The RIC and REIT rules are designed to encourage investors to pool their resources and achieve the type of investment opportunities, subject to a single level of tax, that would otherwise be available only to a larger investor. This legislation will not affect the intended beneficiaries of the RIC and REIT rules.

Mr. President, I ask unanimous consent that the text of the bill and a technical explanation be printed in the RECORD.

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

S. 2122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—Section 332 of the Internal Revenue Code of 1986 (relating to complete liquidations of subsidiaries) is amended by adding at the end the following new subsection:

"(c) DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If a corporation receives a distribution from a regulated investment company or a real estate investment trust which is considered under subsection (b) as being in complete liquidation of such company or trust, then, notwithstanding any other provision of this chapter, such corporation shall recognize and treat as a dividend from such company or trust an amount equal to the deduction for dividends paid allowable to such company or trust by reason of such distribution.".

(b) CONFORMING AMENDMENTS.—

(1) The material preceding paragraph (1) of section 332(b) of such Code is amended by striking "subsection (a)" and inserting "this section".

(2) Paragraph (1) of section 334(b) of such Code is amended by striking "section 332(a)" and inserting "section 332".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after May 21, 1998.

TECHNICAL EXPLANATION

The bill provides that any amount which a liquidating RIC or REIT may take as a deduction for dividends paid with respect to an otherwise tax-free distribution to an 80-percent corporate owner is includible in the income of the recipient corporation. The includible amount is treated as a dividend received from the RIC or REIT. The liquidating corporation may designate the amount treated as a dividend as a capital gain dividend or, in the case of a RIC, an exempt interest dividend or a dividend eligible for the 70-percent dividends received deduction, to the extent provided by the RIC or REIT provisions of the Code.

The bill does not otherwise change the tax treatment of the distribution under sections 332 or 337. Thus, for example, the liquidating corporation will not recognize gain (if any) on the liquidating distribution and the recipient corporation will hold the assets at a carryover basis.

The bill is effective for distributions on or after May 22, 1998, regardless of when the plan of liquidation was adopted.

No inference is intended regarding the treatment of such transactions under present law.

By Mr. D'AMATO:

S. 2125. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of section 42 housing cooperatives and the shareholders of such cooperatives, and for other purposes; to the Committee on Finance.

LOW-INCOME HOUSING TAX CREDIT LEGISLATION

• Mr. D'AMATO. Mr. President, today I introduce legislation that will create a new homeownership opportunity with a proven method of building affordable housing. Current low-income housing production in the United States is driven largely by the low-income housing tax credit. The credit supports the development of 94 percent of all federally assisted multi-family affordable housing construction. Under current law, however, only rental housing can be developed with the credit. Everyone would agree that building homeownership is better than simply building homes for people. Homeowners are invested in their communities, take pride in their property, and will do what it takes to preserve the security and appearance of their homes.

The legislation that I propose today will enable housing cooperatives and mutual housing associations to be developed with the credit. With these types of multi-family homeownership, tax credit investors can become nonresident shareholders of the developed property while allowing the residents to own their share of the property as well. From the very start, the residents will have a real ownership stake and control over their homes.

A study undertaken by Abt Associates, Inc., commissioned by the National Cooperative Bank found that this legislation could result in the annual production of 1,600 units of low-income housing within five years of enactment. That means as many as 15,000 renters could be homeowners within five years.

Mr. President, I urge my colleagues to join me in cosponsoring legislation to help bring the American dream of homeownership to many more Americans.

Mr. President, I ask unanimous consent that the complete text of the bill be placed in the RECORD.

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

S. 2125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX TREATMENT OF SECTION 42 HOUSING COOPERATIVES AND SHAREHOLDERS OF SUCH COOPERATIVES.

(a) IN GENERAL.—Part III of subchapter T of chapter 1 of the Internal Revenue Code of 1986 (relating to cooperatives and their patrons) is amended by adding at the end the following new section:

"SEC. 1389. SPECIAL RULES FOR SECTION 42 HOUSING COOPERATIVES AND THEIR SHAREHOLDERS.

"(a) ALLOWANCE OF DEDUCTIONS AND CREDITS.—

"(1) NON-PATRON SHAREHOLDERS.—In the case of a section 42 housing cooperative (as defined in subsection (b)(1)), the non-patron shareholders of such cooperative shall be allowed to take into account for purposes of calculating the taxable income of such shareholders the following tax items:

"(A) 100 percent of all low-income housing tax credits to which the section 42 housing cooperative is entitled under section 42.

"(B) 100 percent of all interest allowable as a deduction to the cooperative under section 163 and which is incurred and accrued but unpaid by the cooperative on its indebtedness contracted—

"(i) in the acquisition, construction, alteration, rehabilitation, or maintenance of the houses or apartment buildings, or

"(ii) in the acquisition of the land on which the houses (or apartment buildings) are situated.

"(2) PATRON SHAREHOLDERS.—In the case of a section 42 housing cooperative, the patron shareholders of such cooperative shall be allowed a deduction equal to 100 percent of the amounts paid by the cooperative within the taxable year for the following items, except that in no event may a patron shareholder deduct an amount in excess of such patron shareholder's proportionate share of such specified items:

"(A) Real estate taxes allowable as a deduction to the cooperative under section 164 which are paid or incurred by the cooperative on the houses or apartment buildings and on the land on which such houses (or apartment buildings) are situated.

"(B) The interest allowable as a deduction to the cooperative under section 163 for the taxable year and which is paid by the cooperative during such taxable year on its indebtedness contracted—

"(i) in the acquisition, construction, alteration, rehabilitation, or maintenance of the houses or apartment buildings, or

"(ii) in the acquisition of the land on which the houses (or apartment buildings) are situated.

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) SECTION 42 HOUSING COOPERATIVE.—The term 'section 42 housing cooperative' means a corporation—

"(A) having no more than 2 classes of stock outstanding, consisting of—

"(i) shares of stock issued to persons who make an equity contribution to the cooperative but who are not residents in the houses or apartment buildings owned by the cooperative; and

"(ii) shares of stock issued to persons who make an equity contribution to the cooperative and who are residents in the houses or apartment buildings owned by the cooperative;

"(B) in which each of the holders of patron stock is entitled, solely by reason of the patron's ownership of such stock in the cooperative, to occupy for dwelling purposes a house, or an apartment in a building, owned by such cooperative;

"(C) no shareholder of which is entitled (either conditionally or unconditionally) to receive any distribution not out of earnings and profits of the cooperative except on a complete or partial liquidation of the cooperative;

"(D) 80 percent or more of the gross income of which for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred is derived from patron shareholders; and

"(E) which is entitled to claim a low-income housing tax credit under section 42.

"(2) SHAREHOLDER'S PROPORTIONATE SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'proportionate share' means that proportion which the stock of the cooperative housing corporation owned by a particular patron shareholder is of the total outstanding patron stock of the corporation (including any stock held by the corporation).

"(B) SPECIAL RULE WHERE ALLOCATION OF TAXES OR INTEREST REFLECT COST TO CORPORATION OF PATRON SHAREHOLDER'S UNIT.—

"(i) IN GENERAL.—If, for any taxable year—

"(I) each dwelling unit owned or leased by a section 42 housing cooperative is separately allocated a share of such cooperative's real estate taxes described in subsection (a)(2)(A) or a share of such cooperative's interest described in subsection (a)(2)(B), and

"(II) such allocation reasonably reflects the cost to such cooperative of such taxes, or of such interest, attributable to the shareholder's dwelling unit (and such unit's share of the common areas),

then the term 'proportionate share' means the shares determined in accordance with the allocations described in subclause (II).

"(ii) ELECTION BY COOPERATIVE REQUIRED.—Clause (i) shall apply with respect to any section 42 housing cooperative only if such cooperative elects its application. Such an election, once made, may be revoked only with the consent of the Secretary.

"(3) PRIOR APPROVAL OF OCCUPANCY.—

"(A) IN GENERAL.—For purposes of this section, in the following cases there shall not be taken into account the fact that (by agreement with the section 42 housing cooperative) the person or the person's nominee may not occupy the house or apartment without the prior approval of such cooperative:

"(i) In any case in which a person acquires stock of a section 42 housing cooperative by operation of law.

"(ii) In any case in which a person other than an individual acquires stock of a section 42 housing cooperative.

"(iii) In any case in which the original seller acquires any stock of the section 42 housing cooperative from the cooperative not later than 1 year after the date on which the apartments or houses (or leasehold interests therein) are transferred by the original seller to the cooperative.

"(B) ORIGINAL SELLER DEFINED.—For purposes of subparagraph (A)(iii), the term 'original seller' means the person from whom the cooperative has acquired the apartments or houses (or leasehold interest therein).

"(4) APPLICATION OF SECTION TO MUTUAL HOUSING ASSOCIATIONS.—

"(A) IN GENERAL.—In the case of a section 42 housing cooperative which is a mutual housing association, this section shall be applied—

"(i) by substituting 'membership certificates' for 'stock' or 'shares of stock', and

"(ii) by substituting 'membership certificate-holders' for 'shareholders'.

"(B) MUTUAL HOUSING ASSOCIATION.—For purposes of subparagraph (A), the term 'mutual housing association' means a resident-controlled, State-chartered organization described in section 501(c)(3) and exempt from tax under section 501(a).

"(c) TREATMENT AS PROPERTY SUBJECT TO DEPRECIATION.—

"(1) IN GENERAL.—

"(A) BY NON-PATRON SHAREHOLDERS.—Non-patron shares of stock (within the meaning of subsection (b)(1)(A)(i)) shall be treated as property subject to the allowance for depreciation under section 167(a). Such shares of stock shall be treated as residential real property for purposes of determining the appropriate depreciation method under section 168(b), the applicable recovery period under section 168(c), and the applicable convention under section 168(d).

"(B) BY PATRON SHAREHOLDERS.—So much of the shares of stock of a patron shareholder (within the meaning of subsection (b)(1)(A)(ii)) as is allocable, under regulations prescribed by section 216(c), to a proprietary lease or right of tenancy subject to the allowance for depreciation under section 167(a) shall, to the extent such proprietary lease or right of tenancy is used by such patron shareholder in a trade or business or for the production of income, be treated as property subject to the allowance for depreciation under section 167(a).

"(2) DEDUCTION LIMITED TO ADJUSTED BASIS IN STOCK.—

"(A) IN GENERAL.—The amount of any deduction for depreciation allowable under section 167(a) to a non-patron or patron shareholder with respect to any stock for any taxable year by reason of subparagraph (A) or (B) of paragraph (1), respectively, shall not exceed the adjusted basis of such stock as of the close of the taxable year of the shareholder in which such deduction was incurred.

"(B) CARRYFORWARD OF DISALLOWED AMOUNT.—The amount of any deduction which is not allowed by reason of subparagraph (A) shall, subject to the provisions of subparagraph (A), be treated as a deduction allowable under section 167(a) in the succeeding taxable year.

"(3) NO LIMITATION ON DEDUCTION BY SECTION 42 HOUSING COOPERATIVE.—Nothing in this section shall be construed to limit or deny a deduction for depreciation under section 167(a) by a section 42 housing cooperative with respect to property owned by such cooperative and occupied by the patron shareholders thereof.

"(d) DISALLOWANCE OF DEDUCTION FOR CERTAIN PAYMENTS TO THE COOPERATIVE.—No deduction shall be allowed to the holder of non-patron or patron stock in a section 42 housing cooperative for any amount paid or accrued to such cooperative during any taxable year to the extent that such amount is properly allocable to amounts paid or incurred at any time by the cooperative which are chargeable to the cooperative's capital account. The shareholder's adjusted basis in the stock in the cooperative shall be increased by the amount of such disallowance.

"(e) RESTRICTION ON THE RESALE OF PATRON STOCK.—Upon the transfer of patron stock, the consideration received by the holder of such stock shall not exceed the shareholder's adjusted equity in such stock. For purposes of this subsection, the term 'adjusted equity' means the sum of—

"(1) the consideration paid for such stock by the first shareholder, as adjusted by a cost-of-living adjustment and any other acceptable adjustments determined by the Secretary, and

"(2) payments made by such shareholder for improvements to the house or apartment occupied by the shareholder.

"(f) DISTRIBUTIONS BY SECTION 42 HOUSING COOPERATIVE.—Except as provided in regulations under section 216(e), no gain or loss shall be recognized on the distribution by a section 42 housing cooperative of a dwelling unit to a holder of patron stock in such cooperative if such distribution is in exchange for the shareholder's stock in the cooperative and such exchange qualifies for nonrecognition of gain under section 1034(f).".

(b) CONFORMING AMENDMENTS.—

(1) Section 42 of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by adding at the end the following new subsection:

"(o) SECTION 42 HOUSING COOPERATIVES.—In the case of a section 42 housing cooperative (as defined in section 1389(b)(1)), the holders of the non-patron stock (within the meaning of section 1389(b)(1)(A)(i)) shall be entitled to any and all tax credits that would otherwise be available to such cooperative under this section. Any recapture of credit calculated against the section 42 housing cooperative under subsection (j) shall be an increase in the tax under this chapter for the holders of the non-patron stock in proportion to the relative holdings of such stock during the period giving rise to such recapture.".

(2) Section 42(g)(2)(B) of such Code is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) does not include any amounts paid by a tenant in connection with the acquisition or holding of any patron stock (within the meaning of section 1389(b)(1)(A)(ii)).".

(3) Section 42(i) of such Code is amended by adding at the end the following new paragraph:

"(8) IMPACT OF SECTION 42 HOUSING COOPERATIVE'S RIGHT OF FIRST REFUSAL TO ACQUIRE STOCK OF A SECTION 42 HOUSING COOPERATIVE.—

"(A) IN GENERAL.—No Federal income tax benefit shall fail to be allowable to a non-patron or patron shareholder (within the meaning of section 1389(b)(1)) of a section 42 housing cooperative (as defined in section 1389(b)(1)) with respect to any qualified low-income building merely by reason of a right of first refusal or option or both held by the section 42 housing cooperative to purchase non-patron stock of the cooperative after the close of the compliance period for a price which is not less than the minimum purchase price determined under subparagraph (B).

"(B) MINIMUM PURCHASE PRICE.—For purposes of subparagraph (A), the minimum purchase price for the stock of a section 42 housing cooperative is an amount equal to the present value of the remaining depreciation deductions which would be allowable under section 1389(c)(1) to the holder of such stock. For purposes of determining present value, the discount rate provided in subsection (b)(2)(C)(ii) shall be applicable as determined at the time of the exercise of such option or right of first refusal.".

(4) Section 1381(a) of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) any section 42 housing cooperative (as defined in section 1389(b)(1)).".

(5) The table of sections for part III of subchapter T of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 1389. Special rules for section 42 housing cooperatives and their shareholders.".●

ADDITIONAL COSPONSORS

S. 249

At the request of Mr. D'AMATO, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 249, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from New Mexico (Mr. BINGAMAN) 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. 831

At the request of Mr. SHELBY, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from North Carolina (Mr. FAIRCLOTH) were added as cosponsors of S. 831, a bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal revenue, and for other purposes.

S. 852

At the request of Mr. LOTT, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 912

At the request of Mr. BOND, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 912, a bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no under-writing is permitted.

S. 1166

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1166, a bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1264

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1264, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement.

S. 1421

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1421, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

S. 1480

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1480, a bill to authorize appropriations for the National Oceanic and Atmospheric Administration to conduct research, monitoring, education and management activities for the eradication and control of harmful algal blooms, including blooms of Pfiesteria piscicida and other aquatic toxins.

S. 1641

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1641, a bill to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States.

S. 1759

At the request of Mr. HATCH, the names of the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1759, a bill to grant a Federal charter to the American GI Forum of the United States.

S. 1890

At the request of Mr. DASCHLE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Ohio (Mr. GLENN) 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 North Dakota (Mr. DORGAN) and the Senator from Ohio (Mr. GLENN) 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.

S. 1924

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

S. 1992

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1986 to provide that the $500,000 exclusion of a gain on the sale of a principal residence shall apply to certain sales by a surviving spouse.

S. 2007

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 2007, a bill to amend the false claims provisions of chapter 37 of title 31, United States Code.

S. 2031

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2031, a bill to combat waste, fraud, and abuse in payments for home health services provided under the medicare program, and to improve the quality of those home health services.

S. 2045

At the request of Mr. FAIRCLOTH, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2045, a bill to amend title 10, United States Code, to permit certain beneficiaries of the military health care system to enroll in Federal employees health benefits plans, and for other purposes.

S. 2061

At the request of Mr. GRAHAM, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2061, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities.

S. 2073

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2073, a bill to authorize appropriations for the National Center for Missing and Exploited Children.

S. 2092

At the request of Mr. SMITH, the names of the Senator from New York (Mr. D'AMATO), the Senator from Missouri (Mr. BOND), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2092, a bill to promote full equality at the United Nations for Israel.

SENATE JOINT RESOLUTION 44

At the request of Mr. KYL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of Senate Joint Resolution 44, a Joint Resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Concurrent Resolution 35, a concurrent resolution urging the United States Postal Service to issue a commemorative postage stamp to celebrate the 150th anniversary of the first Women's Rights Convention held in Seneca Falls, New York.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. ASHCROFT, the names of the Senator from North Carolina (Mr. FAIRCLOTH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of Senate Concurrent Resolution 88, a concurrent resolution calling on Japan to establish and maintain an open, competitive market for consumer photographic film and paper and other sectors facing market access barriers in Japan.

SENATE CONCURRENT RESOLUTION 97

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Nebraska (Mr. HAGEL), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week."

SENATE RESOLUTION 199

At the request of Mr. TORRICELLI, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. BAUCUS), the Senator from Ohio (Mr. GLENN), the Senator from Nevada (Mr. BRYAN), the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. REID), the Senator from Montana (Mr. BURNS), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of Senate Resolution 199, a resolution designating the last week of April of each calendar year as "National Youth Fitness Week."

SENATE CONCURRENT RESOLUTION 99—AUTHORIZING THE FLYING OF THE POW/MIA FLAG

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. CON. RES. 99

Resolved by the Senate (the House of Representatives concurring), That, for the purpose of section 1082(b)(1)(B) of the National Defense Authorization Act for Fiscal Year 1998, the display of the POW/MIA flag at the Capitol shall begin at 6:30 p.m. on Sunday, May 24, 1998. As used in this section, the term "POW/MIA flag" has the same meaning as in section 1082 of such Act.

SEC. 2. The Architect of the Capitol may prescribe regulations with respect to the first section of this resolution.

SENATE RESOLUTION 235—COMMEMORATING 100 YEARS OF RELATIONS BETWEEN THE PEOPLE OF THE UNITED STATES AND THE PHILIPPINES

Mr. AKAKA (for himself, Mr. HELMS, Mr. BIDEN, Mr. THOMAS, Mr. INOUYE, Mr. LUGAR, Mrs. BOXER, Mr. COCHRAN, Mrs. MURRAY, Mr. ROTH, Mr. COVERDELL, Mrs. FEINSTEIN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 235

Whereas 1998 marks 100 years of special ties between the people of the United States and the people of the Philippines and is also the centennial celebration of Philippine independence from Spain which initiated relations with the United States;

Whereas the people of the Philippines have on many occasions demonstrated their strong commitment to democratic principles and practices, the free exchange of views on matters of public concern, and the development of a strong civil society;

Whereas the Philippines has embraced economic reform and free market principles and, despite current challenging circumstances, its economy has registered significant economic growth in recent years benefiting the lives of the people of the Philippines;

Whereas the large Philippine-American community has immeasurably enriched the fabric of American society and culture;

Whereas Filipino soldiers fought shoulder to shoulder with American troops on the battlefields of World War II, Korea, and Vietnam;

Whereas the Philippines is an increasingly important trading partner of the United States as well as the recipient of significant direct American investment;

Whereas the United States relies on the Philippines as a partner and treaty ally in

fostering regional stability, enhancing prosperity, and promoting peace and democracy; and

Whereas the 100th anniversary of relations between the people of the United States and the people of the Philippines offers an opportunity for the United States and the Philippines to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Philippines on the commemoration of its independence from Spain;

(2) looks forward to a broadening and deepening of friendship and cooperation with the Philippines in the years ahead for the mutual benefit of the people of the United States and the people of the Philippines;

(3) supports the efforts of the Philippines to further strengthen democracy, human rights, the rule of law, and the expansion of free market economics both at home and abroad; and

(4) recognizes the close relationship between the nations and the people of the United States and the people of the Philippines and pledges its support to work closely with the Philippines in addressing new challenges as we begin our second century of friendship and cooperation.

Mr. AKAKA. Mr. President, today I am submitting a resolution to commemorate 100 years of relations between the people of the United States and the people of the Philippines. It is especially fitting for Congress to recognize our special relationship with the Philippines because this year is also the centennial of Philippine independence from Spain. Senators HELMS, BIDEN, THOMAS, INOUYE, ROTH, LUGAR, BOXER, COCHRAN, COVERDALE, and MURRAY have joined me in submitting the resolution.

Our country's friendship with the Philippines began in 1898, a year which also marked a growing U.S. interest in the Pacific region. Over the years, the Philippines has modeled its governmental institutions after the United States and has demonstrated a growing commitment to democracy, human rights, and a free market economy.

Until the end of the Cold War, the United States maintained major military facilities in the Philippines, which played a significant role in preserving regional peace and stability. The United States has important strategic, economic, and political interests in Southeast Asia and regional stability remains an overriding U.S. concern. To this end, Filipino soldiers have stood shoulder to shoulder with American troops on the battlefields of World War II, Korea, and Vietnam to protect and advance mutual interest. Today, the Philippines remains an important partner in guarding the peace and maintaining stability in Southeast Asia.

In the twelve years since the peaceful "people power" revolution restored democracy to the Philippines, President Aquino and Ramos established a democratic government and instituted market-based reforms which placed the Philippines—politically and economically—on a strong foundation for the 21st century. Economic growth exceeded 6 percent last year and is forecast to grow at 3 percent in 1998.

In many ways the Philippines has emerged as a model for her Asian neighbors. Political stability and democratic institutions were strengthened by free market and trade reforms. In turn, deregulation, lower tariffs and government debt, financial transparency, and respect for the rule of law provide a healthy economic foundation for the Philippine's future.

It was not long ago that the Philippine economy was far behind the economic tigers of Asia. The Filipino people's love of democracy and political vitality were blamed in large part for this circumstance. Critics cited the absence of so-called "Asian values" in the Philippines, namely a willingness to make democracy secondary to prosperity and order. History has proven these commentators wrong, and today the Filipino model inspires advocates of democracy throughout Asia. Stability relies upon democracy and prudent economic policies.

Last month when President Clinton and President Ramos met at the White House they reaffirmed the friendship between our nations. The leaders promised to continue close cooperation in responding to the Asian financial situation and conducted a frank discussion on bilateral issues, including remediation efforts at the former Subic and Clark bases and benefit parity for Filipino-American veterans.

During this special year in which we observe the centennial of our relationship with the Philippines and the centennial of their independence, we have much to celebrate. First, we recognize the valuable contributions of Filipino-Americans to our nation. Filipino-Americans helped to build and create the modern Hawaiian economy and have contributed greatly to the cultural diversity that is celebrated in my state. My good friend, Governor Ben Cayetano, is the first Filipino-American governor in the United States. In addition, we reflect on our close friendship and cooperation with the Philippines in times of war and peace. And finally, we look forward to continued close ties with a democratic and prosperous Republic of the Philippines, as we work together to champion democracy and economic growth in the dawning Pacific century.

SENATE RESOLUTION 236—TO EXPRESS THE SENSE OF THE SENATE REGARDING ENGLISH PLUS OTHER LANGUAGES

Mr. DOMENICI (for himself, Mr. MCCAIN, Mr. HATCH, Mr. DEWINE, Mr. CHAFEE, Mr. LUGAR, Mr. HAGEL, Mr. GRASSLEY, Mr. ABRAHAM and Mrs. HUTCHISON) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 236

Whereas English is the most widely used language in the areas of finance, trade, technology, diplomacy, and entertainment, and is the living library of the last 100 years of scientific and technological advance;

Whereas there are more speakers of English as a second language in the world than there are native English speakers, and the large number of English language schools around the world demonstrates that English is as close as any language has been to becoming the world's common language;

Whereas English is the common language of the United States, is important to American life and individual success, and 94 percent of United States residents speak English according to the 1990 decennial census;

Whereas immigrants to the United States have powerful incentives to learn English in order to fully participate in American society and the Nation's economy, and 90 percent of all immigrant families become fluent in English within the second generation;

Whereas a common language promotes unity among citizens, and fosters greater communication;

Whereas there is a renaissance in cultural assertiveness around the world, noting that the more interdependent nations become economically, the more interested the nations are in preserving and sharing cultural identity;

Whereas the reality of a global economy is an ever-present international development that is fostered by international trade and the creation of regional trading blocs, such as the European Union, Mercosur, the North American Free Trade Agreement and the Association of Southeast Asian Nations;

Whereas knowledge of English, Spanish, French, Italian, German, Japanese, Chinese, Korean, Vietnamese, African languages, Farsi, sign language, and the many other languages of the world, enhances competitiveness and tremendous growth in world trade;

Whereas the United States is well postured for the global economy and international development with the United States' diverse population and rich heritage of languages from all around the world;

Whereas many American Indian languages are indigenous to the United States, and should be preserved, encouraged, and utilized, as the languages were used during World War II when the Navajo Code Talkers created a code that could not be broken by the Japanese or the Germans;

Whereas Spanish exploration in the New World began in 1512 when Ponce de Leon explored the Florida peninsula, and included the expeditions of Francisco Coronado throughout California to Kansas and across Arizona, New Mexico, Texas, and Oklahoma from 1540 to 1542;

Whereas the Nation will commemorate the 400th anniversary of the first Spanish Settlement of the Southwest (Ohkay Yunge at San Juan Pueblo, New Mexico) with official visits from Spain, parades, fiestas, masses, and other celebrations to emphasize the importance of the first encounters with American Indian cultures and the subsequent importance of encounters with other European cultures;

Whereas Hispanic culture, customs, and the Spanish language are a vital source of familial and individual strength;

Whereas the Bureau of the Census estimates that 1 in 5 Americans will be of Hispanic descent by the year 2030, and the future cultural, political, and economic strengths of this country are clearly dependent upon our Nation's ability to harness the talents and skills of this large and growing segment of the American population;

Whereas it is clearly in the interest of the United States to encourage educational opportunity for and the human potential of all citizens, and to take steps to realize the opportunity and potential;

Whereas a skilled labor force is crucial to the competitiveness of the Nation in today's global economy, foreign language skills are a tremendous resource to the United States, and such foreign language skill enhances American competitiveness in global markets by permitting improved communication and understanding;

Whereas one of the common bonds of Hispanic people is the Spanish language, and promoting the use of Spanish at home and in cultural affairs will benefit not only the growing Hispanic population of the United States but also the economic interests of the entire Nation; and

Whereas knowledge of other languages and other cultures is known to enhance the United States diplomatic efforts by fostering greater communication and understanding between nations, and can promote greater understanding between different ethnic and racial groups within the United States: Now, therefore, be it

Resolved, That the United States Government should pursue policies that—

(1) support and encourage Americans to master the English language plus other languages of the world;

(2) recognize the importance of English as the unifying language of the United States, and the importance of English fluency for individuals who want to succeed in American society;

(3) recognize that command of the English language is a critical component of the success and productivity of our Nation's children, and should be encouraged at every age;

(4) recognize that a skilled labor force is crucial to United States competitiveness in a global economy, and the ability to speak 1 or more languages in addition to English is a significant skill;

(5) recognize that knowledge of Spanish, in particular, is vital for building future cultural and economic bridges to Latin America;

(6) support literacy programs, including programs designed to teach English, as well as those dedicated to helping Americans learn and maintain other languages in addition to English; and

(7) develop our Nation's linguistic resources by encouraging citizens of the United States to learn and maintain Spanish, French, German, Japanese, Chinese, Italian, Korean, Vietnamese, Farsi, African languages, sign language, and the many other languages of the world, in addition to English.

Mr. DOMENICI. Mr. President, today I am proud to be joined by Senators McCAIN, HATCH, DEWINE, CHAFEE, LUGAR, HAGEL, GRASSLEY, and ABRAHAM in submitting a Senate Resolution entitled "English-Plus." By this, we simply mean to reaffirm the importance of mastering the English language *plus* other languages of the world, such as Spanish, Italian, German, Japanese, Chinese, Vietnamese, and many, many more.

As English becomes the world language of finance, trade, technology, diplomacy, and entertainment, the reality of international markets and international learning require a greater sensitivity to local languages. In our hemisphere, Spanish is clearly a dominant language.

In my home state of New Mexico, 37 percent of the people are Spanish-Americans or Mexican-Americans. These days, the term "Hispanic-Americans" is used to include Americans whose roots are in Spain, Mexico, Puerto Rico, Cuba, Central America, and South America. As *U.S. News* reported in the May 11, 1998, issue, "the label *Hispanic* obscures the enormous diversity among people who come (or whose forebears came) from two dozen countries and whose ancestry ranges from pure Spanish to mixtures of Spanish blood with Native American, African, German, and Italian, to name a few hybrids."

U.S. News also reported in the same issue that "The number of Hispanics is increasing almost four times as fast as the rest of the population, and they are expected to surpass African-Americans as the largest minority group by 2005." In the October 21, 1996, issue, *U.S. News* reported that "Nearly 28 million people—1 American in 10—consider themselves of Hispanic origin." This 1996 estimate was based on 1994 Census data. Current estimates are that there are 29 million Hispanics in America, or 1 in 9 Americans. By 2050 projections are that 1 in every 4 Americans will be Hispanic.

As our world economy barges into the next century, it has become clear the "domestic-only market planning" has been replaced by the era of international trade agreements and the creation of regional trading blocs. In 1996, the total volume of trade with Mexico was estimated at $130 billion. Our trade with the rest of Latin America that same year was $101 billion.

Spanish is clearly a growing cultural and economic force in our hemisphere. It is also the common language of hundreds of millions of people. New Mexico is the only state that requires the use of both English and Spanish on every election ballot.

As the son of an Italian immigrant, I can personally testify to the importance of English Plus. My father did not read or write in English, yet he insisted that I learn English and do my best at some Italian. My parents both spoke Spanish—a skill which they found very useful in establishing a wholesale grocery business in Albuquerque.

Tens of thousands of New Mexico families still speak Spanish at home. Spanish remains a strong tie to their culture, music, history, and folklore. After decades of being taught to learn English first, most New Mexico Hispanic families also know English very well.

It is ironic that recent economic trends of this decade show Latin America as the most promising future market for American goods and services. An article in *The Economist* of April 21, 1998, stresses the value of the Spanish language to America's fastest growing minority group.

"America's Latinos are rapidly becoming one of its most useful resources." *The Economist*, however, also goes on to note that, "The Spanish language, which is their glory, also consigns too many of them to jobs not far removed from indentured slavery."

"Although they often meet discrimination, they have little taste for the politics of quotas or compensation. And although they have always supported 'affirmative action' programmes, they now loathe bilingual education, the programme most specifically devised to give them a leg-up into American life."

"Even poor Latinos retain a sturdy distrust of government preferring to rely on their families. Relatively few Latinos are on welfare; most believe that a man ought to help himself first by his own efforts."

It is no longer accurate to say that we are perched to enter a global economy—rather, we are well into it. With Latin America as the next great market partner of the United States, those Americans who know both English and Spanish will have many new grand opportunities. Mexico's recent hiring and celebration of its one-millionth *maquiladora* worker in international manufacturing plants mostly along our border, the value of knowing two languages to function with the hundreds of Fortune 500 companies now manufacturing in Mexico is unquestioned.

Mr. President, I have long believed that New Mexico and other border states are uniquely poised to create the focal point of North American trade with South America. I agree with *The Economist* observation that "America's Latinos are rapidly becoming one of its most useful resources." I predict that English Plus Spanish will be one of the major marketable skills for the next century.

In conclusion, I would like my colleagues to see the shallowness of thought behind the idea that "English Only" should be the wave of the future. If we want to miss our best potential markets in Mexico, Central America, and South America, then "English Only" should be our intent. If we want to become a more powerful cultural and economic American force in the world—including both North and South America into the meaning of "America"—then we should adopt "English Plus" as approach.

As stated in our resolution, "English Plus" includes many if not all of the

languages of the world. No one disputes the importance of English as the leading language of science, technology, the internet, finance, and diplomacy. By acknowledging our heightened abilities through the addition of other languages to our national strengths, the United States will benefit greatly by expanding its cultural life and economic potential through the application of the notion of "English Plus" other languages of the world.

Mr. MCCAIN. Mr. President, I rise today with several of my colleagues from the Hispanic Task Force to submit a Resolution on English-Plus. This resolution is intended to express the importance of the English language in our society, PLUS the importance of knowing, understanding and speaking other languages in addition to English.

As a member of the Hispanic Task Force, I have been working closely with my colleagues, Senators DOMENICI and HATCH, in developing this resolution. Many of our colleagues may be curious to know what we mean when we say "English Plus." "English-Plus" reflects our firm belief that all members of our society need to recognized and understand the importance of being fluent in English, Plus one or more additional languages.

Everyone agrees that all Americans must be fluent in English in order to succeed in today's society. Not only is English the common language of our nation, it is also the most popular and widely used language internationally in the areas of finance, trade, technology, diplomacy and entertainment. This is why it is critical that we continue encouraging all members of our society to be fluent in the English language.

However, I believe it is equally important for each of us to encourage all members of our society to study and develop an understanding of, if not a fluency, in one or more languages in addition to English. Individuals who have the capability to communicate in multiple languages have access to a wealth of opportunities economically, socially, professionally and personally.

Encouraging our citizens to be bilingual or multilingual serves as a tremendous resource to the United States, because it enhances our competitiveness in global markets by enabling communication and cross-cultural understanding while trading and conducting international business. In addition, multilingualism enhances our nation's diplomatic efforts and leadership role on the international front by fostering greater communication and understanding between nations and their people.

Foreign language skills also serve as a powerful tool for promoting greater cross-cultural understanding between the multitude of racial and ethnic groups in our country. One in five Americans will be of Hispanic descent by the year 2030. According to the 1990 Census, Spanish is the second most widely used language in the world. It is my firm belief that developing a greater knowledge of the Spanish language will benefit the economic and cultural interests of our entire country. Being proficient or fluent in languages besides English, combined with an understanding of various cultures, will significantly enhance communication and understanding between the various racial and ethnic groups in our country.

This resolution highlights the importance of implementing policies in our country which support and encourage all Americans to master English, plus one or more other languages of the world. It is critical that we continue supporting policies and programs which stress the importance of English but we should also encourage all Americans to study, learn and familiarize themselves with the languages of many other cultures.

I urge the Senate to adopt this resolution, which sends a clear message to our citizens and the people of the world that Americans are committed to encouraging proficiency in English as well as other international languages.

SENATE RESOLUTION 237—EXPRESSING THE SENSE OF THE SENATE REGARDING THE SITUATION IN INDONESIA AND EAST TIMOR

Mr. FEINGOLD (for himself, Mr. REED, Mr. LEAHY, Mr. MOYNIHAN, Mr. KOHL, Mr. KENNEDY, Mr. HARKIN, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 237

Whereas recent political turmoil and economic failure in Indonesia have endangered the people of that country and fomented instability in the region;

Whereas President Suharto has properly responded to this crisis by resigning, after 32 years in office, the presidency of Indonesia in accordance with Indonesia's constitutional processes;

Whereas Indonesia is now embarking on a new era that is ripe for political and economic reform;

Whereas in 1975 Indonesia invaded, and since that time has illegally occupied, East Timor claiming the lives of approximately 200,000 East Timorese;

Whereas Indonesia has systematically committed human rights abuses against the people of East Timor through arbitrary arrests, torture, disappearances, extra-judicial executions, and general political repression;

Whereas 8 United Nations General Assembly and 2 United Nations Security Council resolutions have reaffirmed the right of the people of East Timor to self-determination;

Whereas Bishop Carlos Filipe Ximenes Belo and Jose Ramos-Horta, who were awarded the 1996 Nobel Peace Prize for their courageous contribution to the East Timorese struggle, have called for a United Nations-sponsored referendum on self-determination of the East Timorese;

Whereas President Clinton in a letter dated December 27, 1996, expressed interest in the idea of a United Nations-sponsored referendum on self-determination in East Timor;

Whereas the United States cosponsored a 1997 United Nations Human Rights Commission Resolution calling for Indonesia to comply with the directives of existing United Nations resolutions regarding East Timor; and

Whereas present circumstances provide a unique opportunity for a resolution of the East Timor question: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) encourage the new political leadership in Indonesia to institute genuine democratic and economic reforms, including the establishment of an independent judiciary, civilian control of the military, and the release of political prisoners;

(2) encourage the new political leadership in Indonesia to promote and protect the human rights and fundamental freedoms of all the people of Indonesia and East Timor; and

(3) work actively, through the United Nations and with United States allies, to carry out the directives of existing United Nations resolutions on East Timor and to support an internationally supervised referendum on self-determination.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

• Mr. FEINGOLD. Mr. President, over the past few days, the world has watched in disbelief as Indonesia has unraveled. Barely two days ago, in response to mounting domestic and international pressure, President Suharto, Indonesia's authoritarian ruler for 32 years, announced his resignation. For the moment, power has been transferred to Suharto's longtime confidant, the former Minister of Research and Technology, Vice President, B.J. Habibie.

Mr. President, it is too soon to tell whether this transition will satisfy the demands of the students and other Indonesians who have been protesting Suharto's rule for the past three months. To be honest, I doubt it. These students want real political reform, and I believe all of Indonesia's people deserve such reform.

I hope Indonesia's new leadership will exercise restraint during this period of transition, and will use the present circumstances to enact policies that appropriately address the needs of all Indonesians.

At the same time, I think these circumstances present a unique opportunity to deal with one of Indonesia's most vexing problems, and one that I have been actively engaged in since before I joined the Senate—the question of the political status of East Timor.

Mr. President, today my colleague from Rhode Island [Mr. REED] and I are submitting a resolution encouraging a solution to the political status of East Timor. This resolution is similar to H. Con. Res. 258, introduced in the House of Representatives by Representative NITA LOWEY and others.

This resolution says simply: the United States should support an internationally supervised self-determination referendum in East Timor.

Indonesia has sustained a brutal military occupation of East Timor for more than 20 years, and thousands of East Timorese have lost their lives as a result. Human rights organizations from around the world, as well as our own State Department, continue to report substantial human rights violations by the Indonesian military—including arbitrary arrest and detention, curbs on freedom of expression and association, and the use of torture and summary killings of civilians.

Immediately after the Indonesian occupation of East Timor in 1975, and again in 1976, the United Nations Security Council called for Indonesia to withdraw from the region and called for the recognition of East Timorese self-determination. From 1976 to 1982, the U.N. General Assembly adopted eight separate resolutions calling for the withdrawal of Indonesian armed forces from the territory. In the past few years, several nations, including the European Union and the Australian Senate, have delivered strong statements condemning the actions of the Indonesian government in East Timor and calling for a process of self-determination.

As you know, Bishop Carlos Ximenes Belo, co-winner with Jose Ramos Horta of the 1996 Nobel Peace Prize, has long called for the self-determination of his people and reiterated his plea for a self-determination referendum immediately after receiving news of his Nobel prize.

Even President Clinton, who has not engaged on this issue in the past, expressed interest in the idea of a United Nations-sponsored self-determination referendum in a December 1996 letter to me.

Mr. President, as we know, although the larger political crisis in Indonesia has been brewing for sometime now, events of recent days have taken on a surreal intensity. Since the early part of this year, there had been relatively peaceful protests taking place largely in Jakarta, the capital. For the most part, these demonstrations were led by students and confined to university campuses. But while the protests were triggered in response to the economic turmoil caused by the larger financial crisis in Asia, they quickly gave voice to political dissent of a sort not seen in Indonesia for decades. As the students slowly realized they had a political voice, they began to speak out more forcefully, and the demonstrations increased—moving out to more cities and spilling off of the campuses.

Now, the situation has become dangerous, fatal for some, as widespread riots and looting have spread across Jakarta and elsewhere. The economy is nearing a standstill and the military is beginning to show signs of stress and fracture. Reports of the dead and injured continue to grow. Hundreds of people have been arrested.

And of course no one really knows what to expect during the unfolding political drama of Indonesia.

This crisis clearly has affected all of Indonesia and will have serious implications for the country's future, but I am particularly concerned about the impact of these recent events on East Timor.

As my colleagues well know, I have been monitoring the situation in East Timor for more than six years. What particularly worries me now, given this larger political crisis, are reports of increasing numbers of troops in some of East Timor's major cities. This is extremely destabilizing, coming on the heels of a dire humanitarian situation on that captive island because of poor access to food.

The resolution Senator REED and I are submitting today is important at this time because it is clear that whatever happens in Jakarta over the next weeks and months will no doubt have profound implications for political and military development in East Timor. The great irony of the latest crisis in Indonesia is that it may actually present us with an opportunity once and for all to help the people of East Timor exercise their right to self-determination. Habibie, or any other leader that succeeds him—through legitimate means or by brutal coup—will have to reevaluate Indonesia's relationship with East Timor. It is my sincere hope that any successor will recognize that Indonesia's brutal occupation of the territory is entirely unsustainable and will look to the natural solution of a self-determination referendum to help determine East Timor's political status.

Mr. President, the East Timorese deserve the support of people of conscience all over the world, and the United States should use its world leadership position on their behalf. The United States should begin immediately to encourage the process of self-determination in both Indonesia and in East Timor.

It is long overdue.●

● Mr. REED. Mr. President, I am proud to join with my colleague from Wisconsin, Senator FEINGOLD, submitting this resolution which addresses the unfolding events in Indonesia.

On Thursday, President Suharto resigned his position after leading Indonesia for thirty-two years. His action was a response to civil unrest and economic turmoil which reached a crescendo in the past few weeks. President Suharto is to be commended for heeding the call of the Indonesian people for change, for avoiding further bloodshed, and for permitting a change of leadership in accordance with the constitutional processes of Indonesia.

Now, it is time for change. The people of Indonesia and the world have called for it. The United States should do everything in its power to encourage and support the new political leadership of Indonesia to implement reforms.

Most importantly, we are on the threshold of the chance to resolve the question of East Timor. In 1975, Indonesia invaded East Timor. For over two decades that land has been wracked by fear, suppression, torture and death. Approximately one third of the population has been killed. The United Nations has called again and again for a just, comprehensive and internationally acceptable solution in East Timor, but to no avail.

Mr. President, we must seize this opportunity. The oppression of East Timor must end. The people of East Timor have a right to self-determination. They, and the people of Indonesia, deserve to live securely in economic, political and physical freedom.

Against overwhelming odds, the people of Indonesia and East Timor have bravely fought for their rights and caused a powerful leader to resign. The United States is obligated to support them and encourage the new leadership of Indonesia to institute genuine democratic and economic reforms, promote and protect the human rights of the citizens, and respect the right of the people of East Timor to self-determination. I join Senator FEINGOLD in urging the Senate to adopt this resolution.●

AMENDMENTS SUBMITTED

IRAN MISSILE PROLIFERATION SANCTIONS ACT OF 1998

LEVIN AMENDMENT NO. 2444

Mr. LEVIN proposed an amendment to the bill (H.R. 2709) to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles; as follows:

On page 2, beginning on line 15, strike out "August 8, 1995—", and insert in lieu thereof "January 22, 1998—".

On page 6, beginning on line 24, strike out "August 8, 1995—", and insert in lieu thereof "January 22, 1998—".

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

INHOFE AMENDMENT NO. 2445

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 347, below line 23, add the following:

SEC. 2833. ELIMINATION OF WAIVER AUTHORITY REGARDING PROHIBITION AGAINST CERTAIN CONVEYANCES OF PROPERTY AT NAVAL STATION, LONG BEACH, CALIFORNIA.

Section 2826 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2001) is amended by striking out subsection (e).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing previously announced for June 11, 1998, has been rescheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Wednesday, June 17, 1998, at 2:00 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Improvement Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Mark Rey at (202) 224-6170.

AUTHORITY FOR COMMITTEE TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. KYL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, May 22, 1998, to hold a business meeting.

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

ADDITIONAL STATEMENTS

SPECIAL NEEDS CHILDREN

• Mr. GRASSLEY. Mr. President, on Saturday, April 18, 1998, an article ran in the Rochester Post Bulletin in Rochester, MN that illustrates very well the tremendous child care challenges facing families. This is a story about a child with disabilities and her parents who are having increasing problems finding quality child care. Mr. President, I will ask that this article be printed in the RECORD at the conclusion of my remarks.

Mr. President, at the age of six months, this young child—Christina Barth—developed infantile spasms or epilepsy. Christina is not alone. More than two million Americans have some form of epilepsy. More than one fourth of them are children under the age of 18.

Upon her diagnosis, Christina was treated with many different types of medication. Unfortunately, none of the treatments worked successfully. Then, at the age of three, Christina underwent a partial lobotomy on the right side of her brain. The surgery successfully treated her disease for almost two years. But then, the symptoms developed on the left side of her brain. Since that time, Christina has lived with epilepsy.

Now Christina is 11 years old. She attends a special education class at Gage Elementary School. She functions on the cognitive level of an 18-month-old child. Her family hopes and prays that a cure for epilepsy will be found someday.

Like most other families with special needs children, Christina's parents face daily challenges in caring for their child. Identifying high quality child care is among the most difficult challenges her parents face.

Finding a child care provider—whether it be a commercial day care center or an in-home care giver—is becoming more and more difficult. This point was made by a witness who recently testified before the Finance Committee about the challenges of finding child care for a child with disabilities.

Most child care providers tend not to enroll special needs children because often the child needs one-on-one care. And, the fear of the unknown presents an added risk to an already demanding job.

In Christina's case, a state funded agency has helped her family locate an in-home care giver that cares for Christina while her parents are at work.

But, Mr. President, access is only the first hurdle in finding child care. Quality is equally important. Unfortunately, in Christina's case, her child care providers have not been adequately trained to handle or even recognize when Christina has an epileptic attack.

At one time, Mr. President, the agency that placed the providers with Christina called her parents to warn them of an employee and told them to call the police if she came to their home.

This raises a question Mr. President. Who is watching the watchers?

Mr. President, in the national debate about child care it seems to me that not enough is being said about the challenges facing families with children who have disabilities.

Child care policies must address issues of access and quality as it relates to special needs children. Many of the bills introduced this year do not address special needs issues. In fact, Senate bill 1610 asks for more than 20 billion dollars through fiscal year 2003 to improve the affordability of child care and an additional three billion dollars through fiscal year 2003 for enhancing the quality of child care and early childhood development. However, there are no provisions regarding an increase of availability, affordability, and quality of child care for children with special needs.

It is our duty, Mr. President, to make sure that these special needs children and their parents have the same opportunities as other children and families. Today I urge my colleagues on both sides of the aisle to make sure that children with special needs are not left out or forgotten in any legislation regarding child care that comes before this Congress.

Mr. President, I ask that the article from the Rochester Post Bulletin be printed in the RECORD.

The article follows.

SPECIAL NEEDS CHILD CARE IS "ACCIDENT WAITING TO HAPPEN"

(By Mary Divine)

Julie Sauer's daughter was only 6 months old when she began shaking and quivering uncontrollably. No reason, no explanation.

For the next two years of her life, little Christina Barth experienced almost constant seizures, said Sauer, a lab technician at Mayo Clinic. Finally, when she was 2½, Christina underwent a partial lobotomy at UCLA's Medical Center.

Christina, now 11 and a student at Gage Elementary School, is mentally disabled and has an intractable seizure disorder. She functions at the level of an 18-month old child, Sauer said.

Because of her special needs Christina needs specialized child care, child care that Julie Sauer said isn't available in Rochester.

"Our dilemma is finding child care for her before school, for non-school days and for the upcoming summer vacation," Julie Sauer said.

Sauer and her husband, Bob Sauer, the owner of Rochester Drain-Rite, have been in touch with the School-Age Child Care program. Child Care Resource and Referral, Arc Olmsted County, Hiawatha Homes and a home day care provider. Child Care Resource and Referral found that area day care centers and School-Age Child Care did not have enough staff to provide the one-to-one care Christina requires, Julie Sauer said.

"If only there were a place that was capable of taking care of her, like a day care center," Julie Sauer muses as she strokes her daughter's hair.

UNSATISFACTORY CARE

Since the beginning of the school year, the Sauers have relied on before and after school care provided by a personal care attendant. But the Sauers say the care isn't satisfactory.

"We had five new people in one week." Bob Sauer said "We have people who never even showed up."

The turnover in staff is confusing to Christina, Julie Sauer said. "She doesn't want to get off the bus because she doesn't know them."

If a snow day is called, the Sauers panic.

But they panic on other days as well. Once, they came home to find blood on the carpet

and a shower rod in the upstairs bathroom ripped from the wall. Christina was fine, but the personal care attendant on duty that day was never allowed back into their home.

Often, they have Bob Sauer's daughter from a previous marriage watch the personal care attendant who is supposed to be caring for Christina.

"Sometimes I think that it's Christina who should be watching them," he said.

One attendant didn't realize Christina was having a seizure until Sauer's son told her, Sauer said.

"We have strangers coming into the house who just don't have a clue," he said. "There have been people in this house that we have never met. Once, they called and warned us about one of the PCAs. They said, 'If she comes to the door, don't let her in. And if she will not leave, call 911.' It's an accident waiting to happen."

Julie Sauer has written area legislators about the lack of child care for special needs children.

Hiawatha Homes provides respite care, but the children must stay overnight to be reimbursed by the state, she said.

"I want to take care of my daughter for as long as I can," Julie Sauer said. "I am not looking for money to pay for someone to take care of my daughter, only help in finding a place that will be equipped for special needs children in our community."

SHORTAGE OF EMPLOYEES

Tom Davie, director of Community Education, oversees the School-Age Child Care program, which serve some special-needs children.

"Our challenge becomes one of having adequate staffing" he said. "We have taken children who have not required one-to-one care. Many times, because of our numbers, School-Age Child Care is not the best choice for a child with special needs."

Arc Olmsted County used to provide a day care program for children with special needs, but the organization discontinued it, said Buff Hennessey, Arc's executive director.

About 3 percent of the population is identified as having a developmental disability, she said.

"There are home health care agencies that provide PCA services, although a couple are no longer providing services to families with young people," she said. "There are reimbursement problems and then with the way the labor market is. Our industry as a whole has a crisis shortage of employees. There have been efforts to train additional providers, but the numbers have been pretty limited."

Hennessey said some families have given up employment opportunities to have one parent stay home with the special-needs child.

That's not an option for the Sauers, both of whom work full-time, they say.

"We want to raise her as much as we can," Bob Sauer said, "but our options are to put up with this or give her up completely."•

TRIBUTE TO RICHARD C. MARBES

• Mr. KOHL. Mr. President, I rise today to recognize Richard (Dick) Marbes, who is retiring from the full time position of Wisconsin State Adjutant of the Disabled American Veterans (DAV). As Mr. Marbes retires, it seems an appropriate time to acknowledge his distinguished career and extraordinary contributions and service to veterans and the DAV.

During the 1950's, Dick served his country proudly in the Air Force. He is a long time active member of DAV chapter 3 in Green Bay and he has served as Wisconsin State Adjutant for over ten years. In 1993–1994, Dick was elected and served as the National Commander of the DAV where he spearheaded an effort to change some pre-existing policies, helping to reestablish the DAV as one on the strongest and most influential Veterans groups. Dick was recognized as the DAV's National Amputee of the year, and is also a member of the Wisconsin Board of Veterans affairs.

Mr. President, I hope all of my colleagues will join me in offering our congratulations to Dick Marbes and his wife Mary Jane and four children, Pam, Susan, Amy, and Tim. Dick has dedicated his time, talents and energy to serving Veterans and we are indeed indebted to him for his efforts. I am proud to salute Dick for a job well done, and I send him my best wishes for the future. •

FIGHTING BACK AGAINST THE PAPARAZZI

• Mr. HATCH. Mr. President, I am pleased to join with my distinguished colleague, Senator FEINSTEIN, in introducing this legislation to combat the efforts of a few overzealous individuals to improperly intrude upon other's privacy rights. I am cosponsoring this legislation, in large measure, as a tribute to the efforts of Congressman Sonny Bono, who brought this issue to the fore. As we all know, long before he was elected to Congress, Representative Bono achieved celebrity status in the music business and on television. He was thus acutely aware, from an early age, of the costs of fame. A cost that some, such as rising television star Rebecca Schaeffer, had to pay in blood, and others, such as Arnold Schwarzenegger, Steven Spielburg, Jodie Foster, David Letterman, and Elizabeth Taylor, to name but a few, have had to pay with a loss of privacy and an inability to freely mingle in public.

Unfortunately, certain individuals within the generally responsible media corps have forced many of these well-known figures to hide behind a veil of high-priced security systems and bodyguards. I know that some so-called celebrities have openly questioned whether their fame is worth the price of sacrificing their privacy and their ability to live normal lives.

I know, too, that my colleague, Senator FEINSTEIN, was herself once the target of a stalker. So I know that this legislation means a great deal to her on a personal level. As public figures, whether as actors or musicians or yes, even Senators, we must expect a certain amount of media attention. Indeed, most of my colleagues on the Hill relish such attention—particularly in election years! Press coverage—some of it favorable, some of it not so favorable—is all a part of the system. Indeed, it is an important part of our democratic system. So important that the Constitution's framers bestowed upon us the First Amendment protections of free speech and press. And lest we condemn those who have followed recent infamous criminal trials too closely, I would note that the Sixth Amendment guarantees the right to a public trial. The glare of the spotlight is an unavoidable, and in most cases, laudable, feature of a free democratic-republic.

Unfortunately, just as the right to swing one's fist may end at another man's nose, the right to aim one's camera at another person's face may end where that person has a reasonable expectation of privacy. Undoubtedly, the privacy expectations of public figures are considerably different from that of private individuals. That is a reality that all who walk in the glare of the camera come to expect and learn, for the most part, to deal with. But when the media become too intrusive, or cross lines of general decency or responsibility, something must be done.

It is one thing for the media to attend a press conference where I introduce this legislation—it is quite another thing, however, for the media to follow me home and train their cameras on my windows. I know, for example, that Arnold Schwarzenegger and Maria Shriver did not appreciate the attempts of some in the media, shortly after Mr. Schwarzenegger had been released from the hospital after undergoing open heart surgery, to stop their van on the street as they were taking their children to school, in an attempt to get photographs. I don't think any of us here would appreciate it if someone tried to harass our spouses or fathers or mothers as they left the hospital after having had major surgery. Public figure or not, some things simply cross the bounds of responsible journalism or media coverage.

I think the recent death of Princess Diana focused efforts to deal with an overly intrusive media—even if it is unclear whether the media had anything to do with that tragedy. In fact, some people overreacted to that horrible event, pointing fingers at the press before the facts were established. Regardless of the media's role in that accident, the mere fact that people recognized that she had long been harassed by an overly aggressive media, and that it was not such a stretch to believe that the paparazzi could have played a role in her tragic death, demonstrates the seriousness of this problem.

In the wake of Princess Diana's death, Representative Bono and Senator FEINSTEIN began a tireless crusade to see Federal legislation enacted to

protect people from the so-called stalkarazzi. We are now witnessing the fruits of their efforts—I only wish that Representative Bono had been here to see this legislation introduced.

I want to say to Senator FEINSTEIN that I commend her for advocating this legislation. Indeed, I am ready to roll up my sleeves and work with her to address this problem. I am committed to moving this legislation through the Judiciary Committee. At the same time, however, we must take care to craft legislation that will be respectful of our First Amendment rights and of any federalism concerns. In fact, I hope the States will view this bill, as it is refined in committee, as a model for adopting similar reforms. And I am confident that we will be able to strike a reasonable balance between the press' First Amendment rights to seek information about public figures and the right of those individuals to their reasonable expectations of privacy. After all, we must take care that the solution to this admitted problem does not trample on important rights. With these concerns in mind, I intend to work with Senator FEINSTEIN to ensure that we have the best legislation possible. We hope to hold hearings to identify the extent of these problems and to determine how best to combat attempts by some overzealous members of the media in their efforts to profit by intruding on others' privacy. I believe that this legislation is an important first step in that process.•

HONORING THE 12TH ANNUAL ENTREPRENEURIAL WOMAN'S CONFERENCE

• Ms. MOSELEY-BRAUN. Mr. President, it is my distinct honor to recognize an organization from my home state of Illinois that has been an invaluable resource for and promoter of women-owned small businesses. I am speaking of the Women's Business Development Center, who will hold their 12th annual Entrepreneurial Woman's Conference on September 9, 1998 in Chicago.

Since 1986, the WBDC, a nationally-recognized nonprofit women's business assistance center, has assisted more than 30,000 women business owners in establishing and expanding small businesses throughout our country. The Women's Business and Finance Program, the Women's Business Enterprise Initiative, the Entrepreneurial Woman's Conference and the Women's Business and Buyers Mart are a few of the many programs and services of the WBDC that support female small business ownership and help to strengthen the entire U.S. economy.

As the first permanent female member of the Senate Finance Committee, I know firsthand of the obstacles faced by women when attempting to establish a foothold in the world of commerce. The WBDC and its two founders, Hedy Ratner and Carol Dougal, have made great progress towards tearing down these obstacles.

Today, women-owned small businesses are an integral part of the current success of the American economy. Currently, there are over 7.7 million women-owned businesses in the United States, generating $2.3 trillion in sales. In Illinois, there are over 250,000 women-owned businesses. These businesses mean more jobs for American workers. In fact, women business owners employ one of every four U.S. company workers. Certainly, some of this success is due in part to the programs and services offered by the WBDC in Illinois and similar programs in Indiana, Ohio, Florida, Massachusetts and Pennsylvania. Despite this success, there is still more to be done. I am confident that with help from organizations such as the WBDC, the number of women entrepreneurs will continue to rise.

The Woman's Entrepreneurial Conference is the centerpiece of the WBDC's activities. The Conference provides women business owners with the opportunity to network, attend informative panel discussions, and pursue business opportunities in an environment that is supportive of the needs of female small business owners. It is my pleasure to welcome the conferees to Chicago, and to congratulate the WBDC for their work and dedication to increasing female ownership in the American marketplace.•

THE 25TH ANNIVERSARY OF CLARK AND SUSAN DURANT

• Mr. ABRAHAM. Mr. President, I rise today to recognize the 25th wedding anniversary of my dear friends Clark and Susan Durant of Grosse Pointe, Michigan.

The Durants have shared a very special marriage over the last twenty-five years and have produced four wonderful children. Their friends and family have witnessed them grow stronger together over the course of the last twenty-five years. Not only do these two individuals have a strong and successful marriage and family, they have contributed tremendously to both their community as well as State of Michigan and have touched the lives of many.

Once again, I would like to congratulate Clark and Susan on this blessed occasion. I wish them continued happiness and success. I send my warmest regards to the entire Durant family.•

RECOGNITION OF U.S. CUSTOMS FOR OPERATION CASABLANCA

• Mrs. FEINSTEIN. Mr. President, I rise today to commend the U.S. Customs Service and the Departments of Treasury and Justice for one of the most important victories they have had in the war on drugs to date.

I would like to thank Attorney General Janet Reno, Secretary of the Treasury Robert Rubin, and Undersecretary of the Treasury for Law Enforcement Ray Kelly for their leadership in this important endeavor and the two hundred U.S. Customs agents, who put their lives at stake, diligently and tirelessly for thirty months, to establish this necessary beachhead in the war on drugs. It is a testament to the dedication and the ability of our law enforcement personnel that they were able to complete this difficult and dangerous operation.

On Monday, May 18, Secretary Rubin and Attorney General Reno announced the arrests of 112 people involved in illegal drug money-laundering in Mexico, which resulted in the seizure of an anticipated $157 million in over 100 accounts in the United States, the Caribbean and Europe. Furthermore, 4 tons of marijuana and 2 tons of cocaine were seized during this 30-month undercover investigation. The indictments include officials from 12 of Mexico's 19 largest banks, who stand accused of knowingly abetting drug traffickers to launder hundreds of millions of dollars.

As a result of this investigation, for the first time ever, Mexican banks have been directly linked to money laundering and have been indicted as institutions due to their complicity in money-laundering, the significant number of employees involved, the large number of illegal transactions, and the institution-wide profiting from these illegal transfers, which brought a 4–5% fee per transfer. Bancomer, Mexico's second largest bank, Banca Serfin, Mexico's third-largest bank, and Confia, also among the top twenty, were the three banks involved.

This investigation, known as "Operation Casablanca", involved two hundred undercover Customs agents, targeting the Cali cocaine and heroine syndicate in Colombia, the Juarez cartel in Mexico, and the involvement of Mexican banks. Two hundred individuals face arrest warrants as the investigations continue, including warrants issued for the Juarez cartel money manager, Victor Alcala Navarro and one of its leaders, Jose Alvarez Tostado.

I would also like to show my support for the Federal Reserve's issuance of "cease and desist" orders suspending the U.S. operations of Banca Serfin, Bancomer, Banamex, Bital of Mexico and Banco Santander of Spain, because of "serious deficiencies in their anti-money laundering programs." These banks must institute new and tougher controls to resume business in the United States.

Despite Mexico's lax enforcement of its own money-laundering statutes, it is good to see that the United States is not afraid to use its own resources to address this serious problem.

I hope that operations like these will continue to bleed the powerful drug cartels. The American and the international drug war has benefited from this peek into the intricacies of drug-related money laundering.

However, Mr. President, I cannot help but see this latest good news in relation to my concerns about Mexico's insufficient counternarcotics cooperation with the United States. The Mexican government was not informed of this 3-year, extensive investigation until the same morning the press was. Why not? It would seem that this would have been a perfect opportunity to engage in a cooperative law enforcement effort.

The Administration's certification of Mexico for its counternarcotics cooperation in March certainly suggests that a major investigation like "Operation Casablanca" would have been a joint effort. However, the reality is that distrust between U.S. and Mexican law enforcement has strained relations and hurt earlier cooperative efforts.

Undersecretary Ray Kelly, who has been nominated to be the chief of the Customs Service, answered this question in an article of The Washington Post on May 19th. The Mexican authorities were not informed, "Because of fear of compromising the operation and placing the lives of U.S. agents in danger."

Since the announcement of the indictments this week, the Mexican government has made statements in support of this operation, and the Mexican Attorney General indicated that his office will investigate these banks as well.

I just hope that this will result in tougher Mexican laws against drug traffickers and money-launderers and progress toward real cooperation to halt the flow of drugs across our borders, rather than the erratic and insufficient cooperation that we have seen until now. Let the Mexican government take this opportunity to prove their commitment to fighting the spread and profit of drugs. Let this be the start of a new concerted and cooperative effort to rid our countries of this menace.●

NATIONAL FOSTER CARE MONTH

● Mr. CRAIG. Mr. President, I rise in observance of the tenth annual National Foster Care Month, May, 1998—a month when the nation commemorates the outstanding contributions that foster parents make every day to the lives of some of our most vulnerable young people.

Children are our nation's greatest hope and responsibility. Every child deserves a loving, permanent family. Unfortunately, nearly half a million American children find themselves without a family to count on, victims of violence, drugs, or neglect. With the help of foster parents, these children can live in an environment that is safe, stable, and full of love. Yet all too often, the compassion and caring of foster parents go unrecognized.

Let me tell you about an Idaho family who have been foster parents for ten years. Arthur and Janet Mayer have fostered more than 140 boys throughout those years. It is impossible for most of us to imagine—much less imitate—the tremendous commitment of time and energy these fine people have made to their foster children. Later this month, they will be recognized in my state with the Lifetime Achievement to Foster Care Award. I am pleased to express my admiration of Arthur and Janet, and my appreciation for their dedicated service to children and families.

National Foster Care Month gives us an opportunity to commend not only the Mayers, but also the more than 100,000 foster parents across the nation who have opened their homes and hearts to young people in need of temporary refuge. Whether they help 140 children or one, these individuals are making a critical contribution that will resonate long into the future. I hope all of my colleagues will join with me in encouraging families in their own states to participate in the foster care program and applauding the important work of our nation's foster parents.●

TRIBUTE TO DR. D.H. McDONALD—45 YEARS AS COMMUNITY PHYSICIAN

● Mr. KOHL. Mr. President, I rise today to recognize the outstanding career of Dr. D.H. McDonald, who is retiring after 45 years of dedicated service to the health of the people of Winneconne, Wisconsin.

As a young boy growing up during the Great Depression, Dr. McDonald always dreamed of one day being able to take care of others. He took great pride in his father's hard work and accomplishments, and cherished the educational opportunities available to him. His desire to help people, hard work ethic and determination to do his best led Dr. McDonald to serve in the medical corps of the U.S. Army Air Force Command as a hospital administrator during World War II.

During his time at Marquette University Medical School, Dr. McDonald took advantage of every opportunity he had, not only to learn about diverse areas of the medical field, but also to volunteer in the community. He worked at St. Mary Hill Psychiatric Hospital in Milwaukee and volunteered in the disadvantaged areas of Chicago where he made home deliveries of babies under the supervision of specialists.

In 1952 Dr. McDonald established the McDonald Clinic. In an effort to accommodate the needs of the patients, Dr. McDonald used his clinic as a 24 hour, seven days a week walk-in clinic.

Mr. President, Dr. McDonald has remained extremely close to the Winneconne community for over 45 years. Throughout the years, he has contributed to many of the events that have taken place within the community and will always be remembered for his commitment to the health and well-being of the people of Winneconne, Wisconsin.

As he retires from the practice of medicine to the community which he has spent most of his life serving, we wish him the best of luck and thank him for his service.●

MEMORIAL DAY 1998

● Mr. SESSIONS. Mr. President, I rise today to say thanks to those who have gone before us. Monday marks the 130th year of our country's official observance of Memorial Day. It is a day America dedicates to remember all those who fell in defense of this country. On Monday, many across the land will bow their heads in silence for a few moments and remember the patriots of our past.

There is no way to measure the impact on the lives of those who have lost someone to war. Certainly on this Memorial Day, many will mourn the youth and joy of loved ones lost. This is a day for the heroes, known and unknown, who died on the field of battle so we might be free. Mr. President, I salute every soldier, airman, marine, coast guardsman, merchantman and sailor who put themselves in harms way and who forfeited their lives so that members of future generations would have the opportunity to stand in this chamber, on a day like today, and speak without fear.

I have never, nor do I ever wish to know, the fear and suffering that many of these brave men and women surely experienced. It has been said and I would agree, that it is best we leave the understanding of their sacrifice in God's hands—only He can truly know the full measure of what was lost and what was gained. Our responsibility is to acknowledge their sacrifice—to remember that it was made and the reasons for which it was made. Monday, Memorial Day, is the day that our country should unite in one spirit to remember those who purchased the freedom we and our loved ones enjoy.

Former President James A. Garfield, at the first national Memorial Day observance, said "we do not know one promise these men made, one pledge they gave, one word they spoke; but we do know they summed up and perfected, by one supreme act, the highest virtues of men and citizens. For love of country, they accepted death, and thus resolved all doubts, and made immortal their patriotism and virtue."

We should all pause with great gratitude on Monday and look to the future with the greatest of expectations for what the 21st Century holds for us, our children, and our children's children. Our fallen patriots gave everything they had to extend freedom beyond the reach of most of our lifetimes. Mr. President, Memorial Day is not only about remembering the men and women who made the Supreme sacrifice while defending the American way. It is about acknowledging and protecting the ideals they died for, so that their sacrifice shall not have been made in vain.

Brave Alabamians have been among those who have fought so valiantly and are among the hundreds of thousands who died in World War I, World War II, Korea, Vietnam, Lebanon, Panama, Grenada, and the Persian Gulf. They deserve our deepest respect and honor. God bless these fallen heroes. And may God continue to bless the United States of America.•

U.S. AGRICULTURE IMPORT RESTRICTIONS

• Mr. GRASSLEY. Mr. President, I am pleased that last night the Senate approved S. Con. Res. 73, which emphasizes the importance of agriculture in our trade discussions with the European Union. This resolution tells the U.S. Trade Representative two things: The elimination of trade restrictions imposed on U.S. agriculture exports should be a top priority in any trade talks with the E.U. And no trade negotiations should occur, at all, if they will undermine our ability to eliminate these trade restrictions in the next round of ag talks at the World Trade Organization in 1999.

Mr. President, on Monday the president announced in London that the United States and European Union will begin negotiating a new bilateral trade agreement. While I generally applaud any initiative to further reduce barriers to trade, I was dismayed to see agriculture included on the agenda in only a very narrow sense. The many outstanding trade barriers the Europeans have erected to our agriculture exports have been left off the bargaining table.

Currently, the trade in agriculture between the U.S. and E.U. is very one-sided. The Europeans keep out our pork. They keep out our beef. They keep out our feed grains that are genetically modified. Their protectionist policies hurt our farmers. And the Europeans desperately want to keep these policies in place at the expense of our farmers.

So it's understandable why the Europeans want to avoid discussions on agriculture. But I'm surprised the Clinton Administration is willing to move forward with this trade agreement and ignore all the problems we have in agriculture. They appear so anxious to move the trade agenda forward, perhaps to account for their inability to gain fast track authority, that I'm afraid the prospect for further liberalization of agriculture trade will be damaged in the process.

In 1999, a new round of agriculture negotiations are to begin at the World Trade Organization. These negotiations will be critical to setting the rules for global ag trade for the next several years. It is a chance to build on what was begun in the Uruguay Round Agreement—which was the first major trade agreement to address agriculture tariffs, subsidies and nontariff trade barriers.

The United States has much to gain in these talks. We have the most productive, efficient agriculture system in the world. Our farmers can compete with the farmers of any other country. So if trade barriers to ag exports are removed, our farmers will export more of their production, their income levels will rise, rural communities will prosper and the trade deficit will be reduced.

The Europeans, on the other hand, fear open competition in agriculture. They continue to impose high barriers to U.S ag products and to heavily subsidize their own farmers. Many Europeans view the next round of talks as a threat to their agriculture industry. They would rather avoid the negotiations.

So we must use all available leverage to gain concessions from the Europeans. But I'm afraid we will surrender some of our leverage in this new bilateral agreement. In other words, if we give away concessions now, we'll have less leverage when we turn to the ag talks in 1999.

And that would give the Europeans, who don't want free trade in agriculture, the upper hand. And reduce the likelihood that agriculture trade barriers will be eliminated in the 1999 talks. That's what this resolution says. Do nothing that will weaken our negotiating position in 1999.

But the resolution also says something else. It says make the elimination of restrictions on agriculture exports a top priority in any discussions with the European Union. To me, this is just common sense.

The United States has a trade surplus in agriculture products. The rest of the world wants to buy the food and fiber our farmers produce. So there is no doubt that our farmers produce safe, wholesome, high-quality products. Yet the European Union does everything it can to keep these products out of their countries. Products sold all over the world are not allowed into the European Union. So doesn't it make sense that the U.S. would seek to negotiate to remove these trade barriers?

But these barriers are not on the agenda for the upcoming trade negotiations. And I think that is wrong. I think it is unfair to our farmers. It tells them that their issues aren't important. We're just going to sweep them under the rug. And go on to negotiate other trade issues.

Well, Mr. President, now the entire Senate is on record. The Senate has stated firmly: Our farmers deserve better. We will not stand by idly and let you ignore the problems of our farmers any longer.

I hope the administration takes notice of our actions here today. And I hope they immediately press the European Union to put agriculture back on the bargaining table.

Again I thank my colleagues for supporting this resolution.•

A TRIBUTE TO ROSS PENDERGRAFT

• Mr. BUMPERS. Mr. President, I rise today to honor the memory of a long time friend, Ross Pendergraft. He was a good and decent man who helped make his community and State a better place. I extend my condolences to his family and friends, but especially his lovely wife Donnie.

Ross passed away Sunday at the age of 72 in Fort Smith, Arkansas, a city he called home and where he was a former executive vice president and chief operating officer of the Donrey Media Group, which owns five fine newspapers in my State and more than fifty nationwide. Donrey owes its great success in a tough business in large part to the efforts of Ross Pendergraft.

I knew Ross long before I entered public life. He was a man of great personal integrity and professional accomplishment. He was a man of wit, humor, and compassion who made a deep impact on the life of his community. He will be terribly missed by those in the newspaper business and by the thousands of people whose lives he touched not only in Fort Smith but throughout Arkansas.

Born in Abbott, Arkansas, Ross was a World War II veteran, and attended Arkansas Tech University at Russellville on the GI Bill, like so many of us did. In 1948 he joined the advertising staff of the Southwest Times-Record newspaper in Fort Smith, and so began his rise through the ranks of the Donrey organization. In 1961 he was named general manager of the Times-Record and by 1990 he oversaw all Donrey newspapers in the continental U.S. and Hawaii. Three times he was named "Man of the Year" by the Arkansas Press Association.

But he also found the time and energy to serve his community. He was the first vice chairman of the Donald W. Reynolds Foundation, a charitable trust. He was a chairman of the Fort Smith United Way, a president of the city's Chamber of Commerce, a former member of the Arkansas Highway Commission, and he served on the Arkansas

Action Committee as well as countless other civic and charitable organizations.

Ross worked tirelessly to get better roads in western Arkansas and to promote economic development in Fort Smith, which is now among the fastest growing regions in the United States.

Though Ross was a man who oversaw more than 50 newspapers and bought newsprint and printers ink by the ton, he was never one to seek the limelight or use his position for personal aggrandizement. So many of his good works took place quietly, behind the scenes, out of the public eye. He was a man who loved his family, loved his community, and loved the newspaper business. And while my State is diminished by his loss, it has been and will continue to be enriched by the work that he did, the causes he served and the example he set.•

TRIBUTE TO B.L. "BUD" FREW

• Mr. BOND. Mr. President, on January 31, 1998, a long time friend and a true hero of the agriculture world retired. I rise today to pay tribute to B.L. "Bud" Frew who presided over MFA, Inc. for twelve years as President and CEO. Bud has been a most-trusted advisor when it comes to policy and issues that impact production agriculture and rural America.

Bud says that one of the most important accomplishments of his tenure was to instill the idea that everyone has the opportunity to make a contribution to MFA. He felt that the honor in farming had reached a low in the 1970's. Bud took it upon himself single handedly to raise the pride of farmers back to the level of old days when a handshake was a handshake and your word was your word. Maybe that is why he received Missouri Farm Bureau's highest award, Agricultural Leaders of Tomorrow's Recognition of Leadership Award, Ag Leader of the Year from Missouri Ag Industries and Man of the Year for Agriculture from Missouri Ruralist magazine.

He is experienced, wise, practical, honest, reflects the collective commonsense views of rural Missourians' and has the courage to fight for a position that may not be fashionable. Additionally, he has the quality that any doer and great leader has. He knows how to pick his battles and he knows how to win those battles he picks. Those closest to him know that Bud has the two things it takes to be a successful businessman: character and integrity.

I am sorry to see him go because he has been a hero for MFA and a critical leader for Missouri agriculture. However, besides all this, Bud is my friend so I am glad that he may have some time for himself and his family. I hope I am on his fishing invitation list. However, I warn him that he will still be called upon by me and my staff when the tough questions arise. On behalf of rural Missouri, I say to Bud, congratulations and thanks.•

IN ANTICIPATION OF THE UNIQUE SOUTH DAKOTA-MANITOBA EXCHANGE CONCERT

• Mr. DASCHLE. Mr. President, I would like to honor the concert band from Tulare High School in Tulare, South Dakota, and the Garden Valley Collegiate school in Winkler, Manitoba, Canada for their participation in a special spring concert to be held in Manitoba on June 2.

This is an exciting opportunity for these band members and students to reach across the North American border, and together, promote the exchange of culture and ideas. The concert promises to be a very celebrated event, which should build bridges between these schools for a long time to come.

I would like to recognize the leadership of Sam Glantzow, band director at the Tulare High School. He has dedicated so much time and effort into seeing this important exchange take place. Also, I would like to thank Paul Moen, band director, and Karl Redekop, principal, from the Garden Valley Collegiate School. By extending an invitation across the border into South Dakota, they have made an important contribution to international dialogue and understanding. I admire these teachers and administrators for providing their students such a creative and unique opportunity.

I wish the students and teachers the best of luck for a beautiful and successful concert.•

THE IMPORTANCE OF SCIENCE AND TECHNOLOGY TO AMERICA'S FUTURE

• Mr. FRIST. Mr. President, as a physician and surgeon, I've had the opportunity to witness everyday the remarkable difference that medical science and technology have made in people's lives.

In just the short space of time that I've been practicing medicine—less than 20 years—I've seen how the products of medical research and development—lasers, mechanical cardiac assist devices, mechanical valves, automatic internal defibrillators—have not only saved but vastly improved the quality of hundreds of thousands of lives every year.

And as a physician, I can envision a future in which science and technology will roll back the current frontiers of medical knowledge, identify the causes, and eliminate most of the effects of the diseases that now plague mankind. It's absolutely astounding to contemplate.

However, as a Senator, I've been afforded a different opportunity. And that's the opportunity to see, and learn, and understand — not just medicine—but America. And, as a Senator, I can envision the difference that science and technology will make in the life of our Nation.

Mr. President, as a country of immigrants we are a people drawn from diverse backgrounds and ideas. And there is no doubt that this unique amalgamation is one source of our remarkable strength and resiliency. But as diverse as our individual heritages are, a common thread runs through all of us. That thread is our common heritage as Americans, and it unites and strengthens us as well.

Our forefathers came to this land to build a new life. Not surprisingly, they in turn created a nation of builders. We build homes. We build communities. We build factories and businesses. But most of all, Mr. President, we build futures—because we also build hope.

As a people, Americans rise to a challenge. And as a nation —to every challenge we've ever faced. At no time was this more apparent than during World War II when we were forced to make drastic sacrifices to survive. The legacy of those choices has driven our economy and our policies ever since, and one of those legacies is the federal investment in science and technology.

Science and technology have shaped our world in ways both grand and small. We've put men into space and looked into the farthest corners of the known universe. We've broken the code of the human genome and begun to dismantle previously incurable disease. We've created a virtual world and a whole new realm called cyberspace. Yet, technology also surrounds us in millions of little ways we no longer even notice: the computers that run our cars; the cellular phones that keep us in touch; the stop lights, the grocery store checkouts, the microwaves that help our lives run smoother and faster.

In my Senate office alone, technology has made a tremendous difference—both in terms of helping me keep in touch with the people of Tennessee, and by helping them access important information.

For example, while in the past Senators kept in touch by phone, letter, and trips to the state, today I regularly schedule video conferences with Tennessee schools—from the elementary to the university level. In March I spoke to the entire student body of George Washington Elementary School in Kingsport. Certain students were selected by their teachers to ask questions, and the rest watched on closed-circuit television. In April, I visited with students from Austin Peay State University in Clarksville. So, it no longer takes a week-end to speak with my constitutents face-to-face. At 11:50 that morning I was voting on the floor of the United States Senate; at noon, I was having a conversation with students in Tennessee.

And thanks to the Internet—another remarkable product of federal research funds—this one funded by DARPA (Defense Advanced Research Projects Agency)—my Senate Website not only allows me to share my voting record, press releases, and speeches with constituents, it allows them to voice their opinions and concerns and ask questions about issues before the Senate.

Our office also uses a digital camera—which allows photographs to be downloaded, printed, and disseminated almost instantly. On a recent trip to Bosnia, for instance, I took pictures of our troops from Tennessee, downloaded them into my laptop, e-mailed them to local newspapers in Tennessee, as well as to my Washington office where they were posted on the Web for all to see. The whole process took only a few minutes.

As we can see, today's world runs on technology, and through its investment in research and development, the federal government has played a significant role in creating it. In fact, more than 56 percent of all basic research is produced with federal funds.

Much of our economy runs on technology as well. Half of all U.S. economic growth is the result of our technical progress. Technology helps provide new goods and services, new jobs and new capital, even whole new industries.

Developments in chemicals technology, for example, have lead to the production of new petrochemicals, agrochemicals, food and pharmaceuticals, and advanced health care materials such as those used in skin grafts.

Information technologies have spawned whole new industry segments in cellular communications, electronic commerce, and global information access.

The space imaging and remote sensing technology that produced the U.S. Global Positioning System, has in turn become a core technology in several industries key to the U.S. economy, including agriculture, aviation, construction, land use, transportation, and mining. And those industries have themselves produced dramatic advancements. In agriculture alone, GPS-enabled precision farming has allowed more limited applications of pesticides and fertilizers, which in turn have resulted in less environmental damage at lower costs with more precise crop yield determinations.

Without a doubt, technology is the principal driving force behind our long-term economic growth and our rising standard of living. In fact, according to the Office of Science and Technology Policy (OSTP), technology is the single most important factor in sustained economic growth. Not only is the performance of U.S. businesses and their contributions to economic growth directly linked to their use of technology, but as cited in a study conducted by the Department of Commerce, manufacturing businesses that used eight or more advanced technologies grew 14.4 percent more than plants that used none—and, production wages were more than 14 percent higher.

For any who might still remain unconvinced that our federal investment in science and technology has not produced phenomenal returns, let me give just two quick examples.

Over the last three decades, the Department of Defense has funded $5 billion in university research in information technology. Those programs alone created one-third to one-half of all major breakthroughs in the computer and communications industries. Today, those businesses account for $500 billion of GDP—a return on our investment of 3,000 percent! In fact, studies of just one university alone—MIT—found that in Massachusetts MIT grads and faculty founded over 600 companies that produced 300,000 jobs and $40 billion in sales. In Silicon Valley, MIT grads founded 225 companies which produced 150,000 jobs and more than $22 billion in sales.

In one industry alone—biotechnology—government's $43 million annual investment has not only produced the human capital of the biotech industry—scientists, engineers, managers—and new knowledge that's led to an understanding of the molecular basis of disease, but also new companies and new wealth. To, again, use MIT as an example, in Massachusetts alone, MIT-related companies have produced 10,000 new jobs, $3 billion in annual revenues, and 100 new biotech patents licensed the U.S. companies that have induced investment of $650 million. Those companies now produce nine of the 10 FDA-approved biotech drugs that stop heart attacks and treat cancer, cystic fibrosis and diabetes, and we've only just begun to tap the potential returns of this rapidly advancing new field.

But universities are not just the fountainhead of innovation. They are the wellsprings that provide the intellectual underpinning of future progress. They train the people who will translate new discoveries into new products and processes and industries.

For example, Jennifer Mills, a physics undergraduate from Portland, Oregon, wrote much of the computer code responsible for the remarkable images sent back to Earth by the Hubble telescope. James McLurkin, an undergrad engineer, created a tiny robot that may well revolutionize certain kinds of surgery—enabling surgeons to operate inside the body without ever touching the patient!

AMERICA'S INVESTMENT IN SCIENCE AND TECHNOLOGY MUST CONTINUE

Clearly, America's investment in science and technology must continue. The two central questions that Congress must ask and answer, however, are: (1) Will science and technology continue to be as great a Congressional priority in the future as it has been in the past; and (2) Will the kind of financial investment necessary to sustain future progress ever be possible in light of our other growing financial commitments?

Mr. President, the history of the last five decades has shown us that there is a federal role in the creation and nurturing of science and technology, and that—even in times of fiscal austerity—that commitment has been relatively consistent.

However, the last three decades have also shown us something else: fiscal reality. The simple truth is there's just not enough money to do everything we'd like to do.

It took some time for us to realize that, and by the time we did, we found ourselves in a fiscal situation that is only now being addressed. And—budget surpluses notwithstanding—discretionary spending is under immense fiscal pressure.

One only has to look back over the last 30 years to confirm the trend. In 1965, mandatory federal spending on entitlements and interest on the debt accounted for 30 percent of the federal budget. Fully 70 percent went toward discretionary programs—research, education, roads, bridges, national parks, and national defense.

Today— just 30 years later— that ratio has been almost completely reversed: 67 percent of the budget is spent on mandatory programs and interest on the debt; leaving only 33 percent for everything else, including research. In fact, total R&D spending today as a percentage of GDP is just .75 percent—as compared to 2.2 percent in the mid-1960s when superpower rivalry and the race to space fueled a national commitment to science and technology. As the BabyBoom generation begins to retire and the discretionary portion of the budget shrinks even further, this situation will only grow worse.

Thus, Mr. President, we have both a long-term problem: addressing the ever-increasing level of mandatory spending; and a near-term challenge: apportioning the ever-dwindling amount of discretionary funding.

The confluence of this increased dependency on technology and decreased fiscal flexibility has created a problem too obvious to ignore: Not all deserving programs can be funded; Not all authorized programs can be fully implemented.

In other words, Mr. President, the luxury of fully funding science and technology programs across the board has long since passed. We must set priorities.

FRIST VISION FOR THE FUTURE: HOW WE ENSURE FEDERAL SUPPORT FOR SCIENCE AND TECHNOLOGY

Mr. President, I commend my colleagues, Senators GRAMM, LIEBERMAN, DOMENICI, and BINGAMAN, for commencing a debate on funding for science and technology that is long overdue. I firmly believe that Congress must reaffirm our national commitment to science and technology, and redouble its efforts to ensure that funding is not only maintained but increased. However, I also believe that funding levels alone are not the answer.

What we really need, Mr. President, is a strategy for the future—a vision that not only provides adequate levels of funding, but ensures that that funding is both responsible and sustainable over the long term.

I believe we do it by establishing and applying a set of first or guiding principles that will enable us to consistently ask the right questions about each competing technology program; focus on that program's effectiveness and appropriateness for federal funding; and most importantly, make the hard choices about which programs deserve to be funded and which do not. Only then can Congress be assured that it has invested wisely and well.

What are these first principles? There are four:

First, federal R&D programs must be good science. They must be focused, not duplicative, and peer-reviewed.

Because there is strength in diversity, they must support both knowledge-driven science—which broadens our base of knowledge and advances the frontiers of science; and mission-driven science requirements—which push the state-of-the-art in specific technology fields.

Second, programs must be fiscally accountable. Especially in today's fiscal environment, wasteful administrative habits can't be tolerated.

Third, they must have measurable results. Programs must achieve their aims. Their effectiveness must be evaluated— not on the basis of individual projects which can have varying rates of success — but on basis of the entire program.

Fourth, they must employ a consistent approach. Federal policy must be applied consistently across the entire spectrum of federal research agencies. High quality, productive research programs must be encouraged regardless of where they are located.

Accompanying the four first principles, are four corollaries:

(1) Flow of Technology. The process of creating technology involves many steps. However, the current federal structure clearly reinforces increasingly artificial distinctions across the spectrum of research and development activities. The result is a set of programs which each support a narrow phase of research and development, but are not coordinated with one another.

Government should maximize its investment by encouraging the progression of a technology from the earliest stages of research up to commercialization, through funding agencies and vehicles appropriate for each stage. This creates a flow of technology, subject to merit at each stage, so that promising technology is not lost in a bureaucratic maze.

(2) Excellence in the American Research Infrastructure. We must foster a close relationship between research and education. Our investment at the university level creates more than simply world class research. It creates world class researchers as well. We must continue this strong to a research infrastructure, and find ways to extend the excellence of our university system to primary and secondary educational institutions.

(3) Commitment to a Broad Range of Research Initiatives. Revolutionary innovation is taking place at the overlap of research disciplines. We must continue to encourage this by providing opportunities for interdisciplinary projects and fostering collaboration across fields of research.

(4) Partnerships among Industry, Universities, and Federal Labs. Each of these has special talents and abilities that complement the other. Our federal dollars are wisely spent by facilitating the creation of partnerships, in effect creating a whole that is greater than the sum of its parts.

These first principles and their four corollaries, Mr. President, provide a framework that will not only guide the creation of new, federally funded research and development programs, but validate existing ones. Taken together, they create a powerful method for elevating the debate by increasing Congress' ability to focus on the important issues; decreasing the likelihood that it will get sidetracked on politically-charged technicalities; and ensuring that federal R&D programs are consistent and effective. They will also help us establish both a consistent set of national goals, and a vision for the future.

LOOKING TO THE FUTURE

However, Mr. President, even if we are to accomplish all that we hope— in terms of setting and fully funding our current science and technology priorities, creating a vision for the future, and developing a strategy for attaining it—our work will still be incomplete if we fail to accomplish one more thing: We must prepare the next generation for the century to come.

We must create a scientifically-literate work force capable of prospering in a world not only driven by a science and technology economy, but dependent upon science and technology excellence.

Yet as evidenced by the results of the latest TIMSS (Third International Math and Science Study) study, America's high school seniors are among the industrial world's least prepared in math and science. And in math and physics, no nation performed more poorly than the United States.

Why? Part of the reason is teacher qualification—28 percent of all high school math teachers, and 55 percent of all physics teachers neither majored nor minored in these subjects.

Part of the reason is unrealistic curricula—which forces teachers to teach a little bit of everything, but nothing in depth.

Part of it has to do with textbook publishers who seem to be more concerned with continually adding new material than with advancing students' skills.

And part of it, no doubt, has to do with the fact that, in many cases, we simply have not fostered in our children the same spirit of wonder that was fostered in us.

Mr. President, it's time to, once again, get America excited about science.

It's time we recovered our heritage, and became again a nation of people who build the future—a future filled with hope and promise.

And it's time we inspired the next generation to continue the process of exploration and innovation that made America possible in the first place, and that will take her into a 21st century future brighter than any point in her past.

Mr. President, as a physician, as a scientist, as a Senator, those are my goals. I hope they are the goals as well of every Member of this body. For whether we, as a nation, use and develop the knowledge we gain to its highest potential for the benefit of ourselves, our Nation, and our fellow man depends, in large measure, on whether we are able to achieve them.

Mr. President, I thank the chair.

MEMORIAL DAY

• Mr. ROCKEFELLER. "A nation reveals itself not only by the men it produces but also by the men it honors, the men it remembers." What better way to pay tribute to America's veterans on this Memorial Day than to quote our former President, John F. Kennedy. He knew then, in 1963, that it was imperative we honor and remember our veterans, as we should know today. We must not forget the sacrifices of the many men and women who gave so much for the sake of this great country, and we must honor them with our gratitude.

I stand before you today to salute these veterans. In my home state of West Virginia, generations of veterans have served in the Armed Forces, and many have lost their lives. This country would not be the world power that it is today had it not been for these men and women who fought so bravely. Let us not just know that this day is Memorial Day, let us take a moment to put names, faces, on these veterans. Husbands, wives, mothers, fathers, and children. Friends to us all; friends who fought for our freedom. Freedom that we share every single day of our lives.

Freedom that makes America as great as it is.

Stand proud when you see the American flag waving high in the air. Sing along to the Star Spangled Banner. Nod your head in respect when you pass by a veterans' cemetery. Behind these symbols of America are the people who have made them so remarkable, the veterans of this country. They deserve our gratitude on this day and everyday.

So many veterans gave their lives for this Nation. We cannot forget what they did for us. The lives that were lost and the lives that were changed forever. It does not matter whether they served in combat or peace time. Each left behind familiar surroundings, undertook risks, and faced the unknown. We should honor them all for their courage. They joined the Armed Forces of this country to defend and protect it, to make it safe for their, and our, loved ones.

We vowed to take care of our veterans when they returned home to us. In many ways, we have, by setting up a benefits program and a health care system, creating two Committees in Congress to oversee these efforts, devoting enormous amounts of resources to their health and well being. But I am forced to say that the recent record of this administration, and of many in Congress, has deteriorated in the area of protecting veterans' benefits. Our commitment to meeting the needs of veterans has been eroded, and we can and must do better. There are still many areas that need improvement. It is not a perfect system. We must strive to better it and not let any of our veterans be shortchanged of the benefits and care they so dearly earned and deserve.

I would like to speak about just a few of the ordeals that our veterans have had to face after their return from service. I do this to acknowledge these problems and to pledge to continue in my fight for solutions.

Gulf War veterans. Even though the war is over, many are struggling with illness, often undiagnosed, but nevertheless debilitating. Seven years have passed since the end of the Gulf War, and DOD and VA still do not know what is wrong with the veterans who fought in this war. We need to be able to answer the questions of "How many veterans are ill?" and "Are our ill veterans getting sicker over time?"

We also need to provide a permanent statutory authority to compensate these veterans. That is why I have introduced legislation, S. 1320, that targets these important issues. It took our government 20 years after the Vietnam War to assess the effects of Agent Orange and 40 years after World War II to concede the problems of radiation-exposed veterans. We must learn from the lessons of the past and act. We cannot allow our Gulf War veterans to keep waiting for the benefits and care that they earned seven years ago.

Or take atomic veterans, who were exposed to ionizing radiation during service. I have serious concerns about the way atomic veterans' claims are being handled and the way regulations to administer those claims are being created. These veterans were intentionally placed in harm's way, sworn to secrecy, and abandoned by their government for many years. It is critical that we search for a better way to address their compensation claims.

I recently cosponsored legislation that would authorize health care for veterans treated with nasopharyngeal radium irradiation, veterans who have so far been excluded from access to VA services. These veterans, primarily Navy submariner and Army Air corps pilots, received nasopharyngeal radium treatments in the 1940's and 1950's to treat and prevent inner ear problems that developed due to the inadequate pressurization of their respective vessels. Unfortunately, the health effects of the treatments that were given to these veterans are unknown. However, when such high levels of exposure are sustained, we must be concerned about long-term health effects, and thus, we have a responsibility to ensure these veterans' access to health care. Simply put, it is the right thing to do.

We owe these veterans. They risked everything for us—their health and sometimes even their lives. We should, at least, give them appropriate research, health care, and compensation. At least.

An important issue concerning veterans at this time is the VA budget for benefits and health care. I would like to share with America where these issues stand.

First, the benefits side of the budget. The administration this year requested a very modest increase of $565 million in funds for benefits payments, just what is needed to cover cost-of-living allowances. VA has also requested $850 million—$63.5 million above the FY 98 level—for the account that funds the administration of nonmedical benefits. Although these amounts appear to be an increase, VA's benefits delivery staff will lose 45 FTE. In a time when it takes VA 157 days to decide a new compensation claim, and years longer in appeals cases, it concerns me greatly that VA is seeking funds that will not allow it even to maintain, at the very least, its current level of staffing.

I am particularly troubled by the proposal by the administration, adopted this very day by the Congress, which cut $10.5 billion from the veterans' benefit account over the next five years. This was done by removing VA's existing authority to pay compensation to veterans who suffer from tobacco-related illnesses, based on the nicotine dependence they developed while in the service. The money saved from cutting this benefit will be put into more highway spending.

Although I support a strong highway bill, I firmly believe that it should not be funded by cuts in veterans benefits, particularly a program cut that totally bypassed the Senate Committee on Veterans' Affairs. That is why I offered an amendment to the Budget Resolution to protect the funding to the veterans account. Unfortunately, my amendment was defeated by a vote of 52–46.

On the health care side, the VA budget request for medical care is $30 million less than last year. The base appropriated funding level of $17.03 billion would be supplemented by approximately $560 million from veterans' copays and collections from insurance companies. When the base funding level is combined with these collections, the VA health care system would have $17.6 billion to spend next year—approximately what it is spending this year. Unfortunately, this flatlined budget makes no allowance for cost-of-living increases for VA employees and other rising costs due to inflation.

The VA health care system is a system in transition. Recent changes in lines of authority, resource allocations, and methods of health care delivery, as well as downsizings and facility integrations, have buffeted the system. While all this reorganization is underway, I am concerned that VA have good systems in place to ensure that high quality health care is the standard practiced at all VA facilities, regardless of where they are located around the country. I will continue my efforts to make sure that VA, as the nation's largest health care provider, upholds the highest standards of quality of care.

What is clear is that we still have a lot of work to do for our veterans. We have come a long way, but there are still many miles to cover.

They promised us they would risk their lives. We promised them we would take care of them. Caring for our veterans is the least we can do.

On this day, ladies and gentlemen, be proud of the men and women—veterans and service members from every branch and action—who have served our nation with courage. And, my colleagues, match your pride with a pledge to maintain the nation's commitment to them.

Veterans have earned our respect and admiration. I am committed to upholding their honor the offering them the thanks they so richly deserve. I ask you, America, to do no less.•

LEHIGH VALLEY HOSPITAL AND HEALTH NETWORK

• Mr. SANTORUM. Mr. President, I rise today to recognize Lehigh Valley Hospital and Health Network, along with the American Nurses Association,

who declared May 6–12 National Nurses Week 1998.

The theme of the week, "Nursing: Health Care With a Human Touch," was in commemoration of the ways in which registered nurses strive to provide safe and high quality patient care and find ways to improve our health care system.

The 2.2 million registered nurses in the United States comprise our nation's largest health care profession. The far-reaching duty of the registered nursing profession is to meet the emerging health care needs of the American population, while registered nurses' education focuses on restoring and maintaining the health of the individual.

Registered nurses will continue to be an important component of the U.S. health care system. They play an integral role in the safe, quality care of hospitalized patients, as well as contributing to the growth of home health care services and advancements in life-sustaining technology.

Mr. President, I commend Lehigh Valley Hospital and Health Network and the American Nurse Association for honoring National Nurses Week 1998. I ask my colleagues to join with me in recognizing the registered nurses who care for us all.•

PORT ARTHUR, TEXAS—CENTENNIAL RECOGNITION

• Mrs. HUTCHISON. Mr. President, on May 29th, I will be in Port Arthur, Texas, helping to celebrate the City of Port Arthur's Centennial Day Celebration as well as the tenth anniversary of the Golden Triangle Veterans' Memorial Park. Port Arthur, a city born at the dawn of the 20th century, enters the 21st century confident in its stride as a growing and vibrant community on the Texas' Gulf Coast, not far from my home town of La Marque. Port Arthur, a corner of what some call Texas' Golden Triangle, plays a key role in our national security by contributing to our energy independence through its oil exploration and petroleum refining activities. Nearly every American has benefited from the products that enter the world market from Port Arthur—petrochemicals and oil in particular.

The City of Port Arthur is named for Arthur E. Stillwell, originally of Rochester, New York. In 1895, Mr. Stillwell was searching for a site for the southern terminal of his proposed railroad from Kansas City to the Gulf of Mexico. He chose a site on the north shore of Lake Sabine, where Port Arthur stands today. The railroad to Port Arthur, which eventually became known as the Kansas City Southern Railroad, was completed in 1897. The city of Port Arthur was incorporated on May 30, 1898, one hundred years ago this month.

The next year, the original ship canal to the Gulf was opened. Today, cargo tonnage out of the Port of Port Arthur averages about 23,000,000 tons per year. But it was on January 10, 1901, that the destiny of Port Arthur changed forever when a well dug by Anthony Lucas at Spindletop, only ten miles away from Port Arthur, struck black gold. Nearly a million barrels of crude oil are refined in the area daily, justifying Port Arthur's claim—"We Oil the World."

Today, Port Arthur is the home of three major refineries and the still important terminus of the Kansas City Southern railroad. The town of one thousand people a hundred years ago has grown to almost 60,000, and a diverse economy guarantees Port Arthur's growth into its second century. In addition to its energy industries, Port Arthur has become a year-round fisherman's paradise where thousands of anglers catch more than twenty-five varieties of freshwater and saltwater fish. Other popular local attractions include the Museum of the Gulf Coast, the McFaddin and Texas Point National Wildlife Refuges, the Sabine Pass Battleground State Historical Park, and Sea Rim State Park.

I'd like to talk for a moment about the tenth anniversary of the Golden Triangle Veterans' Memorial Park, which we will also be celebrating next week. This is the only park in the United States that recognizes all veterans, including those that served during times of peace. It was built by members of the community, financed and constructed through donations and over 55,000 volunteer man-hours. The park contains walls of honor for all our nation's past wars. The park's ten-year anniversary celebration is part of a week's worth of activities recognizing the Port Arthur Centennial.

I want to congratulate Jefferson County Judge Carl Griffith, Port Arthur Mayor Robert Morgan, Jr., and the people of Port Arthur on this historic occasion. Together, we look forward to what their community will accomplish in the next 100 years.•

RECOGNIZING PETE LYONS UPON RECEIVING A NEW MEXICO DISTINGUISHED PUBLIC SERVICE AWARD

• Mr. DOMENICI. Mr. President, every year, New Mexico recognizes some of their own citizens who have contributed to their communities in extraordinary ways. Today, along with the citizens of New Mexico, I am grateful for this opportunity to recognize Dr. Pete Lyons for his civic service. As a Legislative Fellow in my office he serves as my science advisor and during his time with me, I have benefitted from his good advice and diligent work.

Service to one's community can be expressed in many different forms. However, it is rare to find someone as dedicated to so many diverse activities as Pete Lyons. He is a 29-year employee of Los Alamos National Laboratory while serving for 16 years on the Los Alamos School Board. Whether it is his scientific work, his initiative to help rural communities, his dedication to education and young people, or his work to improve policy in the international area, Pete shows the same integrity, insight and old-fashioned hard work.

Pete moved to New Mexico 29 years ago to work for the Laboratory as a technical staff member. He went on to serve in a number of management positions. In his career at the Lab he was the first Director of the Industrial Partnership Office where he expanded and created programs to encourage economic diversity in Northern New Mexico. He continued efforts to improve cooperation with the surrounding community through the Lab's office of Regional Economic Development and Technology Commercialization Office. Through a wide range of critical projects involving issues from telecommunications infrastructure, to telemedicine capability to improve rural health care, to technical assistance for water quality his work has been hallmarked by a dedication to the entire community both related and unrelated to the Laboratory. Since the Lab's beginning during World War II, it has been a stark contrast to the economy and cultures of the surrounding region. Through this work, Pete has helped to bridge that gap to begin a new era of cooperation and interaction for the Laboratory and the nearby communities.

In addition, I believe his service that is the most commendable is his active involvement in education. Pete recognizes that our children's future, our nation's future, is dependent upon the quality of our education system. During his sixteen years on the Los Alamos School board, he was instrumental in helping to create University of New Mexico-Los Alamos Branch College. He represented the Laboratory during negotiations with the local school district to form a foundation to provide financial support from the Lab and the Department of Energy to provide financial support for school districts where lab employees lived. During his time in my office, he has worked to bring attention to our nation's need to improve science and technology education so that America will remain competitive well into the next century.

Pete also knows that personal involvement can mean so much to young people. He has spent several years coaching soccer, sponsoring Boy Scouts, and serving as deacon in his church.

In a sense, Pete continues his civic service as a congressional fellow in my office. Over the months, he has proven to me his immense value to New Mexico and the nation. Whether the issue be rural economic development or nuclear non-proliferation, Pete brings

thoughtful knowledge and keen insight to the table. He is willing to tackle controversial issues with a open mind and commitment to truthful dialogue.

I hope my colleagues will join me and my fellow New Mexicans to recognize this remarkable American.•

FRANCES C. RICHMOND MIDDLE SCHOOL: BLUE RIBBON SCHOOL

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate the students, teachers, and staff of the Frances C. Richmond Middle School in Hanover, New Hampshire for being recognized by the United States Department of Education as a Blue Ribbon School.

Blue Ribbon status is awarded to schools that have strong leadership; a clear vision and sense of mission that is shared by all connected with the school; high quality teaching; challenging, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; solid evidence of family involvement; evidence that the school helps all students achieve to high standards; and a commitment to share best practices with other schools. This honor is vigorously sought by thousands of schools across the nation, and only 166 schools are so recognized.

The Richmond School is part of the Dresden School District, the first interstate district in the United States. The school educates sixth graders from Hanover, New Hampshire, and seventh and eighth graders from both Hanover and Norwich, Vermont.

The curriculum of the Richmond School focuses on the academic, social and developmental transitions which take place at each grade level. Special care is taken as the Hanover sixth graders move from elementary to middle school, as the Norwich seventh graders join them one year later, and as the eighth graders take their place as school leaders and begin planning for high school. The Richmond School takes pride in the fact that students have individual schedules built around their choices for academic and elective courses. A foundation of their program is the fine and practical arts program, which allows students to choose from over 25 elective courses each quarter. Community service is required for all eighth graders to introduce students to the pleasures and responsibilities of contributing to their community.

The school has grown from 286 students to 460 students in the past ten years, and this has presented the school with a number of challenges. A creative and challenging administrative response to the growing student population has been to divide leadership roles among the staff. Rather than simply hiring assistants in the central office, the administration asked teachers and other professionals to take on the role of leadership in budget development, curriculum articulation, school climate and technology planning. These initiatives on the part of the staff have resulted in lively staff debates, enriched staff development opportunities, better communication from grade to grade, and more frequent interaction with parents and community.

As a former teacher and school board chairman, I recognize the challenges involved in providing students a quality education. I commend the teachers and staff for their effort and innovation that have built a top-notch school. I am pleased that they have been recognized for their success, and it is with great pride that I represent them in the United States Senate.•

HOOSIER HERO TRIBUTE TO ROBERT MOHR

• Mr. COATS. Mr. President, I take this opportunity to recognize Robert Mohr of Peru, Indiana, for his outstanding accomplishment this past week.

You see, Mr. President, on May 12, 1998, Mr. Mohr, a conductor for Norfolk Southern railroad, and engineer Rod Lindley were guiding their 96-car freight train through a residential area of Lafayette, Indiana, when they noticed a small child on the train tracks. With only a short distance between the train and the child, these men slowed the train to 10 mph and blasted the horn, but 19-month-old Emily Marshall still remained on the tracks.

Robert Mohr acted immediately and selflessly. Risking his own safety, he climbed onto the front of the train, reached out, and pushed the toddler out of harm's way. Thanks to Robert's quick reaction, Emily Marshall was returned to her family with only a cut on her head and a swollen lip.

Mr. President, I commend Robert Mohr for this brave and selfless act, and that is why I am honoring him as a Hoosier Hero.

I began the Hoosier Hero award in order to single out Hoosier men and women who have made significant contributions to Indiana history or life, while at the same time serving as an inspirational example for the entire nation. I can think of no greater contribution to life than preserving the life of a small child, such as young Emily.

Emily Marshall, an innocent toddler who wandered onto the train tracks, will probably not realize for several years what Robert Mohr did for her. However, through Robert Mohr's courageous act, Emily now has the opportunity to grow healthy and strong. Emily's future is a bright one, full of promise because of the heroic decision Robert made on that spring afternoon.

Thank you, Robert Mohr, for your courage, your bravery, and your selfless act of saving the life of young Emily Marshall. You are an inspiration to all, a true Hoosier Hero.•

NATIONAL MUSICIANS WEEK

• Mr. THOMPSON. Mr. President, it gives us great pleasure to bring to the Senate's attention one of the new premier events in the world of music: Chet Atkins' Musician Days.

Known by many as "Mr. Guitar," Chet Atkins is the most recorded solo instrumentalist in music history. As a studio musician, his work has gilded the records of artists from Elvis Presley to the Everly Brothers to Hank Williams. Chet has been named Musician of the Year nine times by the Country Music Awards and has won thirteen Grammies, more than any other artist in the history of country music.

Now it's no secret that the State of Tennessee has provided the world with more than its share of great music, from the blues of Memphis' Beale Street to the bluegrass of Appalachia to the country sounds of Nashville. But it's also true, even in Tennessee, that we sometimes forget the performers who stand just outside of the spotlight, the musicians who accompany the stars but rarely take center stage. That gave Chet Atkins an idea: organize an event to honor the musicians, or, as Chet puts it, "the people who make the singers sound good!" I now yield to my colleague from Tennessee.•

• Mr. FRIST. And so, an idea was born. Last June, Nashville saw the debut of Chet Atkins' Musician Days, a celebration of the contribution of musicians from around the world in every genre of music. Over four days, a total of 169 acts comprised of 604 artists from seven countries performed at 43 venues throughout the city. From a star-studded concert featuring 90 performers at the historic Ryman Auditorium, former home of the Grand Ole Opry, to a myriad of informal acoustic jam sessions at smaller stages all over the city, it was an event that few will soon forget.

A big part of Musician Days is its focus on the future of music. Throughout the festival, budding musicians are encouraged to bring their instruments for impromptu sessions with the pros. Proceeds from last year's inaugural event went to the Chet Atkins Music Education Fund, to be distributed to organizations that encourage the musical education of our nation's young people.

The success of Chet Atkins' Musician Days in 1997 led to plans for an even bigger event this year. Next month, thousands of music lovers will again descend upon Music City USA for several days of first-rate concerts, musical workshops, and good fellowship. As we

anticipate this year's repeat performance, it seems fitting for us to proclaim the week of June 22–28 as "National Musicians Week" in honor of these silent heroes, the players behind the stars, and the critical role they play in the musical legacy we all enjoy.•

RECOGNITION OF MELINDA HUBBARD

• Mr. SMITH of Oregon. Mr. President, I rise today to recognize the outstanding academic achievement of a resident from my home state of Oregon, Ms. Melinda Hubbard. A senior at Country Christian High School, Melinda was recently named as the Oregon State Winner of the Citizens Flag Alliance Essay Contest for her essay entitled "The American Flag Protection Amendment: A Right of the People * * * the Right Thing to Do."

I agree with Melinda that the time has come to protect our nation's flag with a Constitutional Amendment. I am requesting that her essay be printed in the RECORD immediately following my remarks so that every American can have the opportunity to read it.

In addition, I have requested the Sergeant at Arms Office to fly a flag over the Capitol on Flag Day, June 14, 1998, in recognition of her achievement.

The essay follows.

THE AMERICAN FLAG PROTECTION AMENDMENT: THE RIGHT OF THE PEOPLE . . . THE RIGHT THING TO DO

(By Melinda S. Hubbard—A Senior at Country Christian High School)

The American flag. The stars and stripes. Old Glory. The Star-Spangled Banner. All of these are names for the most widely known symbol of our great nation. These are names that have inspired patriotism in many people. But what do they mean to us now?

In years gone by, many people have sacrificed their lives for the principles upon which the United States of America was founded and for which our flag is a symbol. The flag is a symbol of what our nation was as well as what it has become. Because of this symbolism, the flag of the United States of America should be honored and respected. This is why a flag protection amendment is necessary.

The United States of America has long been viewed as the greatest country in the world, not only by its citizens, but by many other nations as well. Part of the reason that it is viewed thusly is due to the fact that its Constitution and form of government have survived for so long. While it is true that America is a relatively young country when compared with European nations, America has known a stability that few other nations have known. Consider France or Italy. In the past two hundred years, France has experienced seven completely different forms of government, and Italy has seen fifty-one forms. The stability of the United States comes from our nation's foundation, which was on the principles and morals of the Christian men who founded our great nation.

In his farewell address on September 19, 1796, George Washington said, "Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports . . . 'Tis substantially true, that virtue or morality is a necessary spring of popular government." Before we are able to look at what our nation symbolizes, we must first look to the men who founded it. They were the Puritans. But what were the Puritans looking for? The Puritans were looking for a land of freedom, a land where they could worship their Lord and Savior as they believed He should be worshipped. It was for this reason that they fled England. They wanted a country whose churches could not be dictated to by the nation's leaders. Not only were they looking for a country where they would be allowed to worship, but they were looking for a land where they could speak out against what contradicted their beliefs and where they could have a voice in who was to lead their country. For these reasons, they toiled in a new land, carving their homes from wilderness. Without the discipline, mortality, and virtue of the founders, our nation's government would not have endured for as long as it has.

For more than two hundred years, the United States has been a land of freedom and opportunity, thanks to the diligence of its founders. But with those same freedoms and opportunities comes responsibility, a responsibility to the memories of each and every man, woman, and child that has given a part of their life as a sacrifice for their country. This responsibility is one that, as America grows stronger and more prosperous, few wish to share.

Since the time when everyone held the same beliefs and moral standards, people's convictions and ways they are taught have changed. The citizens of the United States are now being taught to believe many opposing codes of conduct such as "There's no definite right or wrong; there is only what you feel" and "There is accountability to God, your country, and your family." While everyone is most definitely free to believe as they choose, these contrasting philosophies lead to different opinions on how the flag, the symbol of our nation, should be treated.

The freedoms which the founding fathers toiled to establish and for which our flag is a symbol are an important part of our nation's heritage. Without these freedoms, we would be lost and would become just as any other country, a people who are devoid of hope. When a person desecrates the flag of the United States, he is not only scorning our nation, but he is also desecrating the memory of every person who ever served in a war or sacrificed their own life in order to maintain the freedoms of our nation.

We must protect our nation's heritage and foundation. Also, we need to honor the memories of those who have given their lives to save the freedoms of the United States. The flag of the United States, as a symbol of these, should be cherished as dearly as our lives, if not more so. This is why I believe there needs to be a flag protection amendment.

According to Article 5 of the Constitution of the United States, there are four ways to amend the Constitution. The first way is for Congress to propose an amendment, then have the legislatures of three-fourths of the states approve it. Secondly, Congress can propose the amendment, and special conventions in three-fourths of the states can approve the addition. Thirdly, two-thirds of the states' legislatures can request a special national convention to propose an amendment, and three-fourths of the states' legislatures ratify the amendment. Fourthly, two-thirds of the states' legislatures can call for a special national convention to propose an amendment, and special conventions in three fourths of the states ratify the amendments.

While these amendment procedures are not easily accomplished, it is possible with persistence. We need to preserve our heritage and our flag, honoring both. The only way to be sure that the flag will always be a protected symbol of our nation's heritage is for this amendment to be passed.•

TRIBUTE TO LORRAINE W. CROWLEY

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Lorraine W. Crowley of Rutland City, Vermont. For the last ten years Lorraine has served as the Elementary Principal for the Rutland City Public School System. It is with bittersweet emotions that I inform the Senate of Lorraine's retirement at the end of the school year.

Lorraine has dedicated her career to education. She graduated from Emmanuel College in Boston in 1962 and received her Masters in Education Psychology from the University of Hawaii in 1968. She served as a Principal for five years at a High School in Hawaii, before returning to New England as the Director of Guidance at the Holliston High School in Massachusetts. Lorraine broadened her horizons further by spending 3 years as an educator at the American School in Madrid and the Ben Franklin International School in Spain. Since 1988 she has served as the Principal for Rutland City School System.

Lorraine has dedicated her life to giving our next generation the tools they need to live prosperous and fulfilling lives. I know the entire Rutland City community will miss Lorraine Crowley. She is leaving a legacy of accomplishment and affection, the memory of which shall stand the test of time.•

TRIBUTE TO JENNIFER DALY

• Mr. SANTORUM. Mr. President, I rise today to congratulate Jennifer Daly for being named the Pennsylvania state winner in The Citizens Flag Alliance Essay Contest.

Jennifer is the recipient of a $1,000 scholarship for her one thousand word essay on the theme, "The American Flag Protection Amendment: A Right of the People . . . the Right Thing to Do." She is among 50 other outstanding young Americans named as state winners and will compete for one of ten college scholarships in a national competition next month.

Mr. President, Jennifer Daly is a great source of pride for the Commonwealth of Pennsylvania. I hope my colleagues will join with me in extending best wishes to her for continued success in the years to come.•

TRIBUTE TO REVEREND ERIC MASON AND FAUSTENIA MORROW

• Mr. BOND. Mr. President, every year Ebony magazine pays tribute to thirty leaders ages thirty and younger who are working for the betterment of their communities. They all represent the caliber of talent that is being groomed to move to the fore front of society and lead the United States of America into the 21st century. This year Metro East Family Church of East St. Louis, Illinois will be honoring the "30 Young Leaders of the Future," featured in the December 1997 issue of Ebony Magazine. It is a great honor to congratulate each of Ebony magazine's selection of young leaders of the future, but especially the two from my home State of Missouri.

Reverend Eric Mason, 25, is the pastor of Administration at the Metro East Family Church. Formerly, he was a case manager at the Nebraska Health and Human Services Department, then an assistant pastor and education director at Mount Moriah Missionary Baptist Church and was appointed by the Governor of Nebraska to the Affirmative Action Commission as chaplain. He served as the Chair of the Omaha Police Department, on the Legal Redress Committee, was a member of Omaha NAACP, and the Interdenominational Ministerial Alliance. Reverend Mason personifies everything positive in the St. Louis community and I am excited to learn of his influential leadership.

Faustenia Morrow, 25, is the development administrator for Team Sweep, a youth-at-risk program run by the City of St. Louis. She also is President of Young Organized Political Action Committee and fundraising chairperson of Metropolis St. Louis, an organization with the goal of attracting and retaining professionals in St. Louis. In addition, Ms. Morrow is assistant campaign advisor for Missouri State Representative Betty Thompson, founding member of the Sisters of High Tea, an organization of professional women and a member of the Professional Organization of Women. Her continuing commitment to the St. Louis community is a positive example for all and I am extremely pleased to have her as a role model for others.

Dedication to one's community has become an increasingly rare quality in our society. However, Ebony's selection of young leaders has shown that the most effective approach to enriching a community is to give back rather than to take. Their unselfish commitment has set a precedence for the generations before and after them to follow and implement. I salute the contributions made by these leaders, and join the Metro East Family Church of East St. Louis in paying tribute to the "30 Young Leaders of the Future." •

THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1997 CONCERNING THE REPEAL OF PUCHA

• Mr. MACK. Mr. President, as the Congress continues to address the important work of reducing government spending, eliminating layers of bureaucratic waste, and increasing efficiency, we should focus on eliminating those regulations and programs which are no longer needed and are outdated. As Republicans, we must strive to enact legislation that embraces less government, less spending and more freedom. S. 621 is a bill that embodies these important principles.

This bill would reduce the unnecessary federal requirements included under the Public Utility Holding Act of 1935. Originally enacted to correct the abusive practices of holding companies during the 1920's and 30's, PUCHA is now an outdated law that is simply no longer needed. It has served its purpose and outlived its usefulness. The Securities and Exchange Commission, which implemented the Act has urged its repeal for several years. The Federal Energy Regulatory Commission, along with many state public utility commissioners, also recognize the inefficiency of PUCHA's obsolete provisions and therefore support its repeal.

It is widely recognized that the redundant and burdensome regulations of PUCHA have resulted in higher cost for consumers. These regulations not only restrict the ability of electric producers to compete in a free market economy, but also restrict these companies from responding to the seasonal nature of electric demand.

Many States have begun to address this issue by moving forward to a fully competitive electric market that allows consumer choice. Due to the cumbersome regulatory structure imposed upon them under the PUCHA system, States will not be able to achieve the full benefits of competition.

S. 621 seeks to correct this while retaining essential consumer protections. Further, this bill allows the utility industry the flexibility to invest, diversify, and respond to current consumer demand. By passing S. 621 we can reduce burdens on utilities and create savings which would then be passed on to ratepayers.

Mr. President, the time to act on S. 621 is now. There is simply no reason why we should delay action on repeal when the passage of this bill clearly preserves the fundamental principles of free enterprise and capitalism on which our great country was founded. I thank the chair, and I yield the floor.•

A TRIBUTE TO ROBERT BOWEN

WINNER OF 1998 VITA WIRELESS SAMARITAN AWARD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Robert Bowen for receiving the 1998 VITA Wireless Samaritan Award. The award is given by the Cellular Telecommunications Industry to recognize the contributions of individuals who used their cellular phone to heroically help their communities. Robert is a clear example of how matching emergency situations with technology can impact people's lives.

Robert Bowen is a police officer who is the head of the Keene Crime Watch Bike Patrol. Robert was on patrol one day when the local police received a frantic call reporting a missing child. The police, in turn, alerted Robert on his wireless phone. An eight-year-old, who had run away from home, was nowhere to be found and was in need of his daily medication. Robert headed out on the wooded trails to an area he knew was a popular congregation spot for area children. He quickly spotted the boy and doubled back to alert the boy's father. The father and son were reunited, and Robert called the police department on his wireless phone to let them know they could call off their search.

The Keene Crime Watch Bike Patrol, armed with wireless phones, has found lost children, stopped crimes and brush fires and assisted in similar emergency situations for the past two years. I congratulate Robert for his courage and for demonstrating how police forces are utilizing modern technology to protect their communities. I am very honored to have Robert Bowen as a police officer in the Granite State, and it is with great pride that I represent him in the U.S. Senate.•

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Kay Bailey Hutchison:									
Germany	Mark	1,011.58	564.50					1,011.58	564.50
Total			564.50						564.50

TED STEVENS,
Chairman, Committee on Appropriations, May 7, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Edward M. Kennedy:									
Northern Ireland	Dollar		588.00						588.00
Republic of Ireland	Dollar		172.00						172.00
United States	Dollar				4,458.00				4,458.00
Trina Vargo:									
Northern Ireland	Dollar		588.00						588.00
Republic of Ireland	Dollar		798.00						798.00
United States	Dollar				1,409.00				1,409.00
Senator Pat Roberts:									
New Zealand	Dollar		260.00						260.00
Australia	Dollar		690.00						690.00
Senator Carl Levin:									
Japan	Dollar		173.84						173.84
North Korea	Dollar		436.00						436.00
South Korea	Dollar		116.20						116.20
United States	Dollar				4,188.00				4,188.00
David S. Lyles:									
Japan	Dollar		193.84						193.84
North Korea	Dollar		455.00		10.00		227.72		692.72
South Korea	Dollar		116.20		6.00				122.20
United States	Dollar				4,474.00				4,474.00
Richard W. Fieldhouse:									
Japan	Dollar		211.34		12.50				223.84
North Korea	Dollar		455.00		10.00		220.72		685.72
South Korea	Dollar		136.20		6.00				142.20
United States	Dollar				4,474.00				4,474.00
Senator Carl Levin:									
Bosnia	Dollar		175.67						175.67
Israel	Dollar		91.91						91.91
United States	Dollar						256.00		256.00
Senator John McCain:									
Germany	Dollar		564.50						564.50
Senator Joseph I. Lieberman:									
Germany	Dollar		247.25						247.25
Frederick M. Downey:									
Germany	Dollar		457.58						457.58
Kurt Volker:									
Germany	Dollar		420.00						420.00
Marshall Salter:									
Germany	Dollar		564.50						564.50
Senator Carl Levin:									
Germany	Dollar		237.00						237.00
Oman	Dollar		237.00						237.00
Qatar	Dollar		37.00						37.00
Russia	Dollar		836.50						836.50
Senator John Warner:									
Germany	Dollar		355.25						355.25
Oman	Dollar		384.48						384.48
Qatar	Dollar		24.00						24.00
Russia	Dollar		872.80						872.80
Romie L. Brownlee:									
Germany	Dollar		332.12						332.12
Oman	Dollar		237.00						237.00
Qatar	Dollar		95.00						95.00
Russia	Dollar		608.60						608.60
David S. Lyles:									
Germany	Dollar		326.00						326.00
Oman	Dollar		410.00						410.00
Qatar	Dollar		152.00						152.00
Russia	Dollar		449.50						449.50
John Barnes:									
South Korea	Dollar		912.00						912.00
United States	Dollar				3,360.00				3,360.00
Madelyn R. Creedon:									
Ukraine	Dollar		260.00						260.00
Russia	Dollar		1,040.00						1,040.00
United States	Dollar				4,745.19				4,745.19
Lucia Monica Chavez:									
Ukraine	Dollar		257.14						257.14
Russia	Dollar		1,028.58						1,028.58
Switzerland	Dollar		514.28						514.28
United States	Dollar				4,245.73				4,245.73
Richard DeBobes:									
Bosnia	Dollar		202.26						202.26
Israel	Dollar		141.95						141.95
Israel	Dollar				56.00				56.00
Israel	Dollar						25.00		25.00
United States	Dollar						256.00		256.00
Total			17,861.49		31,454.42		985.44		50,301.35

STROM THURMOND,
Chairman, Committee on Armed Services, May 18, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Senator Connie Mack:									
Ireland	Pound	125.13	172.00		4,233.00				4,405.00
Northern Ireland	Pound	223.80	373.00						373.00
Gary Shiffman:									
Ireland	Pound	125.13	172.00		4,233.00				4,405.00
Northern Ireland	Pound	130.80	218.00						218.00
Total			935.00		8,466.00				9,401.00

ALFONSE D'AMATO, Chairman,
Committee on Banking, Housing, and Urban Affairs. Mar. 31, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Germany	Mark	635.23	354.50					635.23	354.50
Senator Gordon Smith:									
Germany	Mark	416.00	232.13					416.00	232.13
Total			586.63						586.63

PETE V. DOMENICI,
Chairman, Committee on the Budget, Mar. 25, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, FOR TRAVEL FROM JAN. 11 TO JAN. 21, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pete V. Domenici:									
England	Pound	367.50	618.00					367.50	618.00
Germany	Mark	772.00	426.00					772.00	426.00
Belgium	Franc	17,906	478.00					17,906	478.00
Switzerland	Franc	1,176.30	793.50					1,176.30	793.50
France	Franc	3,109.00	508.00					3,109.00	508.00
Senator Don Nickles:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	934.80	516.00					934.80	516.00
Belgium	Franc	10,639	284.00					10,639	284.00
United States	Dollar				529.21				529.21
Senator Spencer Abraham:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	934.80	516.00					934.80	516.00
Belgium	Franc	21,277	568.00					21,277	568.00
Switzerland	Franc	1,309.70	883.50					1,309.70	883.50
France	Franc	3,659.76	598.00					3,659.76	598.00
G. William Hoagland:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	817.75	451.40					817.75	451.40
Belgium	Franc	18,857	503.40					18,857	503.40
Switzerland	Franc	1,214	818.90					1,214	818.90
France	Franc	3,264	533.40					3,264	533.40
Amy Smith:									
England	Pound	395	648.00					395	648.00
Germany	Mark	826	456.00					826	456.00
Belgium	Franc	19,030	508.00					19,030	508.00
Switzerland	Franc	1,221	823.50					1,221	823.50
France	Franc	3,292.56	538.00					3,292.56	538.00
Bob Stevenson:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	934.80	516.00					934.80	516.00
Belgium	Franc	21,277	568.00					21,277	568.00
Switzerland	Franc	1,218.20	822.00					1,218.20	822.00
France	Franc	3,283.38	536.50					3,283.38	536.50
Delegation Expenses: [1]									
England							6,378.27		6,378.27
Germany							6,020.26		6,020.26
Belgium							7,133.87		7,133.87
Switzerland							5,952.59		5,952.59
France							10,358.64		10,358.64
Total			16,744.10		529.21		35,843.63		53,116.94

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

PETE V. DOMENICI,
Chairman, Committee on the Budget, May 1, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Hubbard:									
United States	Dollar				7,445.90				7,445.90
Thailand	Baht	12,600	240.00					12,600	240.00
Vietnam	Dollar		1,743.00		203.00				1,946.00
Total			1,983.00		7,648.90				9,631.90

JOHN McCAIN, Chairman,
Committee on Commerce, Science, and Transportation, Apr. 29, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Grant Aldonas:									
United States	Dollar				1,284.90				1,284.90
Switzerland	Franc	1,918.75	1,341.78					1,918.75	1,341.78
France	Franc	1,537.35	280.54					1,537.35	280.54
Linda Menghetti:									
United States	Dollar				1,284.90				1,284.90
France	Franc	964	175.91					964	175.91
Switzerland	Franc	1,677.74	1,172.10					1,677.74	1,172.10
Jim Jochum:									
United States	Dollar				1,284.90				1,284.90
France	Franc	1,092.03	182.92					1,092.03	182.92
Switzerland	Franc	1,295.13	905.69					1,295.13	905.69
Total			4,058.94		3,854.70				7,913.64

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Mar. 11, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mark Patterson:									
United States	Dollar				975.02				975.02
Switzerland	Franc	1,447.85	980.73					1,447.85	980.73
Senator John D. Rockefeller IV:									
United States	Dollar				5,876.00				5,876.00
Taiwan	Dollar	49,888	1,527.50					49,888	1,527.50
Japan	Yen	258,488	1,951.00					258,488	1,951.00
China	Yuan	8,501.56	1,028.00					8,501.56	1,028.00
R. Lane Bailey:									
United States	Dollar				7,613.00				7,613.00
Taiwan	Dollar	49,888	1,527.50					49,888	1,527.50
Japan	Yen	258,488	1,951.00					258,488	1,951.00
China	Yuan	8,501.56	1,028.00					8,501.56	1,028.00
Teri Giles:									
United States	Dollar				3,170.00				3,170.00
Taiwan	Dollar	42,213	1,292.50					42,213	1,292.50
Japan	Yen	222,032	1,662.00					222,032	1,662.00
China	Yuan	8,501.56	1,028.00					8,501.56	1,028.00
Deborah Lamb:									
United States	Dollar				1,257.64				1,257.64
France	Franc	4,191.92	687.26					4,191.92	687.26
Switzerland	Franc	1,447.23	980.31					1,447.23	980.31
David Podoff:									
United States	Dollar				1,257.64				1,257.64
France	Franc	4,595.32	753.33					4,595.32	753.33
Switzerland	Franc	1,345.71	911.54					1,345.71	911.54
Total			17,308.67		20,149.30				37,457.97

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Apr. 22, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Chuck Hagel:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	934.80	516.00					934.80	516.00
Belgium	Franc	21,277	568.00					21,277	568.00
Switzerland	Franc	1,309.70	883.50					1,309.70	883.50
France	Franc	3,659.76	598.00					3,659.76	598.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Kerry:									
Vietnam	Dollar		2,200.00						2,200.00
Thailand	Baht	12,720	240.00					12,720	240.00
United States	Dollar				6,259.00				6,259.00
Thomas Bunton:									
Russian Federation	Dollar		1,035.78						1,035.78
United States	Dollar				4,313.11				4,313.11
Roger Noriega:									
Cuba	Dollar		1,150.00						1,150.00
United States	Dollar				969.00				969.00
Danielle Pletka:									
Syria	Dollar		801.00						801.00
Lebanon	Dollar		438.00						438.00
Cyprus	Dollar		125.00						125.00
United States	Dollar				6,829.99				6,829.99
Munro Richardson:									
Congo	Dollar		1,750.00		468.00				2,218.00
United States	Dollar				5,256.00				5,256.00
Nancy Stetson:									
Vietnam	Dollar		1,892.00						1,892.00
Burma	Dollar		392.00		196.00				588.00
Thailand	Dollar		130.00						130.00
United States	Dollar				6,515.10				6,515.10
Michael Westphal:									
Congo	Dollar		1,750.00		468.00				2,218.00
United States	Dollar				5,256.00				5,256.00
Marc Thiessen:									
Cuba	Dollar		1,650.00						1,650.00
United States	Dollar				969.00				969.00
Linda Rotblatt:									
Congo	Dollar		1,750.00		468.00				2,218.00
United States	Dollar				5,256.00				5,256.00
Total			18,577.28		43,223.20				61,800.48

JESSE HELMS,
Chairman, Committee on Foreign Relations, Apr. 28, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Kerry:									
Switzerland	Dollar		350.00						350.00
Helen Kanovsky:									
Switzerland	Dollar		607.63						607.63
Senator Orrin Hatch:									
Switzerland	Dollar		350.00						350.00
Paul Matulic:									
Switzerland	Dollar		800.00						800.00
Louis Dupart:									
Haiti	Dollar		167.50						167.50
Dominican Republic	Dollar		155.00						155.00
Total			2,430.13						2,430.13

ORRIN HATCH,
Chairman, Committee on the Judiciary, Apr. 22, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
United States	Dollar				5,066.44				5,066.44
Thailand	Baht					4,094	77.31	4,094	77.31
Bangladesh	Taka	7,013	154.31	2,407.49	52.97	4,774.07	105.04	14,194.56	312.32
India	Rupee	13,943.27	356.00					13,943.27	356.00
Nepal	Rupee	3,050	50.00	1,799.50	29.50			4,849.50	79.50
Pakistan	Rupee	7,172	163.00			296.12	6.73	7,468.12	169.73
Rosemary Gutierrez:									
United States	Dollar				5,066.44				5,066.44
Thailand	Baht					3,964.60	75.60	3,964.60	75.60
Bangladesh	Taka	4,135.95	91.00	2,407.94	52.98	4,773.61	105.03	11,317.50	249.01
India	Rupee	13,943.27	356.00					13,943.27	356.00
Nepal	Rupee	1,525	250.00	1,799.50	29.50			3,324.50	279.50
Pakistan	Rupee	7,172	163.00			296.12	6.72	7,468.12	169.72
Total			1,583.31		10,297.83		376.43		12,257.57

JIM JEFFORDS,
Chairman, Committee on Labor and Human Resources, Apr. 28, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS, FOR TRAVEL FROM OCT, 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary Agocs:									
Israel	Dollar		2,348.00		1,677.00				4,025.00
C. James Moore:									
Kuwait	Dollar		322.62						322.62
Saudi Arabia	Dollar		1,163.37						1,163.37
Egypt	Dollar		894.97						894.97
Israel	Dollar		1,486.74						1,486.74
Total			6,215.70		1,677.00				7,892.70

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Apr. 17, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
United States	Dollar				4,378.70				4,378.70
Netherlands	Dollar		224.00						224.00
United Kingdom	Dollar		176.98						176.98
Israel	Dollar		355.00						355.00
Syria	Dollar		190.00						190.00
Jordan	Dollar		85.50						85.50
Eritrea	Dollar		78.00						78.00
Yemen	Dollar		14.00						14.00
Ethiopia	Dollar		15.00						15.00
Saudi Arabia	Dollar		50.00						50.00
Egypt	Dollar		119.00						119.00
Germany	Dollar		142.00						142.00
David J. Urban:									
United States	Dollar				4,192.70				4,192.70
Netherlands	Dollar		224.00						224.00
Israel	Dollar		631.00						631.00
Jordan	Dollar		320.00						320.00
Syria	Dollar		252.00						252.00
Germany	Dollar		205.00						205.00
Italy	Dollar		166.00						166.00
Ethiopia	Dollar		131.00						131.00
Egypt	Dollar		175.00						175.00
Eritrea	Dollar		131.00						131.00
Jonathan L. Ullyot:									
United States	Dollar				4,192.70				4,192.70
Netherlands	Dollar		187.71						187.71
Israel	Dollar		383.72						383.72
Syria	Dollar		252.00						252.00
Jordan	Dollar		211.99						211.99
Eritrea	Dollar		260.00						260.00
Ethiopia	Dollar		376.76						376.76
Egypt	Dollar		217.06						217.06
Italy	Dollar		210.07						210.07
Germany	Dollar		185.53						185.53
Total			5,969.32		12,764.10				18,733.42

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Mar. 9, 1998.

ADDENDUM.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mike DeWine			382.75						382.75
James Stinebower			750.00						750.00
Laurel Pressler			385.70						385.70
Gina Marie Hatheway			750.00						750.00
Total			2,268.45						2,268.45

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Apr. 22, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Graham			1,428.00				15,587.21		17,015.21
Alfred Cumming			1,478.27						1,478.27

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Bob Fillipone			1,501.47						1,501.47
Taylor W. Lawrence			1,195.00		5,212.00				6,407.00
Christopher Williams			1,054.00		4,269.00				5,323.00
Laurel Pressler			249.50						249.50
Gina Marie Hatheway			322.50						322.50
William Duhnke			233.50						233.50
Linda Taylor			500.00		7,713.60				8,213.60
Arthur Grant			500.00		8,544.00				9,044.00
Senator Jon Kyl			202.00						202.00
Total			8,664.24		25,738.60		15,587.21		49,990.05

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Apr. 22, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rep. Benjamin Cardin:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
John Finerty:									
United States	Dollar				5,010.24				5,010.24
Russia	Dollar		990.00						990.00
Janice Helwig:									
United States	Dollar				4,928.93				4,928.93
Austria	Dollar		8,565.00						8,565.00
Rep. Steny Hoyer:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
United States	Dollar				4,605.93				4,605.93
Austria	Dollar		322.00						322.00
Marlene Kaufmann:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
United States	Dollar				4,395.62				4,395.62
Austria	Dollar		322.00						322.00
Karen Lord:									
United States	Dollar				4,996.71				4,996.71
Russia	Dollar		1,750.00						1,750.00
Austria	Dollar		176.00		723.00				899.00
United States	Dollar				4,795.66				4,795.66
Cyprus	Dollar		690.00						690.00
Rep. Edward Markey:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
Ronald McNamara:									
Greece	Dollar		245.10						245.10
Cyprus	Dollar		128.00						128.00
Turkey	Dollar		544.27						544.27
Austria	Dollar		162.26						162.26
Edward Wayne Merry:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
Michael Ochs:									
United States	Dollar				4,968.38				4,968.38
Azerbaijan	Dollar		1,480.00						1,480.00
Armenia	Dollar		924.00						924.00
Georgia	Dollar		2,193.00						2,193.00
Turkey	Dollar		416.00						416.00
Rep. John Porter:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
Erika Schlager:									
United States	Dollar				4,315.17				4,315.17
Czech Republic	Dollar		696.00						696.00
The Netherlands	Dollar		427.00						427.00
Rep. Louise Slaughter:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
Rep. Christopher Smith:									
United States	Dollar				5,085.00				5,085.00
Russia	Dollar		1,150.00						1,150.00
Dorothy Douglas Taft:									
Greece	Dollar		167.00						167.00
Cyprus	Dollar		65.80						65.80
Turkey	Dollar		404.00						404.00
Austria	Dollar		139.06						139.06

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rep. Frank Wolf:									
United States	Dollar				3,161.30				3,161.30
Russia	Dollar		864.00						864.00
Total			30,891.49		46,985.94				77,877.43

ALFONSE D'AMATO,
Commission on Security and Cooperation in Europe, Mar. 31, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM JULY 5 TO JULY 9, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Czech Republic	Dollar		564.00						564.00
Spain	Peseta	85,312.80	578.00					85,312.80	578.00
Senator Joseph R. Biden, Jr.:									
Spain	Peseta	42,656.40	289.00					42,656.40	289.00
United States	Dollar				1,536.00				1,536.00
Senator Barbara Mikulski:									
Czech Republic	Dollar		177.00						177.00
Spain	Peseta	109,426.21	741.37					109,426.21	741.37
Senator Gordon Smith:									
Czech Republic	Dollar		156.00						156.00
Spain	Peseta	66,567.60	451.00					66,567.60	451.00
Mr. Ian Brzezinski:									
Czech Republic	Dollar		282.00						282.00
Spain	Peseta	85,312.80	578.00					85,312.80	578.00
Dr. Michael Haltzel:									
Spain	Peseta	85,312.80	578.00					85,312.80	578.00
Virginia Flynn:									
Czech Republic	Dollar		282.00						282.00
Madrid	Peseta	85,312.80	578.00					85,312.80	578.00
Julia Hart:									
Czech Republic	Dollar		282.00						282.00
Madrid	Peseta	85,312.80	578.00					85,312.80	578.00
Delegation Expenses: [1]									
Czech Republic							2263.52		2263.52
Spain							1,640.00		1,640.00
Total			6,114.37		1,536.00		13,903.52		11,553.89

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader.
Apr. 8, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM NOV. 30 TO DEC. 11, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John H. Chafee:									
Japan	Yen	137,592	1,127.66					137,592	1,127.66
United States	Dollar				4,171.00				4,171.00
Senator John Kerry:									
Japan	Yen	83,191	647.00					83,191	647.00
United States	Dollar				11,095.00				11,095.00
Senator Joseph Lieberman:									
Japan	Yen	138,850	1,093.00					138,850	1,093.00
United States	Dollar				4,899.00				4,899.00
Senator Chuck Hagel:									
Japan	Yen	227,820	1,794.00					227,820	1,794.00
United States	Dollar				5,396.00				5,396.00
Senator Mike Enzi:									
Japan	Yen	35,941	283.00					35,941	283.00
United States	Dollar				5,377.00				5,377.00
Kent Bonham:									
Japan	Yen	379,700	2,990.00					379,700	2,990.00
United States	Dollar				5,396.00				5,396.00
Kate English:									
Japan	Yen	379,700	2,990.00					379,700	2,990.00
United States	Dollar				1,006.00				1,006.00
Richard D'Amato:									
Japan	Yen	417,670	3,289.00					417,670	3,289.00
United States	Dollar				5,077.39				5,077.39
Debbie Fiddelke:									
Japan	Yen	379,700	2,990.00					379,700	2,990.00
United States	Dollar				4,275.00				4,275.00
Julia Hart:									
Japan	Yen	341,730	2,691.00					341,730	2,691.00
United States	Dollar				5,396.00				5,396.00
Nao Matsukata:									
Japan	Yen	341,730	2,691.00					341,730	2,691.00
United States	Dollar				4,497.00				4,497.00
Delegation Expenses: [1]									
Japan							21,412.25		21,412.25

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM NOV. 30 TO DEC. 11, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			22,585.66		56,585.39		21,412.25		100,583.30

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader,
Apr. 8, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Patrick Moynihan:									
India	Rupee	56,105	1,424.00					56,105	1,424.00
Switzerland	Franc	1,759.76	1,192.00				1,371.75	1,759.76	2,563.75
United States	Dollar				7,864.30				7,864.30
Senator Jack Reed:									
Bosnia-Herzegovina	Dollar		185.31						185.31
Israel	Dollar		106.13				256.00		362.13
United States	Dollar				4,081.00				4,081.00
Elizabeth L. King:									
Bosnia-Herzegovina	Dollar		198.87						198.87
Israel	Dollar		617.58				256.00		873.58
United States	Dollar				3,882.00				3,882.00
Total			3,723.89		15,827.30		1,883.75		21,434.94

TOM DASCHLE,
Democratic Leader, Apr. 21, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY MAJORITY LEADER FROM JAN. 1, TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Randy Scheunemann:									
Germany	Mark	1,011.58	564.50					1,011.58	564.50
Julia Hart:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	934.80	516.00					934.80	516.00
Belgium	Franc	21,277	568.00					21,277	568.00
Switzerland	Franc	1,309.70	883.50					1,309.70	883.50
France	Franc	3,659.76	598.00					3,659.76	598.00
Total			3,838.00						3,838.00

TRENT LOTT,
Majority Leader, Apr. 21, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY MAJORITY LEADER FROM JAN. 5 TO JAN. 11, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Trent Lott:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Senator Frank Murkowski:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Senator John Breaux:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
United States	Dollar				1,027.00				1,027.00
Senator Mike DeWine:									
Panama	Dollar		282.20						282.00
Honduras	Dollar		212.00						212.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	1,914.28	236.04					1,914.28	236.04
Senator Pat Roberts:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY MAJORITY LEADER FROM JAN. 5 TO JAN. 11, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Gary Sisco:									
Panama	Dollar		328.00						328.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Steve Benza:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Susan Irby:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Julie Morrison:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Randy Scheunemann:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Sally Walsh:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Robert Wilkie:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
United States	Dollar				339.30				339.30
Delegation expenses: [1]									
Panama							5,648.14		5,648.14
Nicaragua							2,351.31		2,351.31
Honduras							4,114.22		4,114.22
Guatemala							5,940.30		5,940.30
Mexico							3,708.83		3,708.83
Total			11,482.24		1,366.30		21,762.80		34,611.34

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TRENT LOTT,
Majority Leader, Mar. 5, 1998.

EXECUTIVE SESSION

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 603, 610, 615, 626 through 633, 635 through 641; all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; and the nomination of Joan Dempsey reported by the Intelligence Committee today.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

NATIONAL SCIENCE FOUNDATION

Rita R. Colwell, of Maryland, to be Director of the National Science Foundation for a term of six years.

DEPARTMENT OF COMMERCE

Patrick A. Mulloy, of Virginia, to be an Assistant Secretary of Commerce.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert F. Raggio, xx...

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donald L. Peterson, xx...

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Daniel James III, xx...

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Lee P. Rodgers, xx...

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Archie J. Berberian II, xx...

IN THE ARMY

The following National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Roger C. Schultz, xx...

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Daniel C. Balough, xx...
Brig. Gen. Roger L. Brautigan, xx...
Brig. Gen. Thomas A. Wessels, xx...

To be brigadier general

Col. Bruce A. Adams, xx...
Col. Michael B. Barrett, xx...
Col. Lowell C. Detamore, Jr., xx...
Col. Kenneth D. Herbst, xx...
Col. Kenneth L. Penttila, xx...

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frederick McCorkle, xx...

The following named officer for appointment as Assistant Commandant of the Marine Corps and for appointment to the grade indicated under title 10, U.S.C., section 5044:

To be general

Lt. Gen. Terrence R. Dake, xx...

IN THE NAVY

The following named officers for appointment in the Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Martin E. Janczak, xx...
Rear Adm. (lh) Pierce J. Johnson, xx...
Rear Adm. (lh) Lary L. Poe, xx...
Rear Adm. (lh) Michael R. Scott, xx...

The following named officer for appointment in the Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Robert F. Birtcil, xx...

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael W. Shelton, xx...

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Charles S. Abbot, xx...

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Jeffrey A. Cook, xx...

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

George P. Nanos, Jr., xx...

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Phillip M. Armstrong, and ending *Rex A. Williams, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1998

Army nomination of Gary W. Krahn, which was received by the Senate and appeared in the Congressional Record of April 21, 1998

Army nominations beginning Eugene N Acosta, and ending Curtis L Yeager, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 1998

Marine Corps nominations beginning Richard D. Coulter, and ending Karim Shihata, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1998

Marine Corps nomination of Gary F. Baumann, which was received by the Senate and appeared in the Congressional Record of April 29, 1998

Marine Corps nominations beginning Michael L. Andrews, and ending Robert C. Wittenberg, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 1998

Marine Corps nominations beginning James N. Adams, and ending Thomas J Zohlen, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 1998

Marine Corps nominations beginning Louis P Abraham, and ending Mark G Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 1998

Marine Corps nominations beginning Ruben Bernal, and ending James Werdann, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 1998

Navy nominations beginning Michale D. Cobb, and ending Raymond B. Roll, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1998

Navy nomination of Daniel D. Thompson, which was received by the Senate and appeared in the Congressional Record of April 21, 1998

CENTRAL INTELLIGENCE AGENCY

Joan Avalyn Dempsey, of Virginia, to be Deputy Director of Central Intelligence for Community Management. (New Position)

STATEMENT ON THE NOMINATION OF PATRICK A. MULLOY

Mr. DASCHLE. Mr. President, I would like to express my strong support for the nomination of Patrick A. Mulloy to the position of Assistant Secretary of Commerce for Market Access and Compliance in the International Trade Administration (ITA). I believe his many years of experience in dealing with international trade policy issues and his unswerving commitment to public service equip him well for this challenge.

For over a dozen years, Mr. Mulloy has had major responsibility for the development of all legislation dealing with international trade and finance in the Senate Banking Committee. His expertise spans export administration, export promotion, exchange rates, foreign investment, international banking, and the Foreign Corrupt Practices Act. He played a lead role in developing the Export Enhancement Act of 1993 and has demonstrated an ability to work with lawmakers on both sides of the aisle. For many years, he also has served as the Banking Committee's advisor to U.S. negotiating teams at the GATT and WTO and contributed to the successes achieved during these negotiations.

Patrick Mulloy's diverse career experience, spanning the State Department, Justice Department and the Senate Banking Committee, have given him an unusual depth of perspective on international economic policy issues. I am confident that, as Assistant Secretary of Commerce, he will work diligently to help ensure that U.S. businesses are given every opportunity to compete freely and fairly in the global marketplace of the 21st century. I urge my colleagues to support his nomination.

Mr. SARBANES. Mr. President, I rise today to express my strong support for the nomination of Patrick Mulloy to be Assistant Secretary of Commerce for Market Access and Compliance.

I have known Pat since he came to work for the Senate Banking Committee in 1983 as a Congressional Fellow from the Justice Department. Pat made such a strong impression during his fellowship that the then ranking Democrat on the Banking Committee, Senator Proxmire, hired him to be Minority General Counsel, a position which he held from 1984 to 1986. After the Senate changed hands in 1987, Pat became General Counsel for the majority and served in that capacity until 1989. When Senator Proxmire retired in 1989, Pat became Senior Counsel and International Affairs Advisor to the new chairman, Senator Riegle. Since 1992 he has served as Chief International Counsel for the Democratic members of the Committee. Since 1995, when I became ranking Democrat on the Banking Committee, Pat has worked directly for me.

The first point I want to make about Pat is that he is a career public servant. He holds a B.A., Magna Cum Laude, from Kings College Pennsylvania, an M.A. in International Politics from Notre Dame where he was a University Fellow, a J.D. degree with Honors from George Washington Law School, and an LL.M. from Harvard Law School. He began his professional career as a Foreign Service Officer in the State Department, where he served from 1965 to 1973. From 1973 to 1977 he served as a Trial Attorney in the Land and Resources Division of the Justice Department, and from 1979 to 1982 he served as Senior Attorney in the Antitrust Division of the Justice Department. It was from that position that Pat came to work for the Senate Banking Committee.

During his tenure on the Banking Committee, Pat has played a lead role in every major international finance and trade issue the Committee has dealt with. These include enactment of the International Lending Supervision Act; amendments to the Foreign Corrupt Practices Act; reauthorization of the Export-Import Bank, the Export Administration Act, and the trade promotion programs of the Commerce Department; and the exchange rate, third world debt, and foreign investment provisions of the Omnibus Trade and Competitiveness Act of 1988. He helped draft the Export Enhancement Act of 1992 which established the Trade Promotion Coordinating Committee. He was intimately involved as a Congressional Advisor in the negotiation of the recently concluded agreement on trade in financial services in the World Trade Organization.

I can think of no one better prepared or suited to serve in the position of Assistant Secretary of Commerce for Market Access and Compliance. Pat brings a deep background and expertise in international trade and finance. He has served in the executive branch and the Congress, and in both capacities has worked closely with private sector business and labor groups affected by trade policies. He also brings a passionate personal commitment to opening foreign markets to U.S. exports and expanding job opportunities for American workers.

Pat is a person of the highest intelligence, integrity, and commitment to

public service. He has been an enormously effective member of the staff of the Senate Banking Committee, and I have come to rely with great confidence on his judgment and expertise. The fact that Senator D'Amato, the Chairman of the Senate Banking Committee, as well as myself introduced Pat at his confirmation hearing before the Senate Finance Committee suggests the deep professional and personal regard in which he is held by members of the Senate Banking Committee on both sides of the aisle. Pat has my unreserved support for confirmation to this important position.

Mr. ROBB. Mr. President, I would like to take this opportunity to speak briefly on behalf of a fellow Virginian, Patrick Mulloy, who is the Administration's nominee for Assistant Secretary for Market Access and Compliance at the U.S. Department of Commerce.

In this position, Mr. Mulloy will play a critical role in shaping our nation's future. International trade continues to become increasingly important to our own economic development and it is vital that we strive to improve access to overseas markets for American businesses. The Assistant Secretary for Market Access and Compliance will also play a primary role in strengthening the overall international trade and investment position of the United States.

Mr. Mulloy has worked for many years in the public sector. He served as a foreign service officer at the Department of State and as an attorney at the Justice Department's Antitrust Division before coming to Capitol Hill in 1983. During his time on Capitol Hill, Mr. Mulloy has worked on most of the international trade and finance issues within the jurisdiction of the Committee on Banking, Housing and Urban Affairs, such as third world debt, international economic coordination and exchanges, trade promotion, export controls and international banking.

I'm confident that Pat Mulloy will serve with distinction as Assistant Secretary for Market Access and Compliance. As a long-time Counsel for the Senate Banking Committee, he has already contributed a great deal to much of the legislation that has guided our trade policies. I know that the Banking Committee staff will miss Pat Mulloy, but I'm pleased the nation will continue to benefit from his excellent service at the Department of Commerce.

I urge my Colleagues to approve his nomination.

Mr. BRYAN. Mr. President, the Senate has just confirmed the nomination of Patrick A. Mulloy for Assistant Secretary of Commerce for market access and compliance. I strongly support his nomination and believe the country will be well served by his appointment.

When I first came to the Senate, I was given a seat on the Senate Banking Committee where Pat was a senior staff member. Pat's knowledge of the rules and procedures of the Senate was invaluable to me. Many a Senator has drawn upon Pat's expertise and institutional memory, and he is widely respected on both sides of the aisle.

Pat is recognized as one of the Senate's leading experts in international trade and finance matters. He has spent countless hours working on international trade agreements that are helping open up foreign markets to the U.S. financial services industry. Few people have fought as hard for our interests as has Pat. The Senate will sorely miss him.

The Commerce Department will benefit from Pat's enthusiasm, intelligence and personal warmth. The country is fortunate to have some with Pat's commitment to public service. I wish him the best of luck in his new endeavor and look forward to continuing to work with him on important issues facing the country.

Ms. MOSELEY-BRAUN. Mr. President, I rise today to urge my colleagues to support the nomination of Pat Mulloy for the position of Assistant Secretary for Market Access and Compliance at the Department of Commerce. He will be a real asset to the Department of Commerce.

Pat Mulloy has been a key member of the Banking Committee staff for about thirteen years, and he has played a major role in all of the international economic and trade legislation acted on by the Committee over that period. I and my staff have worked closely with Mr. Mulloy on issues such as the Export Enhancement Act of 1993, which, among other things, reauthorized Eximbank's charter. He has the respect of all of the Members of the Banking Committee, both Democratic and Republican.

Pat Mulloy not only has extensive legislative expertise with international economic and trade issues, he also has considerable economic and international experience in the executive branch of the federal government. Before coming to the Banking Committee, Mr. Mulloy was an attorney with the Antitrust Division of the Justice Department, and a foreign service officer at the State Department.

Mr. Mulloy has the background and the kind of good judgement that is so needed. The Commerce Department will benefit from his real commitment to principle, and dedication to public service.

In closing, Mr. President I would like to relate a story Mr. Mulloy told the Finance Committee during his nomination hearing. Mr. Mulloy stated that when he went off to grade school each morning, his mother would put the sign of the cross on his head and say "Goodbye, good luck, and God Bless You, and grow up to be President." While his new position will not take him to the White House, I am sure his mother would join us in saying goodbye, good luck, and God Bless You. We wish you well. I encourage all of my colleagues to support Pat Mulloy's nomination.

STATEMENT ON THE NOMINATION OF JOAN A. DEMPSEY

Mr. SHELBY. Mr. President, I rise today to commend to my colleagues the nomination of Joan A. Dempsey, the former Deputy Assistant Secretary of Defense for Intelligence and Security, and most recently the Director of Central Intelligence's Chief of Staff. Ms. Dempsey is the first nominee for the newly created position of Deputy Director of Central Intelligence for Community Management.

Although Ms. Dempsey was nominated by the President just before the Senate adjourned last November, the Vice Chairman and I have waited to consider the nomination until outstanding issues regarding other positions created by the Intelligence Authorization Act for Fiscal Year 1997 were resolved.

We have reached an accommodation with the Director of Central Intelligence on these other positions, and we expect the President to put forward a nominee for the position of Assistant Director of Central Intelligence (ADCI) for Administration, soon. We have also agreed to allow the DCI to fill the positions of ADCI for Collection and ADCI for Analysis and Production without exercising the Senate's right for advice and consent, for up to one year, while we assess the new management structure.

Ms. Dempsey appeared before the Committee in an open hearing on May 21, 1998. It is apparent that Ms. Dempsey is a well qualified career intelligence professional. The Committee is confident that she is entirely capable of doing a fine job as the Deputy DCI for Community Management.

The Intelligence Community is facing a time of revolutionary change that is driven by the explosion of information technology. These rapid changes in technology must be assessed, evaluated and quickly integrated into all phases of the intelligence cycle. The Community must also have the flexibility to quickly focus on new and sometimes non-traditional targets. This requirement for flexibility was most recently underscored by the failure to anticipate the nuclear tests conducted by India. These events caught the Intelligence Community by surprise despite plenty of strategic warning that Indian leaders planned to revise their nation's nuclear policy. I do not agree with those who say that "we weren't surprised" by the tests because, in hindsight, they logically followed from what was being said publicly.

This was a huge intelligence failure. As Zbigniew Brzezinski said in a recent

editorial: "India's nuclear weapons tests . . . signal a truly consequential intelligence scandal." He went on to say: ". . . it is the task of the intelligence community to detect, in a timely fashion, major foreign initiatives or programs that bear either on American security or affect American foreign policy interests." More pointed than my own recent criticisms, Mr. Brzezinski concluded that "the failure . . . in the case of India suggests significant and truly disturbing incompetence both on the level of collection and analysis within the intelligence community." Mr. President, we can debate the nature of the failure, but it was a failure nonetheless.

Did the Community fail because of the way collection priorities were assessed and assigned? Was there too much reliance on certain types of intelligence collection and information? Is the "Intelligence Community" acting cohesively as a community, or is it resisting truly effective integration because of concerns over bureaucratic turf? Who brokers potential disputes over such turf and who has the authority to arbitrate agreements that are honored? These are all very important questions and the Intelligence Committee is seeking answers.

In my view, the issues facing the Intelligence Community today are not solely a function of the level of resources that are available, even though this is a significant part of the problem. The Intelligence Community is still in many ways reacting to a changing world and not yet anticipating it. The Intelligence Community often displays the symptoms of an entrenched and calcified bureaucracy. This, Mr. President, must change.

In the final analysis, our Intelligence agencies are accountable to the American people for two basic things: (1) to alert them to external threats; and (2) to spend their tax dollars efficiently and effectively. A great deal of the responsibility for these matters will rest on this nominee's shoulders. The Committee believes that she possesses the knowledge and leadership qualities that this new position will demand. We look to Ms. Dempsey to assist the DCI in ensuring that the Intelligence Community attains these goals and lives up to the highest standards of accountability as they work toward them.

Mr. President, the Committee has reported the nomination of Joan A. Dempsey to be Deputy Director of Central Intelligence and we recommend that the nomination be confirmed. I urge my colleagues to support the recommendation of the Committee and vote in favor of Ms. Dempsey's nomination. I yield the floor.

Mr. KERREY. Mr. President, I stand today to join Chairman SHELBY in presenting the nomination of Ms. Joan Dempsey to be Deputy Director of Central Intelligence for Community Management.

The President has chosen well. In my view, there is no one in the country more qualified to be Deputy DCI for Community Management than Joan Dempsey. I recall when Congress created these new confirmable positions there was concern voiced in some quarters that they would be filled by political people rather than by professionals. Ms. Dempsey proves the concern groundless. In fact, she is the consummate intelligence professional. She has managed a major national intelligence budget. She has brought together the strands of different intelligence disciplines to produce finished intelligence to support our military. She has overseen all the national intelligence agencies which are also combat support agencies of the Defense Department. She knows this business.

Community management means allocating resources and work among the different agencies in the optimistically-titled "intelligence community," and then combining the product of different agencies and disciplines into a piece of intelligence that helps keep the country safe. The Director of Central Intelligence has the responsibility to perform this function for national intelligence, and he has a staff to help him do it. Congress has believed for several years that he needed the clout of several Presidentially-appointed, Senatorially-confirmed officials to help him execute this management responsibility, and today we consider the nominee for the first and most senior of these positions.

Success in this position will require the full range of management traits, but professional knowledge will probably be the most necessary: knowing the strengths and limitations of each agency in the community, knowing the technologies to improve analysis, production, and dissemination, knowing the needs of the many and varied customers for intelligence, from the President right down to the combat pilots getting briefed for a mission. You don't get this kind of knowledge out of a book. You get it from years of experience and the constant challenges of the real world of intelligence. Ms. Dempsey has that experience and has met those challenges.

Intelligence is an essential element of our national power. Intelligence has always had the task of warning our policymakers and our military so they can deter war. Intelligence is also a force multiplier for our military, particularly now that intelligence rides and guides America's smart weapons. Really complete intelligence coverage provides a sense of American omniscience in the minds of our adversaries, and this sense alone can have a deterrent effect. We are sometimes well short of omniscience, as in the recent case of India's nuclear tests. But knowledge superiority should be our constant goal, and the position for which Ms. Dempsey has been nominated has a central role in achieving it.

Technology has changed, the threats have changed, but the requirement for the best intelligence is as acute as ever. I am certain Ms. Dempsey will help us achieve that goal.

STATEMENT ON THE NOMINATION OF FRED HOCHBERG

Mr. KERRY. I strongly support the nomination of Fred Hochberg to become Deputy Administrator of the Small Business Administration (SBA). The Deputy Administrator oversees the day to day operations of the important financial business education and procurement assistance programs of the SBA to ensure that they are run efficiently and effectively. With more than 20 years of business experience, Fred Hochberg is perfectly suited to step right in and assist the SBA to refine its management structure to insure the SBA is an effective financial institution in the next century, capable of and dedicated to offering genuine help to entrepreneurs and small businesses that are the engine of our free enterprise economy.

Fred Hochberg has lived the American dream and will bring that experience to the Small Business Administration. His parents immigrated from Europe at the beginning of this century. In 1951, Lillian Vernon, Fred's mother, started the Lillian Vernon Company with $2,000 she received from her wedding. With Lillian's hard work and persistence the small business grew over the years. Fred Hochberg joined the business after receiving a Masters in Business Administration degree from Columbia University and has served as President and Chief Operating Officer. Under Fred Hochberg's tenure as President and with his mother's help, the Lillian Vernon Company built a sophisticated international mail order company that today serves more than five million customers.

Fred Hochberg has mastered the challenges of developing a small business into an international corporation. He managed the complex transition of a family-run business into a publicly held corporation. Today, the Lillian Vernon Company has 1,400 employees and has annual sales of $250 million. No one better knows the problems facing small business today than someone who has been involved in a family-owned business for the past 20 years.

When Fred Hochberg appeared before the Senate Small Business Committee earlier this month for his confirmation hearing, he told the Committee "I understand what American entrepreneurs put into their enterprises: the seven-day weeks, the hard work and sweat equity—because that's where I come from. I intend to bring these values to my work at the SBA." Now he will bring the talent, experience and hard work to lead the SBA and its wide array of programs into the 21st century.

I congratulate the President for this nomination. I thank Chairman BOND and Majority Leader LOTT for agreeing to bring this nomination before the Senate. And I look forward to Fred Hochberg's arrival at the Small Business Administration where I believe he will make a very considerable contribution to the small businesses of our nation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 105–47 AND 105–48

Mr. ENZI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed in the following treaties transmitted to the Senate on May 22, 1998, by the President of the United States:

No. 1, the Treaty with Czech Republic on Mutual Legal Assistance in Criminal Matters, Treaty Document No. 105–47;

No. 2, the Inter-American Convention on Sea Turtles, Treaty Document Number 105–48.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations, and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are 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 Treaty Between the United States of America and the Czech Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on February 4, 1998. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism, other violent crimes, drug trafficking, money laundering, and other "white-collar" crime. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: locating or identifying persons or items; serving documents; taking testimony or statements of persons; transferring persons in custody for testimony or other purposes; providing documents, records, and articles of evidence; executing requests for searches and seizures; immobilizing assets; assisting in proceedings related to forfeiture of assets, restitution, and criminal fines; and providing any other assistance consistent with the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1998.*

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 for the Protection and Conservation of Sea Turtles, with Annexes, done at Caracas December 1, 1996, (the "Convention"), which was signed by the United States, subject to ratification, on December 13, 1996. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Convention.

All species of sea turtles found in the Western Hemisphere are threatened or endangered, some critically so. Because sea turtles migrate extensively, effective protection and conservation of these species requires cooperation among States within the sea turtles' migratory range. Although the international community has banned trade in sea turtles and sea turtle products pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention I am transmitting is the first multilateral agreement that actually sets standards to protect and conserve sea turtles and their habitats.

In section 609 of Public Law 101–162, the Congress called for the negotiation of multilateral agreements for the protection and conservation of sea turtles. In close cooperation with Mexico, the United States led a 3-year effort to negotiate the Convention with other Latin American and Caribbean nations. Once ratified and implemented, the Convention will enhance the conservation of this hemisphere's sea turtles and harmonize standards for their protection.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to its ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1998.*

AUTHORIZING THE FLYING OF THE POW/MIA FLAG

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 99 submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 99) authorizing the flying of the MIA/POW flag.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ENZI. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The concurrent resolution was agreed to.

The concurrent resolution (S. Con. Res. 99) reads as follows:

S. CON. RES. 99

Resolved by the Senate (the House of Representatives concurring), That, for the purpose of section 1082(b)(1)(B) of the National Defense Authorization Act for Fiscal Year 1998, the display of the POW/MIA flag at the Capitol shall begin at 6:30 p.m. on Sunday, May 24, 1998. As used in this section, the term "POW/MIA flag" has the same meaning as in section 1082 of such Act.

SEC. 2. The architect of the Capitol may prescribe regulations with respect to the first section of this resolution.

ORDERS FOR MONDAY, JUNE 1, 1998

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of S. Con. Res. 98.

I further ask that when the Senate reconvenes on Monday, June 1st, immediately following the prayer the routine requests through the morning hour be granted, and the Senate then begin a period of morning business until 2 p.m. with Senators permitted to speak for up to 5 minutes each.

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

Mr. ENZI. Mr. President, I further ask that following morning business the Senate resume consideration of the Durbin amendment No. 2438 pending to the tobacco legislation.

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

PROGRAM

Mr. ENZI. Mr. President, for the information of all Senators, on Monday, June 1, the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of the tobacco legislation, with several amendments still pending. It is hoped that debate on those amendments can be disposed of in a timely fashion, so that

other remaining amendments can be offered and debated. However, no votes will occur during Monday's session of the Senate. Any votes ordered with respect to amendments, and the cloture vote on the motion to proceed to the nuclear waste bill, will be postponed to occur on Tuesday, June 2, at a time to be determined by the majority leader but not before 6 p.m.

For the remainder of the week of June 1, the Senate may consider nuclear waste legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT UNTIL MONDAY, JUNE 1, 1998

Mr. CHAFEE. 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 provisions of S. Con. Res. 98.

There being no objection, the Senate, at 5:27 p.m., adjourned until Monday, June 1, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 22, 1998:

NUCLEAR REGULATORY COMMISSION

GRETA JOY DICUS, OF ARKANSAS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2003. (REAPPOINTMENT)

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

HUGH Q. PARMER, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE M. DOUGLAS STAFFORD, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JOAN SPECTER, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2002, VICE PATRICIA ANN BROWN, TERM EXPIRED.

DEPARTMENT OF COMMERCE

AWILDA R. MARQUEZ, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE, AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE LAURI FITZ-PEGADO.

DEPARTMENT OF DEFENSE

LOUIS CALDERA, OF CALIFORNIA, TO BE SECRETARY OF THE ARMY, VICE TOGO DENNIS WEST, JR.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GARY J. DUNN, x...
PATRICK M. HERMANSON, x...
WALTER RIVERA, x...
MICHAEL C. SULLIVAN, x...

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LONNY R. HADDOX, x...

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STEVEN P. MARTINSON, x...
BRENT A. SMITH, x...

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

JASON T. BALTIMORE, x...
CHRISTINA M. BENACCI, x...
FRANK G. BOWMAN, x...
TERRENCE W. COSTELLO, x...
SEAN P. HENSELER, x...
ANGELA S. HOLDER, x...
TIMOTHY P. JENNINGS, x...
ADRIAN J. MARENGO-ROWE, x...
ANTHONY J. MAZZEO, x...
RYAN MCBRAYER, x...
TALLEY E. MCINTRYE, x...
CHRISTOPHER T. MULLIGAN, x...
ANDREW J. OSORNO, x...
MEREDITH L. ROBINSON, x...
DANIEL P. SHANAHAN, 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 captain

DAVID L. GROCHMAL, x...

To be commander

LOREN D. HARTER, x...

To be lieutenant commander

JAMES C. EISENZIMMER, x...
JOEL D. NEWMAN, x...

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12204:

To be captain

RONALD W. HARGRAVES, x...
BRUCE S. LAVIN, x...
JANICE L. WALLI, x...

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

STEPHEN E. PALMER, 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

GARY L. MURDOCK, x...

To be lieutenant commander

VICTOR M. OTT, x...
BRIAN G. WILSON, x...

THE JUDICIARY

GERALD BRUCE LEE, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA VICE JAMES C. CACHERIS, RETIRED.

PATRICIA A. SEITZ, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA VICE STANLEY MARCUS, ELEVATED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 22, 1998:

DEPARTMENT OF EDUCATION

CYRIL KENT MCGUIRE, OF NEW JERSEY, TO BE ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH AND IMPROVEMENT, DEPARTMENT OF EDUCATION.

NATIONAL SCIENCE FOUNDATION

RITA R. COLWELL, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS.

DEPARTMENT OF COMMERCE

PATRICK A. MULLOY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

CENTRAL INTELLIGENCE AGENCY

JOAN AVALYN DEMPSEY, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT F. RAGGIO, x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD L. PETERSON, x...

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL JAMES, III, x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LEE P. RODGERS, x...

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ARCHIE J. BERBERIAN, II, x...

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROGER C. SCHULTZ, x...

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DANIEL C. BALOUGH, x...
BRIG. GEN. ROGER L. BRAUTIGAN, x...
BRIG. GEN. THOMAS A. WESSELS, x...

To be brigadier general

COL. BRUCE A. ADAMS, x...
COL. MICHAEL B. BARRETT, x...
COL. LOWELL C. DETAMORE, JR., x...
COL. KENNETH D. HERBST, x...
COL. KENNETH L. PENTTILA, x...

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FREDERICK MCCORKLE, x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5044:

To be general

LT. GEN. TERRENCE R. DAKE, x...

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MARTIN E. JANCZAK, x...
REAR ADM. (LH) PIERCE J. JOHNSON, x...
REAR ADM. (LH) LARY L. POE, x...
REAR ADM. (LH) MICHAEL R. SCOTT, x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ROBERT F. BIRTCIL, x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL W. SHELTON, x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. CHARLES S. ABBOT, x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JEFFREY A. COOK, x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

GEORGE P. NANOS, JR., x...

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING PHILLIP M. ARMSTRONG, AND ENDING * REX A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 1998.

IN THE ARMY

ARMY NOMINATION OF GARY W. KRAHN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1998.

ARMY NOMINATIONS BEGINNING EUGENE N. ACOSTA, AND ENDING CURTIS L. YEAGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 1998.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING RICHARD D. COULTER, AND ENDING KARIM SHIHATA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 1998.

MARINE CORPS NOMINATION OF GARY F. BAUMANN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 29, 1998.

MARINE CORPS NOMINATIONS BEGINNING MICHAEL L. ANDREWS, AND ENDING ROBERT C. WITTENBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 1998.

MARINE CORPS NOMINATIONS BEGINNING JAMES N. ADAMS, AND ENDING THOMAS J. ZOHLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 1998.

MARINE CORPS NOMINATIONS BEGINNING LOUIS P. ABRAHAM, AND ENDING MARK G. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 1998.

MARINE CORPS NOMINATIONS BEGINNING RUBEN BERNAL, AND ENDING JAMES WERDANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 1998.

IN THE NAVY

NAVY NOMINATIONS BEGINNING MICHAEL D. COBB, AND ENDING RAYMOND B. ROLL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 1998.

NAVY NOMINATION OF DANIEL D. THOMPSON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1998.

HOUSE OF REPRESENTATIVES—*Friday, May 22, 1998*

The House met at 9 a.m.

Dr. Carl Holladay, Candler School of Theology, Emory University, Atlanta, Georgia, offered the following prayer:

Let us pray. Gracious God, we confess You as the one who inspired our beginnings as a people in quest of freedom and who sustained these hopes in times of threat and despair. In deep gratitude today, we remember this Nation's brave men and women, who died for the cause of freedom.

Bless this House as it deliberates today. Give those gathered here a special measure of Your wisdom. Let them do their work driven by a desire to serve the common good. Let them hear the plaintive cries of those longing to be heard. Let them know the hopes of those who live with noble dreams unfulfilled. Let them remember the prayers of those who long to be free.

We pray for peace and justice, knowing how the demands of justice compete with cries for mercy, yet willing to make ourselves instruments of Your peace in this world. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. MASCARA) come forward and lead the House in the Pledge of Allegiance.

Mr. MASCARA 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 without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 171. Concurrent resolution declaring the city of Roanoke, Virginia, to be the official site of the National Emergency Medical Services Memorial Services.

The message also announced that the Senate passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 73. Concurrent resolution expressing the sense of Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that for today all Members be permitted to extend their remarks and to include extraneous materials in that section of the RECORD entitled Extensions of Remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize Members for eight 1-minute speeches on each side.

WORKING U.S. CITIZENS SUFFER FROM DEMORALIZING AND CRUSHING TAX BURDEN

(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, incredible as it may sound, for the first 132 working days of this year, every penny earned by the hard-working men and women of Nevada did not go to pay for their kids' education, did not go to pay for their home mortgage, did not go to pay their medical insurance or expenses. Instead, it all went to this expanding government bureaucracy.

Fully one-third of the year's effort of these hard-working Americans has been spent just to pick up the tab for the bloated government bureaucracy. Decades of unchecked growth and deficit spending by the liberal tax and spenders has left the hard-working men and women of this country with this demoralizing and crushing tax burden.

The vast majority of Americans do not object to paying their fair share of taxes, but they do object to the suffocating level of taxation that exists under this administration.

Arthur Godfrey put it best when he said, "I'm proud to be paying taxes in the United States. The only thing is, I could be just as proud for half the money."

Mr. Speaker, I urge all of my colleagues to support the Republican proposal to eliminate the marriage tax penalty. Let us allow hard-working families to keep more, not less, of their money.

RECOGNITION OF AFRICAN LIBERATION DAY

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

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today to join my fellow Virgin Islanders in recognition of African Liberation Day, which will be celebrated on Monday, May 25, a day created in 1963 as a rallying point for freedom and to mark the progress of the liberation struggles in Africa.

For my constituents and I, this year's celebration is especially significant because it occurs as we celebrate the 150th anniversary of emancipation from slavery.

For Africans on the continent and in the Diaspora, this year has special significance as we await the enactment of the African trade bill and look forward to the passage of a similar proposal for the Caribbean.

It is my hope that as we come together, not only in the Virgin Islands but around the world, to reaffirm our oneness, we can move closer to our full economic liberation with the creation of a new and unique trade area which will link all of Africa's children, those on the continent as well as those in the United States and the Caribbean.

REQUESTING THE PRESIDENT TO PLEASE EXPLAIN TRANSFER OF TECHNOLOGY TO COMMUNIST CHINA

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

Mr. BARTLETT of Maryland. Mr. Speaker, I would like the President to explain to the American people why authority for approving technology transfers to Communist China was transferred from the State Department to the Commerce Department in this administration.

I would like to know why national security concerns would be overruled by commercial considerations, thus endangering the security of all Americans.

The idea that it is official U.S. policy to improve Communist China's rockets

defies explanation. Instead of developing a missile defense system of our own, this administrations is helping to develop Communist China's strategic nuclear missile program, a program with missiles even now aimed at the United States.

This policy is madness, utter madness, and I am still awaiting an explanation from this administration why they determined that assisting Communist China in the development of its "Long March" missile is in the national interest of the United States.

Refusing to build a national missile defense because perfecting China's missiles is a higher priority is not only nutty and bizarre, it clearly puts our country at increased risk.

SUPPORT H. CON. RES. 203 TO FUND VETERANS OF FOREIGN WARS STAMP

(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, I rise to urge my colleagues to support my resolution, H.Con.Res. 203, the resolution requesting the United States Postal Service to issue a commemorative stamp honoring the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States. It honors those men and women who fought, bled and died in every war in which the United States has engaged during this century.

The U.S. Postal Service is issuing many stamps to celebrate this century. Some of these are very worthy events and deserve to be recognized. However, the VFW should be given as much consideration as cartoon characters, Elvis Presley and Marilyn Monroe.

As we leave this century, I believe the Citizens Stamp Advisory Committee should do the right thing; issue a stamp honoring the 100th anniversary of one of the Nation's oldest veterans organizations.

At the present time, I have over 125 cosponsors, a bipartisan effort. I ask other Members to join me in do sponsoring H.Con.Res. 203 to honor the Veterans of Foreign Wars with the issuance of a 100th anniversary commemorative stamp.

TRIBUTE TO ROSCOE ALLEN, JR., OF OCILLA, GEORGIA

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

Mr. CHAMBLISS. Mr. Speaker, I rise today to honor one of my constituents, Roscoe Allen, Jr., of Ocilla, Georgia. Mr. Allen has been selected by the Small Business Administration as Small Businessperson of the Year for the State of Georgia, and he will represent Georgia in the selection process for the National Small Businessperson of the Year.

In just 2 years, Mr. Allen has made his mark in the competitive snack food industry. He broke into the peanut processing business by putting in long hours, traveling many miles and practicing his straightforward sales pitch to his wife and long-time friend. His company, known as the Roscoe Allen Company, is the first southern, African-American-owned peanuts and mixed nuts processor. His products are sold in grocery stores all across the southeast as well as in Texas.

Mr. Speaker, I commend Mr. Allen's commitment to providing quality products and outstanding service at an economical price and for achieving success in a competitive market in such a short period of time. I congratulate Mr. Allen and wish him all the best at the Small Businessperson award ceremony and commend him for being an outstanding example of a small businessman and to let him know that all of Georgia is very proud of him.

PARENTS, WITH GOD'S HELP, RAISE OUR CHILDREN

(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, another tragedy in our schools: more expert analysis.

One group said America should heed the advice of the First Lady when she said it takes a community to raise a child. I do not mean to be disrespectful, but I disagree.

Communities do not raise a child; PTAs do not raise a child; schools do not raise a child; day care centers and summer camps do not raise a child. My colleagues, the awesome responsibility of raising a child is still the parents. Parents raise our children.

Maybe if America got back to basics and placed more emphasis on parents instead of communities, our kids would be much better off. If the community wants to help, they might allow God back into our schools. Parents, with the help of God, will be much more effective raising our kids.

RELIGIOUS LIBERTY IN BELGIUM

(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, I rise today to express concern over an increase in religious intolerance in the country of Belgium.

In 1997, the Belgian parliament published a Sect Report which branded Evangelical Christians, Pentecostals, Amish, Charismatics, and other Evangelical mission groups as potentially dangerous sects. In addition, the Belgian parliamentary report also targeted Catholic Charismatics.

Former King of Belgium, Baldwyn I, who was known to be close to the Charismatic movement inside the Catholic church, was even attacked on the front page of a daily newspaper.

The Belgian Sect Report was followed by legislation on April 30 this year which established a Sect Observatory.

Mr. Speaker, its highly disturbing that a government which abides by the Helsinki Accords, as well as the European Convention on Human Rights, should violate these agreements by establishing a government network to monitor the religious activity of law-abiding citizens.

Mr. Speaker, the fundamental right of religious liberty must be protected for all people, including those in Western Europe.

□ 0915

BESTEA CONFERENCE REPORT

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

Mr. KLINK. Mr. Speaker, today later on the floor of the House of Representatives, the BESTEA conference report will be up. And Members on both sides are to be commended for the work they have done on this piece of legislation. But there has been a rumbling on the floor during this last week that somehow Members are being told that they are voting against their veterans in order to get bridges and highways. And that is not the intentions of Members on either side of the House.

To make that clear, I have drafted the full Veterans Benefit Act of 1998. I would like Members to think about cosponsoring this bill. It is not the intentions of Republicans or Democrats to give short shrift to those World War II veterans who fought their way across Europe, who fought their way across the Pacific, or those veterans from Korea who feel they are forgotten or those from Vietnam, Grenada, Panama or Desert Storm.

We stand up for our veterans, and we want to fully fund their benefits. So I ask the Members today to cosponsor the full Veterans Benefit Act of 1998 as we pass this BESTEA bill and send the veterans a message. The U.S. Congress is with them. We think they have earned these benefits. We think they deserve them.

NATIONAL RIGHT TO WORK ACT

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

Mr. SNOWBARGER. Mr. Speaker, I rise today to voice my wholehearted

support for H.R. 59, the National Right to Work Act, and to implore my colleagues to give their support as well.

H.R. 59 simply eliminates those provisions of the National Labor Relations Act and the Railway Labor Act that empower unions bosses to steal the hard-earned money of American workers.

Over 60 years ago, Congress gave union officials the so-called right to force workers to pay union dues whether they want to or not. Union officials have wielded this power far too long. It is time to reintroduce freedom into the American workplace, the freedom to choose whether or not to pay union dues, freedom from compulsory unionism.

H.R. 59 corrects a terrible injustice. The coercion of America's workers to pay union dues is immoral and against the basic values of our country and even of the founders of the labor unions themselves.

Support restoration of freedom for the American worker. Support the repeal of the power to force people to pay dues to a union against their will. Support H.R. 59.

PROPOSITION 226 BALLOT INITIATIVE

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

Mr. FAZIO of California. Mr. Speaker, I would like to offer another view on the message from the gentleman who just appeared in the well.

Several weeks ago, Congress overwhelmingly rejected a bid by right-wing foundations and corporate interests that would have tilted the political balance in America. By an overwhelming bipartisan vote, the House defeated a bill that included language similar to the Proposition 226 ballot initiative in California.

Funded by extreme out-of-state interest groups and large corporate donors, this California initiative is part of a national campaign by ultraconservative groups. Their goal: to weaken the role of working men and women who oppose their right-wing views on issues such as the Patient Protection Act, or HMO reform, increasing the minimum wage, and reforming social security.

This attempt to dilute the political power of union members, sometimes called "paycheck protection" but more aptly named "paycheck deception", failed in Congress; and it should fail in California as well.

Despite the rhetoric we heard on the floor last night, big business already outspends labor by an 11–1 margin. Proposition 226 would likely give big business even greater political advantage. Fellow Californians, vote no on Prop 226 on June 2.

U.S. NATIONAL SECURITY HARMED

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

Mr. TIAHRT. Mr. Speaker, according to press accounts, the Pentagon issued a classified report in May of 1997 about the Loral-led review commission's unauthorized release to China of its report on Communist China's latest rocket crash.

The report concluded that the United States national security has been harmed. Let me repeat that. The report concluded that the United States national security has been harmed. The White House claims otherwise but offers no explanation, nothing at all.

In February of this year, despite intense opposition from his own Justice Department, President Clinton gave permission to Loral to transfer highly sensitive missile information, particularly with respect to encryption, to the Communist Chinese government. Reportedly, the Chinese could use this information to perfect their missile and rocket programs. This was allowed despite an ongoing criminal investigation of Loral for earlier transfers of missile technology to Communist China.

This leaves many unanswered questions such as, how deeply was U.S. national security harmed? Did the campaign contributions to Loral and the Chinese government affect the decision? And why does the President insist that this decision was in the best interest of the American people?

AGRICULTURAL RESEARCH BILL

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

Mr. STENHOLM. Mr. Speaker, I come and take this 1 minute today to alert my colleagues in the House of Representatives of a rule that we are about to take under consideration concerning the agricultural research bill that is unprecedented.

The Speaker of the House of Representatives, the gentleman from Georgia (Mr. GINGRICH), and his leadership, the gentleman from Texas (Mr. ARMEY), and the gentleman from Texas (Mr. DELAY) are about to do some tremendous damage to production agriculture all over this Nation. Because of the same manner in which they wrote the farm bill in his office, they are now writing a rule that is going, as I said, to do lasting damage to production agriculture.

For the first time in my legislative life, we have the nutrition community and the production agriculture committee agree on additional funding for crop insurance and other agricultural needs and restoring of some food needs and doing it in a budget-responsible way. The rule that we are about to consider undoes it all.

I want to alert my colleagues in the House, immediately after the 1-minutes, I will urge a motion to adjourn until we can discuss this. And, hopefully, the leadership will go back upstairs and rewrite the rule in a fair way to let the conference report be considered by the full House.

CAMPAIGN CONTRIBUTIONS FROM COMMUNIST CHINA TO DNC

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

Mr. PAPPAS. Mr. Speaker, I would like to ask a few questions that we will never ever hear asked by most of the folks on the other side of the aisle. I would like the American people to think about these questions and then ask themselves why, why are these questions not even being asked by the liberals in Congress?

Why did Communist China apparently contribute nearly $3 million to the Democratic National Committee during the 1996 election campaign?

Were there any changes in U.S. foreign policy?

What were the results of all this foreign money into the Democrat Party?

Now, consider the last question very carefully. The problem, of course, is that one cannot know whether a change in U.S. foreign policy was made because of these campaign contributions or because a change was made for legitimate policy reasons based on our national interest. These are the concerns that we all should have.

One last question we will never ever hear from the other side. Who in the White House knew about these contributions to the DNC? Maybe the other side does not want to know who knew.

AGRICULTURAL RESEARCH BILL

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

Mr. DOOLEY of California. Mr. Speaker, I rise to make sure all my colleagues fully understand that we are soon to be considering a rule on the agricultural research bill, and I think everyone should understand exactly what is about to happen.

Through the Committee on Agriculture, we were able to fashion an ag research, a crop insurance bill, as well as a food stamp reform bill that had broad bipartisan support. It was a bill that went to conference. It was signed by all the Republican and Democrat conferees. It was a bill that passed the Senate by a vote of 92–8.

Last night, the Committee on Rules has reported a bill that is basically going to unravel this carefully crafted conference report. Anyone who chooses to vote for this rule has to understand

what they are doing. They are taking a slap at every farmer in this country, farmers who are struggling to maintain their viability, because this rule will gut the crop insurance fix which is so vital.

They will also be having a slap in the face to our universities who are performing the agricultural research, which is so important to our international competitiveness of the agriculture sector. And they are also slapping in the face all the legal immigrants who have the opportunity to get vital food stamps.

Vote no on this rule.

AGRICULTURAL RESEARCH BILL

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

Mr. BECERRA. Mr. Speaker, S. 1150 will come up, the rule will come up in just a few moments. I would like to echo the remarks of my friends and colleagues, the gentleman from Texas (Mr. STENHOLM) and the gentleman from California (Mr. DOOLEY).

We had a very delicately balanced package that addressed the needs of our farmers in America and addressed the needs of those in America who are hungry. It was a very difficult compromise to make because there is such a need out there in these various communities. Yet, we were able to strike that accord, bipartisan accord, rural and urban American accord.

On the Senate side, 92 votes came out in support of this bill. In conference, it was a unanimously supported conference report. All of a sudden, now we have a rule on this bill here in the House that would destroy that delicate compromise, the balance that was achieved.

Unfortunately, what it does is it guts the funding for the crop insurance aspect of this, for the agricultural research aspect of this, and for the dollars necessary to try to help those who are in need of food. We cannot let this happen.

I would urge a no vote on the rule.

MOTION TO ADJOURN

Mr. STENHOLM. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion to adjourn offered by the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. 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 59, nays 304, not voting 70, as follows:

[Roll No. 187]

YEAS—59

Abercrombie
Allen
Becerra
Berman
Berry
Bishop
Bonior
Boucher
Boyd
Brown (CA)
Brown (OH)
Castle
Clay
Clayton
Condit
Coyne
Cramer
DeGette
Delahunt
DeLauro
Dooley
Edwards
Farr
Fattah
Fazio
Ford
Gejdenson
Gephardt
Hall (OH)
Hastings (FL)
Kennelly
Kingston
Lewis (GA)
Manton
Martinez
McGovern
McIntyre
Millender-McDonald
Mink
Obey
Olver
Ortiz
Pallone
Payne
Pickett
Pomeroy
Roybal-Allard
Sabo
Sawyer
Scott
Sisisky
Slaughter
Stenholm
Tanner
Tauscher
Thurman
Waters
Watt (NC)
Whitfield

NAYS—304

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Brady (TX)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Greenwood
Gutierrez
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (NY)
McCollum
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Packard
Pappas
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Salmon
Sánchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spratt
Stabenow
Stearns
Stokes
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
White
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—70

Ackerman
Bateman
Bilirakis
Bono
Brady (PA)
Callahan
Clement
Conyers
Cubin
Davis (IL)
DeFazio
DeLay
Deutsch
Dickey
Dixon
Fawell
Filner
Foley
Furse
Gonzalez
Graham
Green
Gutknecht
Harman
Hefner
Herger
Hinchey
Hunter
Inglis
Jefferson
Johnson, Sam
Kaptur
Manzullo
Markey
McCarthy (MO)
McCrery
McDade
McDermott
Meeks (NY)
Miller (CA)
Mollohan
Morella
Nadler
Owens
Oxley
Parker
Pascrell
Pelosi
Porter
Quinn
Rangel
Reyes
Riggs
Rogan
Sanders
Serrano
Sessions
Skaggs
Souder
Spence
Stark
Strickland
Taylor (NC)
Torres
Towns
Waxman
Weller
Weygand
Wicker
Young (AK)

□ 0957

Messrs. RILEY, CUNNINGHAM, THOMPSON, KLECZKA and RODRIGUEZ, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas and Ms. WOOLSEY changed their vote from "yea" to "nay."

Mr. HASTINGS of Florida changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, on rollcall No. 187, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT TO RULE ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998 CONFERENCE REPORT

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

Mr. SOLOMON. Mr. Speaker, there is some concern over understanding the rule that we are about to take up. I just want to put the House on notice that at the end of my remarks, or during the debate on the rule, that I will be putting back into the bill an unfunded mandate that was removed. I personally oppose unfunded mandates and I will argue against it, but the House will have an opportunity to vote on it.

So at some point I would be offering a manager's amendment, that at the appropriate time I would offer an amendment to the rule ensuring that the offset for crop insurance and for food stamps for legal aliens is going to be in the bill. There would be a vote on whether or not to take that out.

DISPOSING OF CONFERENCE REPORT ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 446 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 446

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes. All points of order against the conference report (except those arising under clause 3 of rule XXVIII and predicated on provisions in subtitle A of title V) and against its consideration (except those arising under section 425 of the Congressional Budget Act of 1974) are waived. If a point of order against the conference report for failure to comply with clause 3 of rule XXVIII is sustained, the conference report shall be considered as rejected and the pending question shall be, without intervention of any point of order, whether the House shall recede from its amendment and agree to an amendment to the Senate bill consisting of the text of the conference report, modified by striking subtitle A of title V. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from New York (Mr. SOLOMON) is recognized for one hour.

□ 1000

Mr. SOLOMON. Mr. Speaker, for the purposes of the of debate only, I yield 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I might consume. All time yielded is for purposes of debate only.

This rule waives all points of order against the conference report, except for two. First, the rule will allow points of order for violations of the Unfunded Mandate Reform Act. The Congressional Budget Office has already determined that the conference report contains unfunded mandates to the tune of hundreds of millions of dollars; in my own State of New York, in this letter from Governor George Pataki, several hundred million dollars alone which will have to be passed on to local property taxpayers in the State of New York.

Now, before consideration of the conference report, any Member may make a point of order that it contains an unfunded mandate, and at some point in a few minutes I will move to put back in the unfunded mandate that was inadvertently removed from the bill, even though I oppose it and I will raise a point of order to strike out the unfunded mandate that we have just put back in. However, that would require a 20 minute debate and a vote, so that everybody understands they will have that opportunity to vote on whether to proceed with an unfunded mandate. That will be the pay-for for crop insurance and food stamps for legal aliens and other categories.

The second point of order against the conference report permitted by this rule is for the violation of scope of conference rule. This rule prohibits the conferees from adding material in the conference which was not considered in either the House or the Senate, and here we are talking about an $800 million expenditure for food stamps for legal aliens, for refugees, for a group of Indians, for a group of people coming out of Laos and Cambodia, and a number of other people. In this case, the conference report contains several provisions which are beyond the scope of the conference.

Under the rule, the point of order is specifically allowed against the part of the conference report, again, which provides $800 million for food stamps for certain noncitizens, in subtitle A of Title V.

Mr. Speaker, the conference report is available on both sides of the aisle, and if my colleagues want to know what they are voting on as far as the food stamps are concerned, they need to look up subtitle A of Title V, and it is a very brief description of who is qualified in this bill.

If this point of order is sustained by the Chair, technically the conference report falls, and the rule then provides that the pending question will be whether to agree to an amendment consisting of everything that was in the conference report except the money for food stamps for certain noncitizens.

Mr. Speaker, this conference report contains numerous violations of House rules, and these are major issues that were put into this bill after it left both the House and the Senate. There are multiple points of order which would be available to the Members of the House if this agreement were to be brought up under the privileged status which conference reports theoretically enjoy in the House.

Now, Mr. Speaker, this conference report was filed on April 27 and it has languished on this calendar since. It was presented to the Committee on Rules yesterday, and the managers on the part of the House requested a rule waiving all points of order against the conference report and against its consideration.

Among the many points of order which could be made against this conference report are as follows:

Clause 3 of rule 28, prohibiting matters which extend beyond the scope of the conference.

Clause 4 of rule 28, prohibiting nongermane Senate material, an example of which is section 226(f), the redistribution of funds under the matching funds requirement for research and extension activities at 1890 institutions.

Clause 2 of rule 20, so we can see how complicated this is, which prohibits consideration of Senate amendments which would violate clause 2 of Rule XXI, which in turn prohibits appropriations on an authorizing measure, which includes many, many, many, many, many provisions. So we are breaking the rules of our House by going ahead today with this.

Now, some of these are: Section 252, which is the Fund for Rural America; Title IV, miscellaneous fees; various nutrition programs in the bill; and the National Organic Certification Fees, and it goes on and on and on. I am just trying to point out to my colleagues, all of these things were added to this bill after it left both houses, so none of us have any idea of what is in this bill, including me.

Section 303 of the Congressional Budget Act, which prohibits consideration of legislation creating new budgetary authority in a fiscal year before passage of the budget resolution. That is in here. This new budget authority is largely contained in the food stamps title.

The conference report also contains legislative provisions in the jurisdiction of other House committees, including the Committee on Resources and the Committee on Appropriations, and the Committee on Appropriations should be very concerned about what is happening here, because the Members that serve on standing committees always raise a ruckus when the Committee on Appropriations tries to legislate in their appropriation bill, taking away the jurisdiction in the standing committees. This is just the opposite.

Here we have one authorizing committee taking away the jurisdiction of the appropriations committees.

Finally, the unfunded mandates that I described earlier. Mr. Speaker, from among this panoply of options, the Committee on Rules chose two particularly egregious violations of House rules and we crafted the rule accordingly, trying to follow the Rules of the House.

The rule therefore, and this is what we ought to listen to because it gets complicated, the rule, therefore allows Members to make an unfunded mandate point of order, which if I am allowed to put it back in by unanimous consent, I will make myself, because I unalterably oppose unfunded mandates on State and local governments under any circumstances. And then we would have a dedicated period of debate on my motion to raise the point of order against the unfunded mandate. We would have a period of debate, 20 minutes, and a vote on whether to consider the conference report with that unfunded mandate in it.

That is fair. Everybody gets a clean shot. If we want to go ahead with it, we vote "yes". If we want to kill the bill then, we vote "no". That is normal, regular rules of order.

The rule then allows any Member to make a point of order under the scope rule, clause 3 of rule 28, against subtitle A, title V of the conference report, which I have just outlined to my colleagues, which contains both the unfunded mandate and the provision expanding food stamps to legal aliens.

This rule gives the House the opportunity to take out of the conference report the food stamp provisions, which many of us object to, which never should have been in the conference report in the first place. Again, they were not in the House bill, they were not in the Senate bill. And the unfunded mandate saddles States and local governments, every one of our States, it saddles the States and local governments, local governments which raise their revenues to pay for these unfunded mandates out of property taxes. In other words, if we leave this mandate in, we are mandating an increase on property taxes on every one of our constituents throughout America that own a home.

The bill, when it passed the House, was designed primarily to help the Committee on Agriculture and it should have stayed that way, and if it did, we would be sailing through here with about a 15 minute debate on the rule and a 10 minute debate on the bill and it would have been settled. That is the way it was when it left the House and the Senate and that is the way it should be today.

When it came back from conference it was loaded up with these mandatory programs which rolled back the landmark welfare reform package this Congress passed in 1996, and that is exactly what we are doing here today. If we vote "yes" on this bill with the food stamps in there and these other provisions, saddling unfunded mandates on local governments and States, then we are just refuting everything that we did two years ago that was overwhelmingly accepted by the American people. Eighty-four percent of the American people think we did the right thing back then, and they are going to think we are doing the wrong thing here today.

This rule gives the House a way to preserve the parts of the bill dealing with agriculture, while still taking out some of the most egregious add-ons.

Now, that is what is before us today. Mr. Speaker, again, at the appropriate time, as soon as the parliamentarians have had time to review my unanimous consent request, I will offer an amendment to the rule to ensure that the offsets for crop insurance and food stamps for legal aliens are back in the bill.

Mr. Speaker, in the case of the offset for both of these programs, crop insurance and food stamps for legal aliens, it is the unfunded mandate that we are talking about. That provision is a reduction in administrative costs which passes Federal costs off to the States, and therefore a vote for the amendment is a vote to send crop insurance and agriculture research to the Senate without food stamps for legal aliens, and we are assured that that will pass the Senate today and be sent on to the President.

So I hope that is clear to my colleagues. If it is not, I would be glad to entertain any questions as we proceed in this friendly debate.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the Chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON) for yielding me the time.

As my colleague has described, this is a rule for consideration of the conference report on Senate 1150, which is the Agriculture Research Extension and Education Act of 1998. It waives all points of order except the rules pertaining to unfunded mandates and the scope of the conference. I am strongly opposed to the rule and I ask for its defeat.

Behind all of the parliamentary language in this rule, this measure eliminates food stamps for 250,000 children, elderly people, disabled people, and people who came to this country to flee political or religious persecution who are legal immigrants. Yes, legal immigrants who are in this country with the approval of our government.

This is a shameful and malicious rule. The conference report includes provisions that improve agriculture research, fund and reform the Federal crop insurance program, and extend rural development assistance. It also restores food stamps to about one-fourth of the refugees and legal immigrants who were made ineligible under the 1996 welfare bill.

The bill's provision on food stamps for legal immigrants do not undermine or conflict with welfare reform. The provisions are modeled on last year's Balanced Budget Act which restored eligibility for SSI and Medicaid to limited categories of needy legal immigrants.

□ 1015

We are talking about restoring food stamps to only the most vulnerable groups of legal immigrants. This includes children the elderly and the disabled. None of these groups are able-bodied, working-age people who would normally be expected to support themselves. Furthermore, eligibility is limited to those special categories of people who entered the country prior to the August 22nd, 1996, enactment of the welfare reform bill.

We are talking about only 250,000 of the neediest legal immigrants. This bill has enormous support in Congress and throughout the Nation. The Senate passed a conference report by an overwhelming vote of 92 to 8. It is supported by numerous agricultural, commodity, nutrition, immigrant, and religious operations.

Testifying before the Committee on Rules last evening, the chairman of the Committee on Agriculture, the gentleman from Oregon (Mr. BOB SMITH), asked for a rule to protect the food stamp provision. He called the conference report a carefully crafted balance of interests. The ranking minority member of the Committee on Agriculture, the gentleman from Texas (Mr. CHARLIE STENHOLM), also asked for a rule supporting the food stamp provision. He called it a very good bill.

Members of the Committee on Rules of both parties spoke out in favor of extending food stamp eligibility to children, the disabled, and the elderly who are legal immigrants. The gentleman from Massachusetts (Mr. MOAKLEY) offered an amendment to the rule which would have saved the food stamp provision. That motion failed on a narrow 5 to 6 vote.

Yes, there is enormous support for this bill, except for six members of the Committee on Rules, who do not want to see legal immigrants get food stamps if they are children, disabled, or elderly. The cost of this is fully offset, and it represents no net increase in spending. This bill does not affect any future immigrants to the U.S.

There is no excuse for this nastiness. The measure even takes away food stamps from some needy legal refugees who came to the U.S. to escape political or religious persecution. These are

the neediest of needy immigrants. They have no sponsors. They have no support here. Why on earth do we want to take away their food stamps?

The House must defeat this mean-spirited, hurtful rule. Before casting their votes, I hope Members understand that a vote for this rule, a vote to strip food stamps from children, the disabled, and the elderly who are legal immigrants, is a vote against citizens, groups that support disabled rights, religious groups, and advocates for the poor. It is a vote against farmers who will not be happy that this critical, time-sensitive legislation is delayed by the politics of malice.

If this rule passes, there is not a chance that the legislation will survive without the food stamp provision. The Senate, which overwhelmingly supported this bill, will not pass it. The administration, which strongly supports it, will veto it; and the American people, who are generous people, will not stand for it.

If this measure passes, we will have to change the inscription on the Statue of Liberty: Give me your tired, your poor, except for your disabled, too old, or too young. The Statue of Liberty must be weeping. I urge Members in the strongest possible terms, vote down this rule.

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

Mr. SOLOMON. I yield myself such time as I may consume.

Mr. Speaker, let me say to my good friend, who I have great respect for, he says the Senate will not pass it. The Majority Leader, TRENT LOTT, has assured us that if this bill contains what it did originally in the House and Senate that he will pass that bill today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DICK ARMEY), the Majority Leader of the House.

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

Mr. Speaker, I appreciate the fact that under different times and circumstances passions run hot. People get upset, feel the tension of this work. It is important work.

But I have to say, Mr. Speaker, I have heard a little rhetoric this morning that is a little hotter than is necessary and, frankly, quite inaccurate and unfair. "Mean-spirited" I think is a little harsh.

The agriculture community came to us, and they said they needed crop insurance. We agreed, and we want the agriculture community to get crop insurance through this Congress and through the White House, through the farmers of America. We are working hard on that.

They also want additional funding for agricultural research. We are perfectly excited about moving that forward for the agriculture community, so we passed through this House a bill that would provide for agricultural research and crop insurance. A similar bill was passed through the Senate, and then House and Senate went to conference. In that conference, several things were added to the bill that had not been in either the House bill or the Senate bill.

If we are going to talk about what is outside the regular order, what is outside the rules of the House, let us begin with adding things to a conference that is outside the scope of the conference. That, of course, was a startling event.

When they closed their conference and brought back a conference report with these things that were outside the scope of their conference, it is perfectly in order within the rules of the House for a Member to have a point of order against the conference report.

Why did the members of the Committee on Agriculture and the House and Senate, who had so convincingly made their case that crop insurance is important, get it done as quickly as possible, agriculture research is important, get it done as quickly as possible, why did they add so many things to that focused legislation that had come from both bodies that were outside the scope of their conference?

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, it is my understanding that crop insurance was not part of the legislation when it passed these individual Houses and was added simply on the same basis that the food stamp provision was. There is some inconsistency.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for that.

Let me say, in the interests of inconsistency, when the agriculture community and the agriculture committees came to the leadership of both bodies and said, this is urgent, we want to do so, they did so with our blessings.

Mr. FAZIO of California. Mr. Speaker, if the gentleman will continue to yield, they did not do so on the issue of food stamps. So let us just put it on the basis of where we stand.

Mr. ARMEY. The gentleman has had his time. I will make my point.

That being the case, I am sure the gentleman from California (Mr. FAZIO) might want to exercise his prerogative under the rules of the House with respect to his point of order.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would like to make the point, just so Members will know, when we are talking about these food stamps, there is a timeliness date of November 1. When we are talking about crop insurance, it is the end of June. That is why the crop insurance was added, because there is a time deadline. That is why it must be added on now. We can still deal with the food stamp issue any time during June, July, and August.

Mr. ARMEY. The point I would like to make, Mr. Speaker, is that both the leadership in the House and Senate did everything we could to work with the members of the agriculture community and the members of the agriculture committees to move forward crop insurance. That was the focus.

The fact of the matter is this Congress has taken great pride in the accomplishments we have made to relieve the States of unfunded mandates, and we have taken great pride in the welfare reform we have done. Everybody has understood, and for some period of time now we have been unable to solve the riddle of how to bring this legislation related to crop insurance to the floor because it was burdened with provisions that would be objected to by the majority of the people in the majority conference.

Now we have found a rule that makes it possible. Let me make no mistake about it. If Members vote for this rule and they pass this conference report, they can get crop insurance through the House on its road to the farmers of America. We can get research through the House on its road to the agricultural research centers of America. We can have them paid for.

If Members want to go back to their districts and say, I stopped the process, I scuttled the plane at takeoff, I defeated the rule because it was more important for me to have things, provisions of this bill that are outside of the scope of its intent, that relate to the extension of the time under which people who are legal aliens can get food stamps in America, because that was more important to me than you and your crop insurance in Iowa and North and South Dakota and Kansas, go ahead and make that vote.

But what I will not do is have Members say that they had to make this vote to deny them their crop insurance because the leadership did not treat us fairly. It is Members' choice. It is their vote. They should make it and accept their responsibility and accept their accountability for it.

If Members want a scapegoat in the matter, they are not going to find one here. I will be very happy to go back to the people of Texas and explain why it is that the gentleman from Texas (Mr. DICK ARMEY) was able to vote to get them their crop insurance and other Members of the Texas delegation were not able to make that vote.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, that was a fascinating statement that my colleague, the gentleman from Texas, just made.

The position that I am for today is supported by the State of Texas. The State of Texas has already done that which the gentleman opposes today, because they believe it to be right for those who have been affected by the food stamp provisions. They support our version of this rule.

It should not surprise anyone, though, because this is the same majority leader that was responsible for passing the farm bill in the Speaker's office and promising that we were going to have unlimited access to world markets, and then will not even bring up IMF funding or fast track funding.

This is another backdoor attempt by the leadership of this House to gut agriculture in rural America, and let there be no mistake about it. We will not even have an opportunity to discuss the intricacies of the research and the crop insurance bill, because once this rule passes, with the mechanisms and the maneuvers that are going on in this rule, which the chairman of the Committee on Rules has already acknowledged a mistake was made last night and is going to attempt to correct it in just a moment, there are other mistakes in this rule today that can be corrected by going back up and letting the House work its will on a bill that the Senate has passed 92 to 8.

Yes, there are things in this bill that are outside the scope: crop insurance, food stamps. That is true. Why was it done? Because we have serious funding problems for rural America in the budget. The budget that I voted for has tight restraints.

We are looking for ways to help production agriculture, and we put together a coalition of consumer groups and production agriculture that said, here is some money that we can reprogram for purposes of feeding people, providing crop insurance, and providing funding for research.

This rule will destroy it. Let there be no mistake about it. If Members pass this rule, they are kidding themselves, if the Senate that voted 92 to 8, that it is going to go back and change its mind. Because the Speaker of the House and the Majority Leader of the House have said they have a better idea. They have already been through that for months. It is not going to happen.

The blame for having crop insurance problems is going to rest on the leadership of the House. If Members wish to have another political issue, and we have so many I cannot count them now, it is interesting, I am wondering if the Majority Leader's rhetoric is going to be the same on the ISTEA bill when it comes up later today as it is today. It is interesting how we are picking and choosing. I am frustrated with the picking and choosings that constantly and consistently say to rural America, you do not count. You do not count.

So, I say to the majority leader, I welcome this debate with the gentleman back in Texas. He is dead wrong, and anyone that follows his leadership is going to find that out.

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

Mr. Speaker, here we go again. It is what really disheartens me as a Member of this body. The gentleman from Texas (Mr. STENHOLM) has just stood up and said, we have so many issues now that we can play politics with. That is sickening.

He also went on to say that if Members vote for this, they are knocking out agriculture research and crop insurance. I have the amendment. As a matter of fact, I think I will offer it right now.

AMENDMENT OFFERED BY MR. SOLOMON TO HOUSE RESOLUTION 446

Mr. SOLOMON. Mr. Speaker, I offer an amendment placed at the desk which I have discussed with the minority, and I ask unanimous consent that it be accepted.

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

The Clerk read as follows:

Amendment Offered by Mr. SOLOMON to House Resolution 446:

Page 2, line 17, strike "subtitle A of title V" and insert "sections 503 through 509 and by striking section 510(b)".

□ 1030

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from New York?

Mr. OBEY. Reserving the right to object, I would like to ask the gentleman a question. Let me explain why I am asking the question, to be perfectly fair.

What I am confused about is as follows: The gentleman indicated a minute ago that there were a number of things wrong with this conference report. I agree with him. I have made known my concern about the fact that this conference report contains new mandatory spending. I think that ought to be discretionary.

But I also recognize that there has been a compromise struck between the traditional agricultural interests and the nutrition program supporters and so each side has had to swallow some things they do not like. While the chairman indicated his concern about the entitlement that is created under this bill, he, in fact, has not allowed any point of order to be lodged against that, as I understand it. The rule that is brought to the House at this point only allows a point of order to be lodged against the food stamp provisions and the crop insurance.

I am sorry. I am wrong on that.

Let me ask the gentleman this: Is it the intent of the Republican leadership by what they are doing here today to take that $818 million, which is supposed to be used to reinstate food stamps for the neediest immigrants in this country, and instead move that over in order to pay for the ISTEA package that is coming up here later today? Is that the game that is going on?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. SOLOMON. Absolutely not. It is the intention of the Committee on Rules and not the Republican leadership that we add back in the point of order that can be allowed against an unfunded mandate amounting to close to $2 billion that would pay for everything that is in this bill, including crop insurance, including food stamps and anything else.

If we are allowed to do that because of the inadvertent error that was made between the parliamentarians and the crafters last night, then it means that I, JERRY SOLOMON, would, at the appropriate time, be able to stand and raise a point of order against the unfunded mandate that you and I are concerned about.

If it is then voted down, let me explain, if that is then voted down, we would continue to consider the bill, at which time any Member, the gentleman from Wisconsin or the gentleman from Texas could then raise a point of order against the scope of the $800 million dealing with food stamps. That would probably be sustained by the Chair.

Then, under the rule, the House would automatically, the Chair would move to vote on whether to send this measure to the Senate minus the food stamps. That is what would occur.

Mr. OBEY. Mr. Speaker, continuing my reservation of objection, my question remains. Is it not true that if one of those scenarios occurs, that, in fact, that money will be on the table to be used later today for ISTEA? BESTEA?

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, this would have nothing to do with that. I do not know what else the gentleman is driving at. What we are doing has no implication on the ISTEA bill coming up. That is an entirely different matter, and the monies involved have nothing to do with that. My good friend, as an appropriator, ought to be very concerned with what is happening in that ISTEA conference in what it does to his appropriations.

Mr. OBEY. Mr. Speaker, I have been standing on the floor for 3 days objecting to that conference report.

Mrs. CLAYTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Speaker, I would like to ask the chairman of the Committee on Rules if what he is proposing would take away the vulnerability of legal immigrants from receiving food

stamps? Does he propose to allow a procedure that allows any individual to raise a point of order that would in essence deny the food stamps going to legal immigrants?

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, under regular rules of the House, if a conference report were to be brought to this floor that would have a scope violation, which is the food stamp issue, then any Member would automatically be allowed to raise a point of order, strike that out, and then it would kill the conference report.

We did not want to do that, so we made a special provision so that if a Member were to rise and raise a point of order and it were sustained by the Chair, then it would not kill, in effect, it would not kill the conference report. It would leave the bill then as an amendment standing and ready to go to the Senate without the food stamp provision in it. I have deliberately written it that way because I did not want to kill the conference report because then we could not deal with it in a timely manner for the crop insurance issue.

Mrs. CLAYTON. Would that also be true with the crop insurance then? The gentleman is just making this special provision for a point of order for food stamps?

Mr. SOLOMON. Yes.

Mrs. CLAYTON. He is not making that point of order for the crop insurance?

Mr. SOLOMON. No.

Mrs. CLAYTON. That is out of scope, too.

Mr. Speaker, if the gentleman will continue to yield, I just want the House to understand the difference between what we are doing with poor immigrants and what we are doing—by the way, I am for crop insurance.

Mr. SOLOMON. I know the gentlewoman is.

Mrs. CLAYTON. This bill is a well-crafted, balanced bill, and it is much needed in rural areas. But I cannot find the rationale for leaving out of scope the legal immigrants.

Mr. SOLOMON. Mr. Speaker, may I give the rationale? It is a sincere one, because I represent an agricultural district, just as the gentlewoman does.

But there is a timeliness involved with the crop insurance. In other words, it expires at the end of June and, therefore, we have very few legislative days left to work between the House and the Senate.

Mr. OBEY. Mr. Speaker, reclaiming my time under my reservation of objection, I certainly want to say that in addition to my suspicion about ISTEA, I think what is going on here is that there is an effort being made to once again set up a needless political confrontation under which a poison pill is inserted in this agreement. That will necessitate the White House vetoing this bill, and then that side of the aisle can claim that it is the White House that has shut down the crop insurance program.

That is what I believe is going on. I think it is incredibly outrageous.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY), and I just want to be clear, what has happened here.

What happened is, last night we passed this rule, about 11:30. This amendment that the chairman of the Committee on Rules has talked about said, I want to make it perfectly clear what his amendment will do that he will offer, it will take away the eligibility of food stamps for legal immigrants. It exposes whole sections, because what it does with sections 501 and 502, these are the provisions that pay for crop insurance programs; the sections that the rule allows to be taken out, the sections that the rule allows to be taken out of the bill are the provisions which will allow legal immigrants to receive food stamps.

This amendment takes away eligibility of food stamps, because what it does is it exposes the food stamp sections to the scope. And what will happen is somebody from the gentleman's side will raise a point of order. The point of order will be, will rule against the point of order. The section will be taken out. So effectively what he is doing is, he is not portraying exactly what his amendment is doing.

This will take legal immigrants out of the bill. I want everybody to understand that. I have the amendment right here. I can read it. This takes legal immigrants on food stamps completely out of the bill. Everybody should understand that.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would ask all of my colleagues to pick up the conference report and look at title V. We are doing exactly what the gentleman from Oregon (Mr. SMITH) and the aggies have asked us to do. We are adding back in section 501 and 502, which is a reduction in funding of employment and training programs, a reduction in payments for administrative costs. That is the pay-for. The gentleman asked me to put that back into the bill. That is exactly what this amendment here does.

For the gentleman from Ohio to say that this is striking out the food stamps is absolutely wrong. This amendment, and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Texas (Mr. STENHOLM) and anybody else will tell the gentleman that we are putting back in the pay-for, as we were asked to do. That is all the amendment does.

Mr. HALL of Ohio. Mr. Speaker, if the gentleman will continue to yield, I would just like to say what it does is that it exposes the sections on food stamps to——

Mr. SOLOMON. Mr. Speaker, on this amendment, I do not.

Mr. HALL of Ohio. In the rule, you do.

Mr. OBEY. Mr. Speaker, reclaiming my time under my reservation of objection, I yield to the gentleman from Texas (Mr. STENHOLM), distinguished ranking member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me.

I want to make one correction. I believe the chairman of the Committee on Rules misspoke but not intentionally. What the House Committee on Agriculture, the gentleman from Oregon (Mr. SMITH) and I, have asked you to do is to report a rule to allow the conference report, as reported unanimously from the House and Senate, that passed by 92 to 8, to be allowed to be voted on today. That is what we asked for, not what you stated we asked for.

Mr. OBEY. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I just want to say something to the gentleman from New York (Mr. SOLOMON) in terms of effective date.

Right now there are hundreds of thousands of legal immigrants who are ineligible for food stamps. What is being proposed is that their eligibility begin November 1, but there is a time sequence, a time impact for these people. They now are ineligible and, in many cases, hungry.

This has nothing to do with welfare reform, Mr. Speaker. AFDC was reformed. We added SSI and food stamps as additional portions. We have restored now most of the money for legal immigrants in terms of SSI. This now suggests that we add $800 million of the $27 billion that was cut, and we are cutting food stamps by $2 billion and restoring $800 million. There is a net cut in food stamps.

Essentially, what the gentleman's amendment would do would be to shelter crop insurance from any objection, but leave food stamps for one person to object to and raise it in front of here for a majority vote, when the Senate has overwhelmingly said that food stamps should be put in. You are delaying crop insurance and everything else. You are delaying; you are the ones who are doing it.

When the gentleman from Texas (Mr. ARMEY) gets up here and talks about crop insurance, et cetera, and talks about other things, that is a smoke screen, if I might say so.

I want to just make it entirely clear what the gentleman is doing here. The Senate has already voted.

I want to make one last point: Do not say that the food stamp issue is a surprise. We debated that issue when this bill came through here, and we were told by some on the gentleman's side that it would be raised in conference. Go back and look at the debate.

You are going to come forth here on a bill I am going to vote for on ISTEA, asking to put in numerous provisions that were not discussed in the Senate or the House on the floor. You are going to ask a waiver. But when it comes to hungry people, you do not want to respond. It is disgraceful.

Mr. OBEY. Mr. Speaker, continuing my reservation of objection, I would simply say that what the Solomon amendment does is simply to restore the pay-for. It still leaves food stamps open to being vulnerable to a single point of order objection by a single Member, and it is gone. That is why I say that this process is designed to create another needless political confrontation.

We ought to be here trying to deal with the problems of workers, the problems of farmers, the problems of food stamp recipients, the problems of agriculture research. Instead, another needless political argument is being fashioned, and I think it is incredibly unfortunate.

I yield to the gentleman from North Dakota (Mr. POMEROY).

□ 1045

Mr. POMEROY. Speaking to the crop insurance and ag research portions of this bill, Mr. Speaker, the one way we pass this today and ensure its enactment is to pass the conference report, the one adopted by the Senate by 92 votes.

The Committee on Rules follows that up. The Chairman's amendment does not cure it. This body has to pass this bill today. And for the majority not to bring the conference report, as unanimously adopted by conference committee and passed in the Senate to this body, is a slap in the face to rural America and every Member representing rural America.

Mr. SOLOMON. Mr. Speaker, does the gentleman intend to object?

Mr. OBEY. Mr. Speaker, reserving the right to object.

Mr. SOLOMON. No, Mr. Speaker, we have to go to regular order at some point.

Mr. OBEY. Mr. Speaker, if the gentleman wants me to object, I will object.

Mr. SOLOMON. I am not asking the gentleman to. I am just saying we do have a time limitation. The gentleman knows that. We cannot continue under reservations beyond regular rules of order.

Mr. OBEY. The gentleman created this situation. I do not think he should object to people who are stuck with it.

Mr. Speaker, reserving the right to object, I simply wanted to say that I find it quaint, indeed, that there are objections being made to the fact that this conference report creates a small amount of additional mandatory spending for agriculture when they intend to ram through this place $220 billion in new mandatory spending on the highway bill, and we will not be able to in any way prevent that from becoming mandatory spending. I think that is absurd.

Mr. Speaker, I object to the gentleman's unanimous-consent request.

The SPEAKER pro tempore (Mr. CALVERT). Objection is heard.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Solomon:

Page 2, line 17, strike "subtitle A of title V" and insert "sections 503 through 509 and by striking section 510(b)".

The SPEAKER pro tempore. The amendment will be considered pending and will be voted upon.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, 1 year ago today, just before going out on Memorial Day recess, we failed to pass the disaster bill. My colleagues forced me to go back to the people of Grand Forks, North Dakota, and tell them that Congress politically was unable to respond to a situation that desperately needed responding to.

Here we are again doing exactly the same thing. We have a disaster in rural America. We have got farmers in a world of hurt in the area I represent and all over the country, and we are about to go out on Memorial Day recess without having passed this vital bill, this vital bill that makes a commitment for ag research, so desperately needed in the future, and a commitment to crop insurance, which is so desperately needed to help farmers stay in the business of farming.

Do we just want to come right out and end family farming? Why do we not just have a vote to end family farming? We could just as well for the way this body is dealing with this situation. Have we learned absolutely nothing from the disastrous debacle that so disgraced this body 1 year ago?

We need to pass this bill today. And the only way we do it is by passing the conference report. I urge rejection of the amendment.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in support of the rule, as amended, whether we either accept it by unanimous consent or vote to accept it.

I want to take the blame for being the skunk in this garden party, because it was me, yesterday, that said I would come to the floor and object to the unanimous consent to bring the conference report up immediately. I told that to the Republican leadership. I was prepared to do that.

So the Republican leadership yesterday afternoon was prepared to bring the conference report, bring it to the floor, or at least get unanimous consent to bring it to the floor last evening or this morning, and I was prepared to object to that.

Under the normal rules of the House, any Member can stand up and object to any item in a conference report that is outside the scope as reported by the House and the Senate. Under normal procedure. Not under a special procedure. And I was prepared to do that.

In attempting to address the legitimate concerns of agricultural research and crop insurance, we tried to craft an approach that we could waive the normal rules of the House, except on certain provisions: one dealing with food stamps, one dealing with unfunded mandates. And, in doing that, inadvertently, certain things were taken out that should not have been taken out. So the chairman of the Committee on Rules is attempting to amend the original rule.

All I and I think many Members on this side of the aisle want is an up-and-down vote on these expansions. If we win, we win. If we lose, we lose.

My good friend from Abilene, Texas, pointed out that the State of Texas has decided to extend some benefits to certain aliens that were eliminated in the Welfare Reform Act. Texas and every other State has the right to do that under existing law.

I would also point out that the welfare rolls are down 30 percent nationwide, and I am not aware that there are huge numbers of people that have suffered as a consequence of that. There may be individuals that have, and we can address those as needed.

The gentleman from New York (Mr. WALSH) has a bill, he told me this morning, that would reestablish some of these benefits. It should be brought to the floor. It should be voted on on its own merits. But we should not cast stones on people that want to go through regular order, trying to insist that conference reports come back within the scope and be voted on within the scope.

So, again, to conclude, I am the skunk of the garden party that yesterday afternoon said I would object to the unanimous consent request to bring the ag research bill up as it came out of the conference, not the chairman of the Committee on Rules, not the majority leader, not the Speaker. So if there is a skunk in this debate, it is the gentleman from Texas (JOE BARTON), of the Sixth District.

Mr. HALL of Ohio. Mr. Speaker, I yield 1¼ minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I would just state quickly, I follow how things go here, and I find it very interesting at times. But I know this for a fact: That we have people trying to plant and get ready to go to field, and they are counting on this crop insurance thing to come through.

I agree with the gentleman from North Dakota (Mr. POMEROY) that we have got to pass this bill today. We must do it. I am convinced, as I have listened to this discussion, that this rule will kill the report, and we cannot afford to do that. Time is of the essence.

Another thing that has come to my attention. Some of my colleagues, as well as I, served in the Vietnam conflict. And I remember very well the acquaintances I had in working with the Montagnards, the Hao Laotians and others. They fought at our side and they were valiant, and I think perhaps because of some of their willingness to put their lives on the line, I can be here today.

Some of them have come to this country, and they are legal aliens, and I cannot imagine that we would not want to provide assistance to them. I hope that my colleagues will defeat this rule, and we can get on with the business.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Speaker, I rise today as a member of the Committee on Agriculture to indicate that this is a critical day and a critical vote for production agriculture and consumers across this country.

If we do not defeat this rule, if we do not proceed to an immediate vote on something that passed overwhelmingly in the Senate, unanimously by conference committee, we will lose an opportunity to provide food safety in our country through increased food safety research; to provide a crisis management team that will be able to go out when there is a food safety crisis and be able to protect our consumers across the country. We will lose the opportunity to provide critical agricultural research.

My State farmers have lost $56 million last year on wheat scab and vomitoxin. I know that in South Dakota and Minnesota and important other parts of the country, critical, critical dollars have been lost as a result of these kinds of diseases. Without this bill, we will see farmers continue to lose hundreds of millions of dollars.

A vote against the rule is a vote for agriculture.

Mr. SOLOMON. Mr. Speaker, can you give us the time allocation on both sides?

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) has 9½ minutes remaining, and the gentleman from Ohio (Mr. HALL) has 18 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I think everyone has to fully understand what are the consequences of this rule. To vote for this rule is to be turning our backs on American farmers, to be turning our backs on our agricultural research institutions which are performing a service that is benefitting consumers and benefiting our economy.

There is no secret about the fact that we have almost every major agricultural organization in this country asking Members, Republicans and Democrats, to oppose this rule: the National Cotton Council, the National Association of Wheat Growers, the American Farm Bureau Federation, the National Cattlemen's Association, the National Pork Producers Council.

Every major agricultural organization is saying to vote "no" on this rule because they know that it will jeopardize crop insurance and it will jeopardize ag research.

The contentions of the gentleman from New York (Mr. SOLOMON) that Senator LOTT can ensure that they can pass this bill with his amendment in it is absolutely false. Senator GRAHAM offered an amendment that did something that was even less onerous in terms of its provisions on food stamps, and it failed 77 to 23.

This bill dies if this rule goes through.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, this rule is, indeed, unfortunate, because agricultural research provided for in the committee bill is much needed, for a variety of reasons.

I cannot conceive that we would think feeding legal immigrants is any less important than any other part. I come from the rural areas, and I know there is a deadline and crop insurance is much needed. But people needing food is basic, too. And I just cannot conceive that we would even want to be part of a bill that would place the vulnerability of some 800,000 legal immigrants at risk, and that we could not craft a balanced approach.

In fact, the Senate and the House crafted a very balanced approach. If we are about rural America, if we are about agriculture, if we are about research, we will vote against this rule. We can make this rule right and we can move on and have a fine, acceptable bill for production, for research and for crop insurance, as well as something for legal immigrants.

Defeat this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I urge my colleagues to not ignore the importance of restoring food stamps to U.S. legal residents.

Many in our Republican leadership will work to restore these benefits. I know that their commitment is true, it is valid, and this will work out, and I thank them for this. But, right now, it is important to stress to our side how vital this issue is.

These are U.S. permanent residents who came to this country legally. They are law-abiding, taxpaying residents of the United States who have sacrificed their health and their lives in order to promote our ideals of democracy and liberty, the ideals of this great Nation, and who aspire to dream and live the American dream.

It is ironic that when the tax man comes, there is no distinction made between a U.S. citizen and a U.S. resident. Both are obligated to pay their taxes. It is ironic that when Uncle Sam calls for military troops to go to war, no distinction is made between a U.S. citizen and a U.S. legal resident. Both must report to Selective Service.

The Senate has wisely voted to restore food stamps to legal U.S. permanent residents who are elderly, who are disabled. Let us help those 250,000 legal residents.

□ 1100

And what of those families who have young children and need to put food on the table? I know that my colleague the gentleman from Florida (Mr. DIAZ-BALART) has helped in the Committee on Rules to try to right this wrong.

I ask my colleagues, who is going to give 75-year-old legal residents, many of whom live in our districts, a job so that they can sustain themselves? They are willing to work, but their age and their health prevents them from doing so.

There is a lot that we could do, Mr. Speaker. This is a generous country. We have helped those in need. We must ensure that our own, our legal residents, U.S. permanent residents who came to this great Nation in search of the American dream, are not deserted by the Congress.

The Senate has already sent a loud message on this issue. We should give assistance to those legal residents who have paid their dues. They are needy. They need our food stamps. It is unfair to deny this aid to them.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I rise today because, as a Member of this body, we start off on each legislative day with a prayer; we pledge allegiance to the flag, declaring liberty and justice for all people. And to borrow a passage of scripture, I would simply say to all of my colleagues on both sides of the aisle "come and let us reason together."

I believe that all of my colleagues in this body certainly have a good heart. Whether it has been bypassed or put in a pump or whatever, the heart still works. And I would trust that we would amass sufficient votes to oppose the rule, inasmuch as it injures 250,000 legal immigrants.

The legal immigrants, as we have heard several times today, are elderly people, disabled people. And those of my colleagues who are readers of the Bible, please know that there are at least 35 references to poor people. Hungry people are mentioned in the Bible as well. And it is distressing that these provisions are here. I would encourage my colleagues to defeat the rule.

Mr. Speaker, I rise today in strong opposition to this rule. The bi-partisan effort achieved in the agricultural research conference report to restore food stamp benefits to 250 thousand legal immigrants is to be applauded. These legal immigrants are the elderly and disabled immigrants who were legally in the United States and were eligible to receive food stamps before the Welfare Reform Act of 1996, as well as the children under age 18 who were in the United States at this same time.

I would like to remind my colleagues that this restoration of food stamp benefits was fully offset by lowering the cap on the amount of money the Federal Government will reimburse the States for food stamp administrative costs.

It is distressing that these provisions were overwhelmingly supported by the other body and that a House-Senate conference committee approved these provisions unanimously and yet this rule singles out food stamps and promises to eradicate this bipartisan compromise.

If this rule is not defeated—the effect will be that 250 thousand deserving children, elderly and disabled in our Nation will be denied the food stamp benefits they desperately need.

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

Let me just say to the previous speaker that I certainly respect her views. I am one who was raised by a grandmother. And I have read the Bible three times and am very proud of it.

Mr. Speaker, I yield 2 minutes to my very good friend, the gentleman from Syracuse, New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank my good friend and colleague from New York (Mr. SOLOMON) for giving me the opportunity to use his time to speak against his rule. That is the kind of a gentleman he is. And I hesitate to disagree with him on most occasions, but on this one I strongly disagree.

This rule is wrong. This conference report was carefully crafted to allow for ag research to be brought forward, to include crop insurance which is sorely needed, especially at this time of year, planting season, and also to deal with the issue of food stamps for legal immigrants.

I strongly supported welfare reform. And I, like most of the rest of my colleagues, have gone around the country and bragged about what a success it has been. And it has been a success. But, my colleagues, as relates to legal aliens, people over 75 years of age, people under 18 years of age, and those who have become disabled since they came to this country, we need to show that we care. We need to show that this country has a big heart. We need to show that this country is wealthy enough to help take care of them, get them through a difficult time.

Welfare reform has worked, but there are certain aspects of it, including food stamps, that went too far. This was not a provision early on in welfare reform. The President has asked us to include $2.5 billion more for food stamps. This conference report includes about one-third of that request. It is not nearly what the President requested. It is a carefully crafted compromise, not unlike the ISTEA bill that we will be voting on later today.

So in conclusion, my colleagues, I would urge a defeat of the amendment, a defeat of the rule, and ask the Committee on Rules to go back, review this rule, and give us an opportunity to vote up or down on the conference report so that we can help to take care of people who need help and to get this agricultural research bill passed in a timely basis.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, as my colleagues just said, this rule breaks that delicate compromise that was reached that withdrew savings in food stamp programs, allowed us to provide more monies for agricultural research, more monies for crop insurance, and more monies to provide food for very hungry elderly, disabled, and children who are legal immigrants, legal immigrants.

If we send this out, and I hope we do not, I hope we defeat this rule, the Senate will still be able to put holds by any single member of the Senate on this bill; the Senate will be able to amend this bill further; and even if it should pass out of the Senate and come back here and still pass, the President has already said he would veto this bill if it did not include the three components of this compromise.

Why we would want to stall this bill I do not understand, except to say that what it does is, it kills entire components of the bill because there will not be money left over at the end of the day to do all we want to do on transportation funding, all we want to do for Social Security and still come back. Defeat the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK) of Florida.

Mrs. MEEK of Florida. Mr. Speaker, I have worked very hard since I have been here to try to be sure that legal immigrants receive justice and fairness in this Congress. Here we go again, turning around some of the good things we have already done.

In order to strike from the conference report, I am asking my colleagues to please kill this rule so that it will never come before this floor in this manner again. They want to now go back and cut out 250,000 legal immigrants in terms of getting aid.

In my county, Dade County, 40,000 legal immigrants lost their food stamps because of the mistakes we made before in the 1996 welfare law. The conference report with restore this. Why not do the right thing?

We have said many things, that they want to describe how they came to all of these conclusions. The procedure is not important. It is the end result that is important. Everything that my colleagues have done, everything that the gentleman from New York (Mr. SOLOMON) has talked about leads to one thing, the destruction of food stamps for legal immigrants. It is very simple.

So all we need to do is to kill this rule. It is a simple thing. It does not take too many explanations to see that they have changed what the conference intended. Let us kill this conference report.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. GEPHARDT) the minority leader.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM) for the purpose of asking a question.

Mr. STENHOLM. Mr. Speaker, it was stated earlier that if this rule passes in the form in which we are discussing it and the bill is sent over to the Senate, that this agricultural research bill, with the crop insurance and the other provisions, would pass very soon in the Senate.

Is that a fair statement? Is that the understanding of the gentleman, that that is what the Senate would do?

Mr. GEPHARDT. Mr. Speaker, reclaiming my time, if the gentleman would yield, after speaking with Members in the other body just in the last few minutes, it is my understanding that there are Democratic Members prepared to take action, which they can take under the rules of the other body, to stop this bill without the food stamp legislation being in it from becoming law today or at any time in the future.

Mr. STENHOLM. Mr. Speaker, if the gentleman will continue to yield, let no one be deceived. If this rule passes as it was designed, this bill is going to be dead. It will not pass, and we are going to get into a "he blamed," "he did," and what have you, just like we did 2½ years ago and shut down the Government. This is not the way for us to proceed.

I thank the gentleman for clarifying that.

Mr. SOLOMON. Mr. Speaker, I yield myself 30 seconds to say that in my 20 years in this body, I have never heard of any President threatening to veto anything because it did not contain extraneous matter. That to me is shocking.

It is also shocking to me to find out that our good friend the gentleman from Missouri (Mr. GEPHARDT) would speak with Members in the other body, Democrat Members, that would kill crop insurance that has to be enacted in a timely manner by the end of June. I am shocked.

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

Mr. HALL of Ohio. Might I inquire, Mr. Speaker, how much time is remaining on my side?

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Ohio (Mr. HALL) has 10 minutes remaining. The gentleman from New York (Mr. SOLOMON) has 7 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Ohio for yielding me the time.

The conference committee report is a good report. It is a good deal. The compromises have been made. And frankly, as a member of the Committee on Agriculture, the reason we got to the compromises is because the food stamp program allowed for savings. That is where the money comes from.

I want to applaud the gentleman from Texas (Mr. SMITH) and the gentleman from Texas (Mr. COMBEST) for the work they have done. We have had a great bill. We all agree on it. There is no objection to it. Unanimous support in the Senate. And it comes over here and now we are going to try to screw it all up with a lousy rule.

We have got to defeat the rule and support the conference committee report unamended.

Mr. SOLOMON. Mr. Speaker, I yield myself 30 seconds to say, the gentleman said this is all paid for, this is great. And how are we paying for it? We brave Members of Congress, we brave Members of Congress are going to pay for it by making the State pay for it and making their local taxpayers pay for it in real property taxes. Are we not brave?

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

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, yes, I rise in strong opposition to this rule because I really do not think it is the job of the Committee on Rules to thwart the will of the committees of this House, both the Committee on Agriculture and the Committee on Appropriations. Because this rule, in fact, destroys the delicate balance that has been struck between key provisions in this bill.

For example, as Dean Kleckner, president of the American Farm Bureau Federation, says, the bill is very carefully crafted, balancing the needs of four communities: our research committee, those farmers that need crop insurance, food stamps for over 250,000 legal, and I underline legal, immigrants, and of course rural development.

One of the other reasons to vote "no" on the rule is it actually is a budget buster because, in effect, the offsets that are included in the provisions that are struck leave us with $1.2 billion in additional deficit because of what has happened in the way the rule is crafted.

So I urge my colleagues to vote "no". This is bad policy. It is bad procedure. And it undermines key agricultural interests across this nation.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I say to the gentleman from Texas (Mr. STENHOLM), I come from the consumer community and I want to stand with him and the farmers of Texas.

This is a bad, bad, bad, bad result. In my home State of Texas, 124,000 legal immigrants lost food stamps. Thirteen thousand of these who lost food stamps are children. The State itself is only able to recoup some 15,000.

This is an effort to bash and to juxtapose those of us who are consumers, who have supported our farmers on crop insurance and research and matching our efforts together with the starving children of America. That is right, legal immigrant parents who have citizen children. Are we here to deny them the opportunity?

This deal was already made. We know where our bread is buttered. It is buttered with cooperation and collaboration. The Senate knows by voting 92–8. Bust this rule, because this rule wants to bash farmers and bash consumers. We are going to stand up for those who have made a good rule, and the rule is to support the starving children. How about my colleagues?

Mr. Speaker, thank you for the opportunity to speak on this crucial issue. I strongly oppose the rule striking reauthorizing food stamps for legal immigrants in the United States.

The rule that has been recommended would set up a ridiculous procedure which gives Republican opponents two extraordinary procedural mechanisms to kill the bill. Under this absurd procedure, the House will not even be allowed to debate the bipartisan conference report, even though the conference report has already been filed and has already been approved by an overwhelming bipartisan majority in the Senate. I vote to reauthorize food stamps for those who need them.

We must restore food stamps to our 900,000 legal immigrants including farm workers. Food stamp recipients are refugees, the elderly, disabled Vietnam veterans and children who are facing food and nutritional deficiencies in larger and larger numbers.

This year, approximately 600,000 U.S. citizen children with immigrant parents will have less food on their tables because of these cuts. Since food stamp access has been cut, a widening hunger crisis has emerged that private charities and State and local governments have not been able to handle.

There simply have not been enough resources to feed all the hungry. Catholic Charities USA, Second Harvest and the U.S. Conference of Mayors have all reported major increases in request for emergency food assistance while food pantries are going empty and are turning people away.

In my home State of Texas, 124,000 legal immigrants lost food stamps. 13,090 of these who lost food stamps are children! The State itself is only able to cover approximately 15,000 people under a State program for elderly and disabled during this biennium.

The elimination of food stamp benefits for adults without children is calculated to create a mass of people who are desperate to take any job, no matter how poor the wages and conditions.

It will serve to intimidate all lower paid workers, a valuable and crucial section of the American work force.

President Clinton singled out these welfare provisions as particularly unfair, and has since asked for $2 billion to restore benefits to about 730,000 immigrants.

Striking this rule would deny almost a million people, old and young, and those contributing as a valuable force to our nation's economy. I vote not to strike the rule and to reauthorize food stamps.

□ 1115

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, let us get right to the crux of this thing. This has nothing to do with crop insurance. It has to do with politics, and it may be good politics, because you can make food stamps for aliens seem so vicious and so ugly. I would imagine the press releases are already out for those that are speaking against this, that the press releases will go out: So and so voted to kill crop insurance so you can get food stamps for aliens. It will not say "legal aliens"; it will just say "aliens," and it will make it sound so ugly and so vicious.

This is about politics. This is not about a conference report. The Committee on Rules is the Speaker's committee. It is now, it has always been, and they do what the Speaker asks them to do.

This is about politics. It has nothing, nothing, nothing to do with all the good things that are in this bill. It is strictly politics. The press releases are already written and ready to go out.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I would just like to clarify one point in the amendment that is being offered by the gentleman from New York (Mr. SOLOMON) where he is saying he is addressing the issue of the unfunded mandate.

But what is somewhat ironic and I think somewhat hypocritical is that, where he is contending that this is an unfunded mandate, his amendment is actually putting that money back in the bill. If we really are concerned about that issue, then we should not have the money in that bill at all.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am doing it because it was inadvertently left out, and I am trying to be fair to all sides on both philosophies. The gentleman knows that.

Mr. DOOLEY of California. Mr. Speaker, the issue is, the gentleman is willing to have an unfunded mandate for some provisions and not others?

Mr. SOLOMON. That is correct.

Mr. DOOLEY of California. So I think the case is really clear, that the gentleman from New York (Mr. SOLOMON) has made a determination that it is all right to have an unfunded mandate for some provisions but not for others.

It is clear why we have such a broad coalition which is opposing this bill. Every major U.S. agriculture organization is opposing it. Every group that is concerned about food and nutrition is opposing this rule. Every Member of this Congress should oppose this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to oppose this rule. Funding provided through this authorization is used by State research centers to protect and to approve the use of crops.

This rule jeopardizes some of the most important research that is done in this country. In my congressional district, scientists at the Connecticut Agriculture Experiment Station have used U.S. Department of Agriculture grants to fund research on ticks that causes Lyme disease and yew trees that produce taxol in order to fight breast and ovarian cancer.

I am dismayed that some in this body will try to stop a carefully crafted compromise bill. As one of my colleagues said earlier, this is a political bill. It is going to stop funding that is available to legal immigrants in this country, food and nutrition programs.

It is shameful. I urge my colleagues to vote against this rule.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from New York (Mr. SOLOMON) has 6½ minutes remaining. The gentleman from Ohio (Mr. HALL) has 4 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on Rules for yielding to me.

Mr. Speaker, I do rise in support of this rule. The rule allows for a point of order to be raised on the provisions of the conference report that would expand by $818 million government benefits for noncitizens. These provisions were wholly outside the scope of either the House or Senate bills that were committed to the conference.

The provision allowing the point of order is, first of all, about protecting the integrity of the process. The bill the House sent to conference did not contain the $818 million in food stamps for immigrants. The bill the Senate sent to the conference did not contain a provision for the $818 million in food stamps. But the conference report we are being asked to adopt today does contain such a provision, a provision inserted, without deliberation, by the Members of this body.

The issue is not about immigrants. If the issue were about immigrants, we would be talking about the sponsors of these immigrants and the fact that they signed an affidavit and that they promised to take care of these individuals if they were not financially able to take care of themselves.

To my knowledge, Mr. Speaker, not one time concerning the millions of noncitizens receiving government benefits today have we asked the sponsor to be responsible for that commitment, and we should not ask a single taxpayer to foot the bill until we have looked to the sponsors first.

The issue, then, is not about immigrants. It is about priorities. The conference came up with $818 million, almost $1 billion, that could be reallocated to other programs. Apparently they decided that they had maximized funding of programs for the American farmer. Apparently they decided that food programs for women, children, and infants, the WIC program, did not need any additional funding this year. Apparently, they decided that food programs for impoverished elderly citizens were sufficiently funded to meet the needs for all the individuals at risk.

I say "apparently" because neither my constituents nor those of the vast majority of the Members of the House were granted the opportunity guaranteed under the rules of the House to be heard on these priorities.

Today, the issue is one of concern to my constituents, but tomorrow the issue may well be of concern to the constituents of other individuals when they see a conference report add additional programs. The rule before this body preserves the integrity of those rules and the process, the opportunity for all Americans to be heard on matters of public policy.

Mr. Speaker, under this rule, the farm provisions will be able to move forward, and we will also preserve the integrity of the system, and I urge my colleagues to support it.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. STENHOLM), the ranking minority member on the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me, and I want to use this time to fully explain the issue that we are talking about.

Mr. Speaker, if this rule passes, the crop insurance program is going to be thrown into turmoil, because it cannot and will not pass in the form in which the House leadership has suggested that it should pass. It will not.

So let it be clear, if the rule should pass, the blame lies with the House of Representatives on what happens afterward.

And that is not just CHARLIE STENHOLM speaking. I have a list of 76 organizations that have come to the same conclusion, and I will read just a few: the National Association of State Universities and Land Grant Colleges, the National Cotton Council, the American Sheep Industry, Southwest Peanut Growers, National Farmers Union, American Farm Bureau Association, National Cattlemen's Beef Association, American Bankers Association, Independent Bankers Association, Catholic Charities U.S.A., Council of Jewish Federation, Lutheran Social Services in America, and I can go on and on.

We are playing politics with the lifeblood of individual citizens of this country, farmers and ranchers, and also those who depend upon the production of those farmers and ranchers.

This is a philosophical battle that we have been going through now for several years. This is a perfect way to demonstrate who feels how. I respect those who feel so strongly that they would take this issue that has already been rejected 92 to 8 and force the issue again and try to place the blame on somebody else. I respect them trying that, but I sure do not understand why they would choose that political motive to go.

Mr. Speaker, I rise in strong opposition to this rule. It is unprecedented. The parliamentarians of the House cannot think or find another method of this type on a conference report that has ever been tried. That ought to tell us something.

The fact that the chairman of the Committee on Rules, he and I go back a long way, and I have a lot of respect for him, but the fact that he would come on the floor and speak against something and then offer the amendment should tell the Members of this body something.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I think it shows that the chairman of the Committee on Rules is the fairest Committee on Rules chairman you have ever had around here.

Mr. STENHOLM. Sometimes that is right.

Mr. SOLOMON. He has the biggest heart.

Mr. STENHOLM. Sometimes that is right, and sometimes that is wrong, but I appreciate the sense of humor in which the gentleman yields. But the colleagues should be looking at this right now and understand that we are playing games, and this is serious. This is serious.

The reason, and I wanted to close with this, this bill, and it is a good bill, is paid for; to the extent changes are being made in this, these costs are fully offset by reductions in food stamp spending and in crop insurance programs.

In fact, this bill, if it passes, will create a surplus of $101 million over the life of the bill. So I ask my colleagues, please reject this rule, and let us send the Committee on Rules back to do that work.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be very brief. This is probably the worst rule, certainly the most cruel and harsh rule that I can remember being part of since I have been on the Committee on Rules. It is anti-poor, it is anti-hunger, it is anti-legal immigrant, it is anti to the most vulnerable of our society. Almost any group in this country that I respect, that most Members in this room respect, are against what the Committee on Rules is trying to do today.

I urge a very strong "no" vote on this rule and hope that it is defeated in a very bipartisan way. Please vote no on this rule.

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

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the gentleman wants to know why I am going to offer an amendment to put back an unfunded mandate that I just adamantly oppose, and the reason is fairness. It was inadvertently taken out in the Committee on Rules because of an understanding with the parliamentarians, and we are going to put it back in.

Mr. Speaker, I yield briefly to the gentleman from Oregon (Mr. SMITH), the chairman of the Committee on Agriculture, for a short colloquy.

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman, and I would like to enter into a colloquy with the chairman regarding procedure.

It is my understanding that the issue before the body is an amendment to the rule which would reinstate the offsets for both crop insurance and for research.

Mr. SOLOMON. The gentleman is absolutely correct. It would reinstate the pay-fors for both crop insurance, for agriculture research and for food stamps, 100 percent.

Mr. SMITH of Oregon. One further point, Mr. Speaker: There will be two votes, one on the amendment of the rule and one on the rule which is being debated and has been debated here all morning long. So we have two issues here before us?

Mr. SOLOMON. That is correct.

Mr. SMITH of Oregon. I thank the gentleman.

Mr. SOLOMON. The gentleman is right.

Mr. Speaker, let me just say this, this unfunded mandate is going to add $3.6 billion over the next several years that is going to have to be paid for by our States and by our local governments. We all know that local governments pay for this expense out of real estate taxes.

In the Hudson Valley that I represent, we have people that live on incomes of $4,000 and $5,000 a year, people on fixed incomes. Their taxes on their property to try to maintain and live in that home that they have lived in all their lives is sometimes $2,000. You are going to add another $500 to the cost of those people living on that? That just is not right. That is why I oppose the unfunded mandate.

Let me tell my colleagues the other reasons. On the food stamps itself, I do not like to stand up here and say we do not want to give food stamps to needy people. But I am going to tell my colleagues something, two points. I was born on August 14th, 1930, right in the middle of the Depression. My dad walked out on me and my mom, and we never saw him again. That was in 1930. It was hard to stay alive. But do you know who helped us? Our relatives. Do you know who those relatives were? They came over from Scotland. But we brought over the young ones first so they can come over here and begin to make a living so that they could be responsible for the older Scottish relatives of ours. They came over, and then we took care of them.

□ 1130

When you are talking about these legal aliens in this country, somebody signed for them when they came over here. Somebody is responsible for them. But we say no, willy-nilly, they do not have to take care of them; the taxpayer will take care of them. That means that those of us who worked all our lives and were responsible, that have taken care of our own relatives, we have to pay for those that did not. That is what this argument is all about. You ought to think about that when you are voting on this entire issue today.

Mr. POSHARD. Mr. Speaker, I rise today in opposition to the rule for consideration of the conference report on S. 1150, which permits a point of order to be raised against a critical provision of the bill. As filed, the conference report will allow the restoration of food stamp benefits to about 250,000 legal immigrants who lost their eligibility as a result of the 1996 welfare reform bill. Sadly, although the cost of this provision is more than offset, some of my colleagues are attempting to strike it from the bill, jeopardizing the health and well-being of thousands of needy families.

This is an excellent, carefully crafted bill, and it is unfortunate that its quick passage is being threatened by those who do not believe that food stamps should be restored to some of the most vulnerable children, elderly and disabled persons in our society. The conference report is supported by a strong coalition of groups representing farmers, ranchers, crop insurers, researchers, immigrants and religious and community activists. It provides new funding, sets forth important reforms to our crop insurance and agriculture research programs, and helps provide the tools to ensure that the United States will remain at the forefront of agricultural productivity and competitiveness into the 21st century. I know how important this bill is to the agriculture community in my congressional district and throughout rural America, and I am dismayed that certain members of this body would stand in its way in order to indulge in an unnecessary and mean-spirited, partisan confrontation.

I urge my colleagues to preserve the delicate balance represented by this conference report. If passed as written, it will meet the urgent needs of the crop insurance industry, America's agricultural research institutions, rural communities seeking development assistance, and the most vulnerable legal immigrants. A vote for this rule will send a clear message to rural Americans and to needy immigrants that their needs are of secondary importance to partisan politics. That would be a tragedy, and it can be avoided by casting a no vote.

Mr. VENTO. Mr. Speaker, today I rise in opposition to the Rule on S. 1150 which would jeopardize food stamp restoration, crop insurance and agriculture research and rural development.

In April 1998, the Agriculture Conference Committee agreed to allocate $816 million (over 5 years) of the funding for the Agricultural Research, Extension and Education Reform Act of 1997. Under the agreement, food stamp benefits would be restored to the elderly and disabled immigrants who were legally in the United States and eligible to receive food stamps before the welfare law was signed in August 1996. It would also restore benefits to children under the age of 18 who were in the country at the time and to certain Hmong refugees. The funding is expected to affect the benefits of about 250,000 legal immigrants in 1999.

Last night, the Rules Committee reported this rule to eliminate the food stamp provisions of the conference report. By eliminating the bill's funding and its restoration of food stamps to legal immigrants would create numerous problems. Striking the food stamp provision would jeopardize the entire bill and kill all the

provisions in the bill including agriculture research, crop insurance and rural development. Also, eliminating this provision would strip the bill's programs of their funding and would leave $1.2 billion in spending in the conference report.

I strongly support the restoration of benefits to legal immigrants. The budget agreement and this proposal would restore fairness back into the treatment of legal immigrants and makes the Federal Government responsible for its commitment to support communities that have become the home for a significant number of noncitizens. Many of these residents are taxpayers who deserve to be protected by the same safety net as others enjoy.

I oppose this rule which would not only jeopardize food stamps for legal immigrants, but crop insurance and funding agriculture research as well.

The savings in this measure nearly $2 billion is derived from state administrative costs for the management of the food stamp program, the implication that this measure is not the right vehicle for restoration of food stamps for legal immigrants is ironic in that other measures are added without any relationship to the food stamp program however desirable they may be. Certainly food stamp restoration is appropriate and needed—vote against this unfair rule.

Mr. BISHOP. Mr. Speaker, I rise in strong opposition to this rule.

The carefully crafted compromise reached between research, crop insurance and nutrition groups would have used food stamp administrative savings to fund the dire needs of each of these groups, all of which I represent.

The shame is that if this rule passes, and the House proceeds to destroy the balance that has been reached, the Senate will not accept these changes, as evidenced by its passing of the Conference by 92–8.

As pointed out by my good friends from California, Mr. DOOLEY, and from Texas, Mr. STENHOLM, all the major commodity groups like the National Cotton Council, the National Wheat Growers Association, and the American Farm Bureau Federation recognize the importance of the delicate balance that was reached, and oppose the chicanery which occurred last night in the Rules Committee.

To do through a rule what could not be done in the conference report, is just plain wrong.

Moreover, Food Stamp administrative funding that was used in S. 1150 was a windfall to the states—it was funding they were never counting on getting.

Although the Unfunded Mandates Act technically applies to this provision, it was never intended to allow the states to have free access to the federal Treasury, and those who served in state legislatures, as I did in Georgia, know what a true unfunded mandate is. This is not an unfunded mandate.

Even with the cost allocation provisions in S. 1150, CBO projects that states will receive more federal funding for Food Stamp administrative costs than they would have received prior to Welfare Reform.

The Agriculture Committee has worked in a bipartisan fashion to redirect its priorities—using Food Stamp money to pay for pressing needs in agriculture like research and crop insurance.

If the bill is killed, vital funds will be lost for agricultural research on pressing livestock and food safety issues. This rule kills the bill, and I therefore urge the House to defeat the rule.

Mr. QUINN. Mr. Speaker, I would like to take this opportunity to express my opposition to the Rule to S. 1150, the Agricultural Research, Extension, and Education Reauthorization Conference Report. Due to family reasons, I was unavoidably detained and therefore unable to cast my vote against this Rule.

I supported the base text of S. 1150 which represents a delicate bipartisan compromise by restoring food stamps funding to legal immigrants, and promoting agricultural research, crop insurance, and rural development. The rule would strike out the food stamp provisions, effectively killing crop insurance and agricultural research as well as food stamps.

Legal immigrants cut off of food stamps are among the poorest and most vulnerable. Over 900,000 legal immigrants, including 150,000 children, have lost food stamp benefits. Another 600,000 citizen children live in households where immigrant adults have lost benefits, thereby reducing the amount of food available to the entire household.

The restorations with regard to food stamps in S. 1150 target the most vulnerable immigrants: elderly and disabled persons; children; refugees who often come to this country with nothing but the clothes on their backs; and Hmong veterans, who fought courageously alongside U.S. military forces in Vietnam.

Private charities are overwhelmed trying to meet increased need for food across the country. The U.S. Conference of Mayors' recent survey found that 75 percent of cities report increased requests from legal immigrants for food assistance. Food banks cite increases of 40 to 70 percent in requests for emergency food assistance. Catholic Charities, the nation's largest private human service organization, reports significant increases in requests for emergency food assistance, severe food shortages in their food banks and pantries, and an inability to meet all food need.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the Agriculture Research Bill and against the rule. We need to maintain food stamp provisions in the bill.

I rise in support of the Agriculture research bill because it restores benefits for some of the nation's most vulnerable populations—low-income legal immigrants—many of whom are elderly, children or disabled.

Legal permanent residents are hard working people who earn their money in the U.S., they pay taxes in the U.S. and contribute to the U.S. economy by buying products in the U.S. Like U.S. citizens, legal permanent residents are stakeholders in America who care about the status of our country and should be afforded equal rights in this country.

Given the important contributions that immigrants make to our nation, it is only fair to accord them help when they fall into need. Legal immigrants have to contribute greatly to this country, pay taxes and even register for the draft.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the amendment offered by the gentleman from New York (Mr. SOLOMON).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Mr. HALL of Ohio. 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.

PARLIAMENTARY INQUIRY

Mr. SMITH of Oregon. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SMITH of Oregon. Mr. Speaker, I understand this is a vote on the rule, as amended, is that correct?

The SPEAKER pro tempore. The gentleman from Oregon is correct.

The vote was taken by electronic device, and there were—yeas 120, nays 289, answered "present" 1, not voting 23, as follows:

[Roll No. 188]

YEAS—120

Archer	Gekas	Neumann
Armey	Gibbons	Norwood
Ballenger	Goode	Packard
Barr	Goodlatte	Paul
Bartlett	Goodling	Paxon
Barton	Goss	Petri
Bass	Graham	Pickering
Bilirakis	Greenwood	Pitts
Bliley	Hastert	Pombo
Blunt	Hastings (WA)	Portman
Boehner	Hefley	Radanovich
Bono	Herger	Rogers
Brady (TX)	Hilleary	Rohrabacher
Burr	Hobson	Roukema
Buyer	Hoekstra	Royce
Camp	Hostettler	Salmon
Canady	Houghton	Sanford
Cannon	Hulshof	Saxton
Chabot	Hunter	Scarborough
Coble	Inglis	Schaefer, Dan
Coburn	Istook	Schaffer, Bob
Collins	Jenkins	Sensenbrenner
Cox	Jones	Sessions
Crane	Kingston	Shadegg
Cubin	Klug	Shaw
Cunningham	Knollenberg	Shuster
Deal	Kolbe	Smith (TX)
DeLay	Largent	Snowbarger
Doolittle	Lewis (KY)	Solomon
Dreier	Linder	Spence
Duncan	Manzullo	Stearns
Dunn	McCollum	Sununu
Ehrlich	McCrery	Tauzin
Emerson	McInnis	Thomas
English	McIntosh	Tiahrt
Ensign	McKeon	Traficant
Fawell	Metcalf	Wamp
Fowler	Mica	White
Frelinghuysen	Miller (FL)	Whitfield
Gallegly	Myrick	Young (FL)

NAYS—289

Abercrombie	Baesler	Becerra
Ackerman	Baker	Bentsen
Aderholt	Baldacci	Bereuter
Allen	Barcia	Berman
Andrews	Barrett (NE)	Berry
Bachus	Barrett (WI)	Bilbray

Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Callahan
Calvert
Campbell
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Granger
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastings (FL)
Hayworth
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Souder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thornberry
Thune
Thurman
Tierney
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

ANSWERED "PRESENT"—1

Smith (OR)

NOT VOTING—23

Bateman
Conyers
DeFazio
Deutsch
Foley
Furse
Gonzalez
Green
Harman
Johnson, Sam
King (NY)
Meeks (NY)
Miller (CA)
Parker
Quinn
Reyes
Riggs
Skaggs
Stark
Taylor (NC)
Torres
Towns
Wicker

□ 1154

Messrs. HYDE, BUNNING, STUMP, BACHUS, WELDON of Florida, RYUN and BEREUTER, and Mrs. LINDA SMITH of Washington changed their vote from "yea" to "nay."

Messrs. METCALF, PITTS, ENSIGN and McCOLLUM, and Mrs. BONO and Mrs. FOWLER changed their vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1200

(Mrs. ROUKEMA asked and was given permission to speak out of order for 2 minutes.)

FAREWELL AND APPRECIATION TO MARY E. "MEG" GOETZ, LONG-TIME VALUED EMPLOYEE OF HOUSE OF REPRESENTATIVES

Mrs. ROUKEMA. Mr. Speaker, I want our colleagues to know that this is a very special moment for the House of Representatives. I rise to recognize the dedicated service, a long time of service, I might add, of our Reading Clerk, Mary E. Goetz, known to all of us as Meg.

Meg formerly was a constituent of mine in Glen Rock, New Jersey, but I really got to know her here on the floor of the House for her wonderful, dedicated work. Meg, as she is known, is retiring from the House after a few years of service. We will talk about that later, because I think she really looks much too young to have served here for that long.

But I would like to say that there are two Meg Goetzes that this House knows. The first is the Meg Goetz who is the serious, responsible, dedicated professional who keeps the work of the House going on time and in order. Indeed, in that capacity, she has become literally a folk hero to millions and millions of C-Span viewers. I hear that frequently about Meg.

The second Meg Goetz is the Meg that we know off camera, that her friends and her colleagues and the other professionals and staff know off camera. That Meg Goetz is bright and affable and, yes, dedicated, but has a wonderful sense of humor. I do not know that we will be able to enjoy that today, but there are others here who can repeat some of those stories about Meg's sense of humor.

I would like to tell you that I was really stunned yesterday when I learned, because it was only yesterday that I learned of her decision to retire from this position. I think, like me and probably all of the Members, we thought she was far too young to consider any such retirement. I have to say, as incredible as it may seem, because I know it is incredible to me, Meg Goetz has served 20 years in this Chamber.

I guess she has decided that there must be a life outside of this Chamber. I cannot imagine how she could have decided that. After all, 20 years of daily contact with us, Members of the House, Members of Congress, and all those all night sessions, I cannot imagine why she is looking for another life. But I do think, Meg, you deserve a break. But that is not what is happening here. You know you will be missed, and C-Span viewers will be missing their hero, their folk hero. Members of this House will desperately miss, along with her co-workers, her dedication, professionalism, and her wit.

I have to say that I know she is going on to other very worthwhile endeavors, and we are proud of her for all she has done and all she will do. Meg, I have to put in the name of Glen Rock, New Jersey, our common constituency. Glen Rock is proud of you. As we say in New Jersey, we are all perfect together. Meg, you are perfect together, and we hope to see you back here soon. Thank you so much for all you have done.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I think the gentlewoman consumed about 10 seconds on her presentation, and I will try to be equally brief.

Mr. Speaker, I am very proud and pleased to rise to join my colleague, the gentlewoman from New Jersey, and am rightfully proud of the heritage of Meg Goetz. The viewers on C-Span see the debate, sometimes acrimonious and confrontational, sometimes lacking in civility. Most times they do not see the staff who make it possible to have debates and to keep this institution going.

Too few of us perhaps take the time to realize the contributions that are made by, for the public, probably nameless, and certainly for Meg not faceless, but for some faceless employees, who, day-to-day, week-to-week, month-to-month, year-to-year, through their dedication and commitment make it possible for us to function effectively as the people's House.

Some have been here for many years more than most Members. Meg Goetz is one of those people. She has been here now for over two decades, and as the gentlewoman from New Jersey has said, she has brought to her job a great ability, but as well, a great demeanor. Her character and commitment to this democratic institution have added to

its stature, and never, ever detracted from it. Few of us that serve in this body can say that we always did the same.

I want to rise, not on behalf of the Democrats or on behalf of the Democratic leadership, but on behalf, Meg, of all who have served in this body during your tenure. As I am sure my colleague, the gentlewoman from New York (Ms. SLAUGHTER), will observe, and I do not want to steal her thunder, but I think it is so appropriate to recognize, Mr. Speaker, that Meg Goetz is the first woman who has served as a Reading Clerk of this House, appointed by Tip O'Neill.

In doing so, she had, I am sure, a special cognizance of her responsibility to her gender in that capacity. Every woman in America can be proud of their representative, their first representative as our Reading Clerk.

Meg, I know that I speak for all who have served in this body during your tenure, who have enjoyed not only the competency with which you performed your task of informing the House from time to time what the business before the House was, of informing us of the amendments, of the messages from the Senate or from the President; yes, you have performed your duties in a very professional way, but in a very personal way for each of us you have been our friend, our adviser and counselor from time to time when you knew much more about what was going on than we did. And we would ask, Meg, what are we doing? And you always knew.

It is, Meg, sad that you are leaving, but as the gentlewoman from New Jersey has observed, you leave very young with much ahead of you, and I know that you will carry with you the experiences in this House to whatever endeavors you now pursue, and that you will be enriched by those experiences, as you have enriched this institution, this people's House, this center of democracy, not just for America but for the world. It is, Meg, because of people like yourself that this body has functioned so well. Notwithstanding its weaknesses, its foibles, its personal failures from time to time, it is people like yourself who have given it strength, given it judgment, given it balance.

So I am pleased, Meg, to rise with all those with whom you have served to thank you, to thank you for your dedication, and for your service, and for your friendship, and to wish you the very best in everything that you do in the years to come. Godspeed.

Mr. Speaker, I rise today to pay a special tribute to someone who has been part of this institution longer than myself and many of my colleagues.

Although she is not a Member of Congress, her face and name is known to everyone in this chamber, (and to those thousands of adoring fans on C-SPAN).

Mary E. "Meg" Goetz, the House Reading Clerk, is leaving us after 20 years of service to the House of Representatives.

Meg is a 1978 political science/economics graduate from Chestnut Hill College in Philadelphia, PA.

She began her career with the United States House of Representatives in 1978 as a legislative information specialist.

In 1981 she became the Assistant Journal Clerk, helping to compile and publish this important publication.

In 1983 she became the House Reading Clerk.

Often seen and often heard, Meg is an active part of the backbone which helps make the institution of Congress function.

From her perch on the dias, she has had a ringside seat on the history of America.

I know that my colleagues join me in wishing Meg the best of luck in her future endeavors.

Ms. SLAUGHTER. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman for yielding. I feel, as I am sure everyone else in the House felt, that I had a very special relationship with Meg. When I first came here 12 years ago, I learned that one of the things that freshmen do is have the great honor of presiding over Special Orders. I took to that, it was a wonderful thing for me to be doing, and made so much easier because of Meg.

I always relished being able to do it early in the week, because Meg Goetz and Paul Hayes and I share a special passion that we have never discussed with anybody on the floor of the House. That is that we are totally devoted to the Sunday New York Times crossword puzzle. So even though the issue of the special order was sometimes grim, sometimes not, we always had a fallback position where we could say, "Did you get 22 across?"

Meg has been, as everyone said before me, a pillar of strength in this House, and the millions of people in this country who understand how this democracy works and the way she has always conducted herself, with extraordinary decorum and with extraordinarily good judgment, know that a lot of good things about this House are because of the dedication and work that Meg Goetz brought to it.

I envy the people that Meg is going to leave us to work for. They are getting a woman of great character and professionalism and ability, and I look forward to working with her in her new capacity.

But I do want her to know that coming here as a freshman, as everyone else can say, I am sure, as equally well as I, to have the friendship of Meg Goetz to help us over the intricacies and the tough problems, never, never losing patience, always explaining over and over again, if need be, but always there to help us to do the right thing, she was bringing, obviously, to her job the professionalism that she felt, working for the House of Representatives, the United States Congress deserved.

Meg, we shall miss you, and thank you for all of your friendship to me, and thank you on behalf of all of the others here, because I know how much you have meant to each and every one of us. God bless.

Mrs. MORELLA. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, I just wanted to add my thanks, also, and appreciation for all that Meg has done for all of us. She has been a real pillar of perseverance, of patience, when she has been there to witness our deliberations. She has been a rock of stability, and yet always in her quiet, very professional way, has been there to help us in any way that we needed.

So I have always looked to Meg, as other colleagues have, as all my colleagues have, as somebody who is part of the institution and who has made it so very great.

My best wishes to you as you go forward and have a great adventure; and as Shakespeare would say, those about her from her shall learn the perfect ways of honor. Thank you, cheerio, and come back and see us.

Mrs. ROUKEMA. Meg, May I conclude by saying, God bless and Godspeed.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. CALVERT). The Chair lays before the House a privileged Senate concurrent resolution (S. Con. Res. 98) providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 98

Resolved by the Senate (the House of Representatives concurring), that when the Senate recesses or adjourns at the close of business on Thursday, May 21, 1998, Friday, May 22, 1998 Saturday May 23, 1998, or Sunday May 24, 1998, pursuant to motion made by the Majority Leader or his designee in accordance with this concurrent resolution, it stand recessed or adjourned until noon on "Monday, June 1, 1998, or until 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, and that when the House adjourns on the legislative day of Friday, May 22, 1998, or Saturday May 23, 1998 pursuant to a motion made by the Majority Leader or this designee in accordance with his concurrent resolution, it stand adjourned until 2:00 p.m. on Wednesday, June 3, 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.

SEC 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senlate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

□ 1215

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2183.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole on the State of the Union for the consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mrs. EMERSON 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 California (Mr. THOMAS) and the gentleman from Connecticut (Mr. Gejdenson), each will control 1 hour.

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

Mr. THOMAS. Madam Chairman, I yield myself 8 minutes.

Madam Chairman, as we observed under the rule that was passed, we are beginning a process which is one of the more open processes in the history of the House of Representatives. In the area of campaign reform, we have an underlying bill, and we have 10 substitutes that will be made in order.

In addition to that, there will be amendments that would be perfecting amendments that will be made in order to those substitutes. It begins to sound as though it could be a very confusing and difficult process.

What Members need to know is that we have already shrunk the potential amendments from almost 600 to closer to 300. Now, 300 is still a rather ominous sounding number and, as we begin to prepare and structure those amendments, I think we will find that they will shrink even more.

But to try to assist Members, "You do not know the players without a program," as they say in sports, The Congressional Research Service is in the final hours of preparing a document which I think will prove invaluable to Members. It will provide, for example, a quick glance, in terms of a checkoff procedure, indicating which general areas each particular substitute involves itself. For example, does it deal with spending or benefits limits, political action committees? What does it do with individuals, parties, candidates, in-State contributions limits or not, independent expenditures, et cetera?

After it does the checkoff, so that you can do a quick analysis, it will go into more detailed tables taking those checks and turning them into statements as to what that particular bill does vis-a-vis the other bills. Then, finally, in the back as a constant resource it provides a summary of the amendments in chronological order so that Members can read in greater detail what each particular substitute would do.

What I want to do for just a couple of minutes at the beginning is to back away from any particular measures that we are looking at and get Members to focus on the fact that we have been here before. That is, in 1971, the Congress passed the Federal Election Campaign Act. It has had subsequent amendments, but the basic bill was subjected to a court review in 1976 called Buckley v. Valeo. Once again, rather than going into particular details, take a step back and focus on the basics that the court dealt with.

One of the basics that the court dealt with in Buckley v. Valeo that I think we should take into recognition as we examine the alternatives in front of us is that the court examined the various provisions of that legislation and said some were constitutional and some were unconstitutional.

For example, on the contribution limit area, they thought it was appropriate to have limits because corruption or the appearance of corruption was closely tied or at least the appearance was closely tied to money that was given to candidates. However, on the other end, the expenditure of those funds did not have that close tie to corruption or the appearance of corruption so the court struck the limits that had been placed in the legislation on expenditures. So the court went through and examined particular areas using its criteria and said, this is constitutional or this is not constitutional.

Now, the key to the court being able to do that was a severability clause in the legislation. What we wound up with was a crazy quilt that did not fit any kind of a structured pattern for orderly campaign reform. I would urge my colleagues, one of the things that they should do in examining the proposed alternatives is to take a look and see whether or not it has a severability clause.

We ought not go down the same road that we have been down. We should not have a comprehensive piece of legislation in which the court can examine it and say, this is constitutional but this is not. That is lined up with the crazy quilt pattern that does not make sense. We have lived with that procedure for the last 25 years.

I will provide for Members and remind them, as we go through this process, which of the basic substitutes have a severability clause and which do not. From my perspective, those substitutes that do not have a severability clause are preferable. Why? Because if the Congress votes for a comprehensive reform and the court says a portion of it is unconstitutional, it allows the Congress to revisit the area and put together an overall comprehensive, coordinated plan. If one of the substitutes has a severability clause, we are right back into the crazy quilt, court-dictated this and that, when it does not fit.

The Shays-Meehan bill has a severability clause. The Farr proposal has a severability clause. The Tierney alternative has a severability clause. One of the major substitutes that does not have a severability clause is the Hutchinson Freshman bill.

The second provision that I think we have to examine is the criteria the court used to rule various provisions unconstitutional. It was primarily first amendment fundamental freedoms.

Six years ago, 10 years ago the primary threat to the American Republic were political action committees. If we did not do away with political action committees, the Republic was to be threatened. It is interesting how few of the major substitutes talk about doing away with political action committees.

The court said, people have a fundamental first amendment right to assembly.

Today we are talking about something called "soft money." The question is whether or not the court will continue to maintain its position as to whether or not people have a fundamental first amendment right to spend their own money as they see fit.

So when Members look at these various substitutes, look at, in the general sense, whether or not they contain provisions that in all likelihood will be struck down by the court under the argument of fundamental first amendment freedoms and if the same substitute has a severability clause, which means inevitably the court will strike a portion and other portions will remain. That is what we have been under through the last 25 years.

Please, do not subject us to that. Look at the substance. Does it clearly appear in the history of the court's decisionmaking around the first amendment to be a fundamental violation, notwithstanding your desire to do it? Then does it have a severability clause.

These two tests, I think, will guide this House into making the best possible decision. If we want reform and we move reform, will that reform stick?

Madam Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Madam Chairman, I yield myself 6 minutes.

Madam Chairman, we are here today and we are frankly surprised, some of my Democratic colleagues, because many of my Democratic colleagues said to me over and over again that this present leadership was shameless, that you could not shame them into doing the right thing. And here we are. We were wrong. At least we are having a debate.

It took us a number of attempts, the election of some Members in the middle of the session and many other events that finally brought the signatures of virtually every Democrat and a handful of Republicans onto a petition to bring the bills to the floor directly that finally got the Republican leadership, with editorial after editorial condemning them, to at least give us a chance to debate.

People say sometimes life imitates theater. Let us hope that this show, this attempt to appear to engage the campaign finance reform process, could lead to reality, because if we can pass a bill from this Chamber and send it back to the Senate, it may just put the pressure on the Senate to be able to break that filibuster.

We do have fundamental differences, our two parties. If you asked the Speaker of the House, the gentleman from Georgia (Mr. GINGRICH) about poor people, he would say, we are spending too much money on them. If he talks about education, he says, there is too much money being spent on it.

But, lo and behold, when it comes to campaigns, the Speaker of the House says, "One of the great myths of modern politics is that campaigns are too expensive. The political process is in fact underfunded. It is not overfunded."

I think he or one of his colleagues later said that all this money rushing into campaigns from every possible direction was a sign of political vigor. Well, let us see what the results are. Let us take a look at what has happened to American participation as the expenditures have exploded.

When we were spending the least, we had the highest percentage of votes. In the 1960s, we were getting as high as 63 percent of the American people participating in the political process. As we spend billions today, we are under 50 percent participation in this political process. It is just simply wrong to argue that increased funding has somehow invigorated this political process.

There is a difference between the two parties. I think the Republican history on this issue has been consistent with their fundamental beliefs. They have tried at every opportunity to rig this system so wealthy, powerful people in this country get additional advantage.

If you hear their debates, I followed two down the hall the other day where one said, Can we have real reform and increase the amount people can give? That sure helps the average citizen, being able to contribute more money. Fifty thousand is not enough. What do you want to raise it to?

I think the problem with the political system is these large dollars intimidate the average citizen and send them a message that they do not count in the political process and that is why they are not showing up at the polls.

What is the question here? The question is, what is reform? Sometimes I think we should, like the French, have language police, although not striking words from other countries, prevent people from misusing or at least abusing the English language.

The other side would tell us that reform is increasing the amount of money that really rich people can give. If there is anybody in this Chamber who believes that the rich, the wealthy and the powerful do not have enough access to this institution, they have been on some other planet recently.

Our job here is to make sure that average citizens feel like this democracy is theirs. I would hope we can do better than even the bills before us, but the legislative process is about choices. McCain-Feingold in this House, under the leadership of the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) is the only bill that really sends that message, the only one that will put pressure on the Senate. It is not the bill I would choose in perfection, but that is the easy game politically.

You can walk in here and pick everything but the prayer and say, well, I liked it, but you know there is always something better out there. Let us try to do something better, but let us do this first.

Let me tell you where we are today. The Republicans' proposals send this great Nation in the wrong direction. We have taken a country based on the principles in the Magna Carta that gave power to the nobility against the king. When our Founding Fathers founded this country, they gave power to white men who own property, not to women; blacks had to own twice as much property to be able to vote. Now we just want to make it the wealthy.

I love this institution. I do not like to see charges of corruption against it. I could read a list for an hour here about illegal contributions to the Republicans. The Republicans have spent all their time damning the President for the last campaign.

Let us stop the rhetoric. Let us do something about it. Vote for the proposal that will go to the Senate that already has a majority of the Senate votes behind it, and our vote here can push for those several votes we need to break the Senate filibuster. Let us pass McCain-Feingold here in the House. Let us pass that bill and begin the process of rebuilding confidence in the American political system.

□ 1230

Mr. THOMAS. Madam Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Chairman, I want to thank the gentleman for yielding me this time.

Last evening we began one of the most important debates of this session. We often gather in this Chamber to promote democracy and free elections around the world, yet our own constituents are very concerned about how democracy works in this country, and I share their concerns.

My work on the Committee on Government Reform and Oversight has further convinced me of the need for campaign finance reform. While many of the abuses we are investigating are illegal, many are legal because of the soft money loophole. We must enact reform to prevent such abuses in the future.

Attorney General Janet Reno's responses to my questions during a hearing on December 9, 1997, confirmed that the soft money loophole has weakened the campaign finance laws that prohibit contributions from business corporations and labor unions, prohibit contributions made by foreign nationals in connection with an election to any political office and that require disclosure.

At that hearing, the Attorney General expressed her desire to work with the Congress to reform campaign finance laws. It is past time to make that happen.

Campaign finance abuse is a bipartisan problem that requires a bipartisan solution. For reformers, getting to this point has been a victory in and of itself. We would not be here without the drive of the bipartisan group of pro-reform Members, the pleas of our constituents and the discharge petition.

But our work has just begun. Until we pass real reform to eliminate the scourge of unregulated soft money and the influence of special interests, our constituents will continue to believe that money has more influence on the electoral and legislative process than their own votes and views.

When I say we must pass real reform I am referring to the Shays-Meehan bill. I feel that the many substitutes before us will allow some Members to hide behind phony reforms. The Shays-Meehan bill is our best opportunity.

During the debate, we are going to hear many arguments for and against

many bills, but to support true reform, I encourage all of us to stand up and be counted in support of Shays-Meehan.

Ms. KILPATRICK. Madam Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Chairman, I thank the gentlewoman for yielding me this time, and I rise to some degree to lament and to another degree to urge us to come to grips with this issue.

I rise to lament this procedure which I think does not do what ultimately we must do. And what ultimately we must do is to restore the confidence of the American public in their system of electing public officials, whether at the Federal level, at the State level or at the local level.

Like some of my colleagues, I have been involved in politics for a long time, having first been elected to the Maryland State Senate in 1966. During that period of time that I served the State Senate 12 years, I voted on a number of campaign finance reforms. I was not here in Congress in 1974 when we adopted the far-reaching campaign finance reform regime and which, as the gentleman from California said, essentially exists today.

I want to congratulate the gentleman from Arkansas, the gentleman from Massachusetts (Mr. MEEHAN), the gentleman from California (Mr. FARR), and the ranking member of our committee, the gentleman from Connecticut (Mr. GEJDENSON), for the untiring and long-term work that they have undertaken on behalf of campaign finance reform.

I also want to congratulate the gentleman from Kentucky (Mr. BAESLER) for his leadership on this issue. It was his focus, his discharge petition, and the disciplined approach that he took that, frankly, got us to this place.

I will make a much more detailed, expansive discussion of campaign finance reform and my views of the specifics of those reforms when we return. It is, however, my hope that we will not add to the cynicism of our citizens by the course of this debate. Because if we do so, we will have served them poorly.

If what we do is a political game, if what we do is beat our chests and say, on the one hand, the first amendment demands that we do not intrude in trying to make our elections more honest, more fair, more open, we will have not served the public well, nor will we have served our democracy well. If, on the other hand, what we do is play a political game where amendments fly across the field of battle and ultimately we pass no reform, we will have undermined the confidence of the public.

My colleagues on both sides of the aisle, let us be real, let us do our duty, and let us restore the confidence of the American public in their democracy.

Mr. THOMAS. Madam Chairman, I yield 4 minutes to the gentleman from California (Mr. DOOLITTLE), someone who has had a refreshing approach to campaign reform. And anyone who is concerned about foreign contributions, they know all we really need to do is enforce current law.

Mr. DOOLITTLE. Madam Chairman, make no mistake about it, at the heart of this debate on campaign reform is our right as American citizens to freely engage in political speech, a right which is guaranteed to us under the first amendment of the Constitution.

Throughout the course of this debate the big government campaign reformers will be trying to tell us that unconstitutional government regulations are needed because they believe money is evil and that it is corrupting our political system. These people look at America as a seething cauldron of unseemly interests who debase the political process.

Many colleagues, on the other hand, take the approach that James Madison did. James Madison, the author of the first amendment, understood that America would be a cauldron of special interests, but special interests, in Madison's view, would be people who would be guaranteed a right to have some influence. Madison anticipated, expected and deemed it necessary that in a republic people must have influence.

The campaign finance regulators would like us to believe political giving is inherently corrupt. But, in fact, participating in the political process is not merely desirable, it is guaranteed by the Constitution. The Supreme Court has made it abundantly clear that the Constitution allows political parties or any group of Americans to spend unlimited amounts on political speech.

What the Court has said is that the constitutional right to free speech is moot unless we have the right to amplify our voice above the din, particularly in a country of 270 million people.

The Court correctly declared, in the landmark Buckley decision of 1976, that political spending is speech. Listen closely to the Court's words in Buckley:

> The first amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive or unwise. In a free society ordained by the Constitution it is not the government, but the people, individually as citizens and candidates and collectively as associations and political committees, who must retain control over the quantity and range of debate on public issues in a political campaign.

This decision means that the first amendment does not allow the government through some statute we pass here to be put in charge of regulating either the quality or the quantity of political speech.

The Supreme Court made it clear that the government does not have the authority to decide between worthy and unworthy speech. The first amendment does not allow Congress the latitude to categorize certain kinds of speech as offensive and other kinds as laudable. That issue, Madam Chairman, is at the core of this debate.

Another Founding Father, Thomas Jefferson, understood that in a free society the people should be empowered to make decisions without interference from the State.

Madam Chairman, I believe we do need to change our flawed campaign finance laws. The problems we endure today are due primarily to government regulation of campaign financing. True campaign reform should honor the first amendment by expanding participation in our republic and by enhancing political discourse. Unfortunately, most of the measures we will be debating advocate greater government regulation which will continue to worsen the current problem.

Ms. KILPATRICK. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, as a member of the committee, Madam Chairman, who heard much of the testimony on the campaign finance reform legislation we are discussing today, I am very happy that we have finally come to this point where we can have some debate and open the process so that everyone who feels very strongly about this topic can have their opportunity to speak.

Real campaign finance reform has to speak to the needs of the American citizens. What we have heard from some of our speakers already, and what we know from the tallies that have come in from across America, is that American citizens are not voting. And they are not voting for a number of reasons, one of which I contend is they feel their vote does not count; that there is too much money in the system, and that their $20, $30, $50 donations will not be accepted in a way where their votes can be heard.

So I am happy today that we are discussing campaign finance reform and that real campaign finance reform has three elements: It bans soft money, it requires full disclosure from those who give money, and cleans up third-party expenditures so that special interest groups do not control the political process.

I hope as we continue this debate today that we will keep that in mind. American citizens want to participate in their government. It is our responsibility to see that we make it possible that they do that. Banning soft money, requiring full disclosure and cleaning up third-party interests that control and dominate our politics will make Americans feel that this government is theirs again.

The House Oversight Committee has heard testimony from over 40 members of Congress, and listened to over 20 hours of earnest, bipartisan testimony on an issue that affects all of us: campaign finance reform. While we

might disagree over the shape, form, or function that much-needed campaign finance reform must take, we all agree that this effort should not be done in such a manner as to be unfair, unjust, or unwise. Along with a majority of my colleagues, we rejected earlier, bogus attempts that brought up this most worthy debate under the most unworthy of circumstances. While I am glad to say that we are having debate on campaign finance reform, it is still a skewed debate. We will not have any votes on campaign finance reform before the end of May, as the Speaker promised. We will debate eleven separate bills, all with amendments. This is onerous, burdensome and illogical, and is a significant and severe disservice to the American people.

As a Member of the House Oversight Committee, I specifically did not co-sponsor any campaign finance reform bill, with the exception of the bill that would establish a commission to decide what shape and form campaign finance reform should take. During this debate, it is vital that we remember one important aspect: we are considering campaign finance reform, not campaign reform. This debate should not denigrate into a discussion of non-germane or ballot integrity issues. We dealt with many of these issues during the discussion of Congresswoman LORETTA SÁNCHEZ's election earlier this year.

Real campaign finance reform does three things: it bans soft money; it requires full disclosure of contributors, and it cleans up expenditures from special interest groups. We need to restore the faith of the American people in our system of government. We need to ensure the accountability of those who participate in and contribute to candidates. We need campaign finance reform. Real campaign finance reform limits the amount of money in elections. Real campaign finance reform reduces the role of special interests in campaigns. Real campaign finance reform restores the faith of the American people in our system of government.

Real campaign finance reform does not limit the rights of workers to participate in our political process. Real campaign finance reform does not limit the hard-won voting rights of minorities. Real campaign finance reform does not make it more difficult for citizens to register to vote, find out who is funding a campaign or cut fiscal support for the Federal Elections Commission.

Before I was elected to this august body, I served as a Michigan State Representative. As such, I fought, and still fight, for the right of everyday citizens, the disenfranchised, and the powerless to participate in our process of government. By limiting the ability of people, through fostering mistrust in our system of government, people will not vote. We hinder, not help, the Constitution that we have all sworn to defend and protect.

Madam Chairman, I reserve the balance of my time.

Mr. THOMAS. Madam Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Madam Chairman, campaign reform is the most pressing democratic issue facing the Nation. In politics as in sports, how the game is played matters. A government of the people, by the people, and for the people cannot be a government where influence is disproportionately wrought by those with large campaign war chests.

Lord Acton once wrote that power corrupts and absolute power tends to corrupt absolutely. A fitting corollary to the Acton dictum is the precept that even more bedeviling than aspiring to power is fear of losing it.

The current system is an incumbent-based political monopoly that rewards those who accommodate rather than stand up to interest groups. Campaign reform is about empowering citizens rather than influence peddlers. It is the equivalent of applying the antitrust laws to the political parties. It should be advanced.

In this regard, there are a number of thoughtful approaches that will be brought to the floor in this debate. My preference is for the Shays-Meehan bill, but I acknowledge that it has flaws, the biggest of which is it does not go far enough. I would have preferred it to be accompanied by spending limits and greater restraints on political action committees, the so-called PACs.

Nevertheless, I think Shays-Meehan is probably the most that can be achieved this year, and I am hopeful it, or something near it, will be the final product.

Ms. KILPATRICK. Madam Chairman, I yield 4 minutes to the gentleman from Kentucky (Mr. BAESLER).

Mr. BAESLER. Madam Chairman, I am pleased that the Blue Dog discharge petition had something to do with us getting to this point, and I am pleased we are now beginning to discuss campaign finance reform.

I think the debate boils down to a couple of things: Will we ban soft money? And will we make sure that everybody in America, and in all elections, know where all money involved in campaigns comes from?

□ 1245

I believe the soft money sets the agenda for Congress, and I think that is wrong. I believe when people participate in the election process by independent expenditures and other expenditures, it is important that everybody in the country involved knows where that money comes from. There is no justification for people participating in the election process with money and nobody knows who the source is or what they represent.

I am not the first Kentuckian to speak on this. In fact, the person who held my seat 150 years ago, Henry Clay, said, "Government is a trust, and the officers of the government are trustees."

By contrast, some of my Kentucky colleagues and other nonreformers believe they are trustees of the soft money system. They are using the tactics that we have seen all along: delay, distract, distort, and do little.

As a Kentuckian, I feel obliged to answer these distortions. First, the Kentucky anti-reformers claim a soft money ban violates the First Amendment and is unconstitutional. I urge them to reread Buckley v. Valeo, where the Supreme Court said, ". . . limiting corruption provides a constitutionally sufficient justification for contribution limits. The integrity of democracy is undermined to the extent that contributions are quid pro quos . . ."

They should also reread the Colorado decision, where the court said, "Congress might decide to change the contribution limits to parties if it concludes the potential for evasion of contribution limits was a serious matter." And I think we all know it is a serious matter.

The First Amendment protects speech. It does not protect corruption.

Next, the Kentucky anti-reformers say we do not need new laws, we just need to enforce the ones we have. But that ignores the fact there are no laws to enforce on illegal soft money here to our parties. Soft money fund-raising by Democrats and by Republicans is legal. And soft money contributions, including the soft money contributions made by Loral Space Communications and others throughout the past several months, are legal. There are no laws on the books to enforce this.

The Kentucky anti-reformers will say that the Supreme Court says that money is speech, that that is their direct quote. I defy any anti-reformer to show me in Buckley v. Valeo where it says money is speech. They will not be able to because the Supreme Court never made that exact quote.

Next, the Kentucky anti-reformers will try to change the subject with non sequiturs like, "Americans spend more on junk food than they do on campaigns." That is ridiculous and totally irrelevant.

The point is that the President of any party, whoever might be President, the chairmen of the finance committees of both parties of the Senate and the House, congressional campaign committees and all ask for much money. And the question is, are there political favors given in return? If there are, it is wrong.

I do not think it is any coincidence that after we pass the telecommunications bill, hundreds of thousands of dollars are given to both parties by telecommunications folks. I do not think it is any coincidence that after we deregulate cable, hundreds of thousands of dollars are given to both parties by cable interests.

One Kentucky anti-reformer even said recently that soft money is not evil, to which I said, what about the tobacco-manufactured tax credit that

slipped into the budget last year, the hue and cry that came, and we had to take it out? What did actually kill the drunk driving amendment?

We have to do something. To do nothing is irresponsible.

Mr. THOMAS. Madam Chairman, I yield 8 minutes to the gentleman from Arkansas (Mr. HUTCHINSON) who is one of the principal sponsors, along with a number of other freshmen, including the gentleman from Maine (Mr. ALLEN) of the underlying legislation upon which we will be conducting our examination of campaign reform.

Mr. HUTCHINSON. Madam Chairman, I want to thank the gentleman from California (Mr. THOMAS) for yielding me the time and for his outstanding leadership on this issue and also for his personal guidance to me as I have gone through this process.

Madam Chairman, campaign finance reform can be a complex and confusing issue. But the public always has a way of making common sense out of nonsense in Washington. To the public, this issue boils down to the meaning of democracy. To them, democracy is being changed in Washington from the people rule to big money governs.

Last night, and even earlier today, we heard from the gentleman from California that the First Amendment has something to do with this; and certainly it does. But the public can see through the misinformation campaign about the Constitution and the First Amendment.

Just a few moments ago the gentleman from California (Mr. DOOLITTLE) referred to the Buckley v. Valeo decision that provides that political spending is free speech. But that same decision says, by the United States Supreme Court, that contribution limits are in accordance with the First Amendment and do not violate the First Amendment.

By claiming to argue for free speech, the opponents of reform are cynically attempting to make sure that big money not only talks but it screams. The opponents pretend to use free speech to protect the millions of dollars in soft money that have become literally an addiction in Washington, and they wanted to give the multinational corporations a voice in our democracy that so dominates the political system that the individual voter is reduced to a lonely cry in the wilderness. What about their free speech?

Despite the smoke and mirrors, Madam Chairman, the debate today is a clear one. Are we in Congress going to represent individual Americans, or are we going to represent big money? Are we going to empower individuals and return politics to the people, or are we going to create more cynicism?

I believe that we should fight for the individual, and that is why I support the freshman bill. I believe the freshman bill empowers individuals so that their voices can be heard in Washington even above the din of special interests. And most importantly, the freshman bill protects the Constitution and free speech but it gives a greater voice to the individuals in our political process and it does this in three ways.

First of all, the freshman bill restrains the uncontrolled excesses of big-money interests and labor unions by banning soft money, the millions of dollars that flow from these groups into our national parties. As we can see from this chart, the 1996 election cycle, $138 million, $123 million in soft money going to our national parties, such a dramatic increase from what it was previously. And it will only go up.

Secondly, the bill strengthens individuals' voices by increasing the amount that individuals and PACs can give and by indexing contribution limits to inflation. Ours is the only bill that does that among all of them, that empowers the individuals in that way.

Thirdly, it provides information to the public by giving individuals and the media information about who is spending money and who is trying to influence the campaigns.

Madam Chairman, the freshman bill has been criticized by extremists on both sides of this debate. On the one hand, there are those who claim that this bill goes too far and should not ban soft money. On the other hand, there are those who claim this bill does not go far enough and is not real reform.

I am not sure we could have asked for a better compliment. The opposition from both extremes suggests that the freshman task force has succeeded in producing a balanced and fair bill that does not tip the scales in favor of one faction or another or one party or another.

When the freshman task force got together 13 months ago at the beginning of this Congress, we laid out a few goals that we tried to stick with. First of all, we tried to remove the extremes, the poison pills from the bill so that we do not scuttle it. We wanted to have a rose garden strategy that legislation could actually get and be signed by the President.

After five months we came up with a proposal and we have stuck with it. Despite the pressure of special interest groups to change this bipartisan product, we have stuck with it. It has not been tinkered with by different factions that would destroy the balance in the bill. And it is growing.

As my colleagues can see, the campaign finance bill is the best, experts agree, because it does not violate the Constitution and it represents substantial reform. And that is what we need. We have 78 cosponsors from both sides of the aisle. It is truly bipartisan in nature, and it is growing.

Teddy Roosevelt, one of the great reform presidents in America, said that he would rather work with individuals who take two steps forward today rather than theorize about taking 200 steps forward in the indeterminate future. And he had a distinguished record of achieving reform. He had the right idea. And we have had more than 20 years of chest beating about campaign finance reform that has led nowhere, no real reform. We need a bill that can pass.

Besides having a strategy that the bill would pass, we also had a Supreme Court strategy. It is not good enough to get a bill passed by this House and signed by the President, it has got to survive constitutional scrutiny.

We set out with the express purpose of drafting a bill that would protect the First Amendment while empowering individuals. We consulted legal scholars and experts and other Members of Congress, and the result is a bill that will survive that scrutiny. It is constitutional. It is substantive. It is real reform. The freshman bill meets the concerns of constitutional scholars by avoiding the traps of other reform bills.

There are some groups out there, the third groups, that say that our bill does something harmful to keep third parties from getting their message out. We should be concerned about that. But let me tell my colleagues what our bill does and, more importantly, let me tell my colleagues what it does not.

Our bill does not restrict the amount of money that can be spent by third parties. It does not restrict the source of the money or require disclosure of individual donors. Is that not important? That sticks with the Constitution, and that is the freshman bill. It does not restrict the tradition of anonymous pamphleteering. It does federalize state elections. In short, it does not trample upon the Constitution.

The freshman bill is simple, and in this town, being simple and straightforward confuses a lot of people. But let me explain this bill bans soft money, it requires disclosure and information to the people, and it empowers individuals. That is simple but it is significant and it is substantial.

Finally, let my say to all my colleagues in Congress, the scripture says the sons of Samuel who governed Israel did not walk in their father's ways. But instead, they turned aside after money and in doing so perverted justice. And because they perverted justice in the name of money, the people of Israel looked for new leaders.

And clearly the American people perceive that justice and democracy in America is being perverted in the name of big money. If we do not change that system in this body, then the people will look for new leaders. Let us not fail the American people. Let us take advantage of this opportunity and pass the freshman bill, the bipartisan campaign integrity act.

Ms. KILPATRICK. Madam Chairman, I yield 12 minutes to the gentleman from Massachusetts (Mr. MEEHAN) who has one of the most popular bills and certainly a bipartisan bill.

Mr. MEEHAN. Madam Chairman, late last night the House embarked on what will prove to be a historic debate on campaign finance reform.

Over the next few weeks, we will have the opportunity to truly strengthen our democracy and respond to the 72 percent of Americans who say that there is too much money in American politics. Most importantly, this debate will clearly identify those Members who support real bipartisan reform by a vote for the Shays/Meehan bill from those who are tied to the status quo.

It is a fact that undisclosed money is overwhelming our current election system. The most effective way to solve the problem is to ban soft money, the huge sums given by corporations, interest groups and labor unions. These unregulated contributions are at the heart of nearly every single investigation that the majority party has focused on this year.

The other problem with our current system is the proliferation of campaign ads masquerading as issue ads in congressional races all across the country. According to a report published by the Annenberg Public Policy Center and the Pew Charitable Trust, more than two dozen organizations engaged in campaign advertising during the 1995–1996 election cycle, but because they called their campaign ads issue advocacy, they did not play by our campaign rules. As a result, nearly $150 million worth of these ads, a third of what all candidates nationwide spent themselves, went undisclosed. Nobody knew where the money came from.

The Shays/Meehan bill addresses both of these issues. Some of my colleagues have suggested that in order to pass campaign finance reform, that the gentleman from Connecticut (Mr. SHAYS) and I should modify our original legislation to garner additional support. However, it is important to remember that this legislation is already a product of compromise.

□ 1300

Unlike our original bill, H.R. 3526 does not have voluntary spending limits, nor does it include incentives to abide by such limits like low-cost TV time or free mailings. Moreover, it does not include any change in PAC limits.

At the same time, the bill does include new provisions to deal with the recent abuses of our campaign system, including a clarification of the law forbidding fund-raising on government property and a strengthened foreign money ban.

Our legislation has six primary components: first is a ban, a complete ban on soft money; second, a clarification of what constitutes campaign advertisement; third, increased disclosure and enforcement; fourth, a ban on all fund-raising on government property; fifth, a personal wealth option; sixth, codification of the Beck decision.

In short, the Shays-Meehan bill will end the soft money system, and address the growing problem of sham issue ads in Federal elections. It will increase disclosure of political contributions and expenditures, because, frankly, the public has a right to know.

Finally, our measure will give the Federal Election Commission the teeth it needs to enforce existing law.

In closing, I would like to take a moment to address the First Amendment implications of this legislation. In the coming weeks, I look forward to engaging in a constructive debate over the nature of the First Amendment doctrine in Federal election laws. Such a debate is important.

But there are some Members who raise this issue in good faith, but I want to warn the American people that there are Members who are falsely raising constitutional concerns, because they oppose reform and support the status quo.

The bottom line is clear, next month the Congress will have a historic opportunity to make a real difference in the way this institution is perceived by the people who have elected us. We will have a chance to take a step away from the well-heeled special interest and take a step towards restoring the one voice/one vote principle upon which this country was founded. I urge all of my colleagues to take a stand for reform and support the Shays-Meehan bill.

Let me address a couple of other issues, Madam Chairman, if I may. It has been raised that somehow this bill lacks the constitutional basis because there is spending limits. It does not include spending limits. There is some who say that we cannot outlaw PAC spending. It does not outlaw PAC spending. Shays-Meehan does not ban bundling. There is no free air time in this legislation. I think it is important as we discuss the facts to keep that in mind.

Madam Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. BARRETT), my colleague who has been fighting for reform since he arrived in this institution.

The CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. MEEHAN) will control the time.

There was no objection.

Mr. BARRETT of Wisconsin. Madam Chairman, I am proud to be a cosponsor of the Shays-Meehan bill, because I think it addresses one of the most important issues we face as a Nation and an issue that is important for the future of this Nation.

Each year, the Pew Research Center does an analysis and a survey of young people in our country, and it asks young people 18, 19 years old what they are interested in for their future. It talked about their job aspirations, their education aspirations, their dreams.

Each year, it has a question asking how interested they are in our political process and in government. Each year, we have seen different results. But this year, we have the lowest interest among 18 and 19-year-old people in this country in government, in politics, and in public policy than we have had in the last 30 years.

There is a reason for that. The reason for that is that young people, in particular, feel disconnected from the system. They feel that this is a pay-as-you-go system. Unless they have money to get involved in this political process, they cannot be part of it.

For a democracy, that is the worst possible thing that can happen. We have to have young people who believe in the system. If the young people in this country feel that the only people who can get involved in government are people who have a lot of money, that is bad for democracy. That is bad for this country.

This bill, although not perfect, tries to take a serious attempt at correcting some of the problems. It tries to get rid of the soft money. It tries to make sure that the issue advocacy ads that are so prevalent have at least some responsibility.

There has been a lot of talk in this Chamber the last couple of days about foreign influence, about money coming into this country. But one of the things that we have not heard is that this bill actually deals with that problem, because we cannot have foreign influence coming and buying issue advocacy ads under this bill. But under the current law, we can.

I think, if we are concerned about the integrity of the system, we have to ensure that we do not allow any type of foreign influence to come in and buy issue advocacy ads.

So I think that this bill is even more important today than it was 3 weeks ago. What we should be doing is we should be moving forward with this bill, not only for the people who vote now, but for the young people in this country.

Mr. MEEHAN. Madam Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) has 4½ minutes remaining.

Mr. MEEHAN. Madam Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), my colleague who has been our partner in this effort to find bipartisan, bicameral campaign finance reform.

Mr. WAMP. Madam Chairman, I thank the gentleman for yielding to me.

Madam Chairman, we have heard it said, the love of money is the root of

evil. I will tell my colleagues what Tennesseans say to me when I go back home; and that is, the political parties seem to be addicted to money, both political parties. Too many mailings. Some constituents tell me they have five or six pieces of mail in a single day in their mailbox. They cannot even find the legitimate mail in all the solicitations. It is out of control. Too much money. Not that we can restrict it or that we should restrict it, but that they are too driven by the love of money, and money is power.

Unlimited, unregulated soft money must be contained. I particularly find egregious the influences of tobacco, alcohol, and gambling. Tobacco soft money, $30 million over the last several years to the political parties, including $100,000 this month in a single payment to one of the political parties.

Alcohol, $26 million over the last several years to the political parties. We know what that money is for.

Gambling is the new kid on the block, but they are catching up quick. It is a growing industry. They are going to try to buy influence in the United States Congress.

I do not want my children's future to be dictated on the influences of alcohol, tobacco, and gambling soft money which is unregulated and unlimited to the political parties.

This open debate is good. I commend our leadership for bringing it up, for even extending the debate so that we can use this House to debate this issue. We are going to have two options, all the way from the proposal of the gentleman from California (Mr. DOOLITTLE) to go back to the way things were before Watergate, and, frankly, there is an intellectual argument that needs to be made about how much better things were before this system came into being, or we can try to fix this system, which I think is practical.

We have got some good options, the freshman bill, Shays-Meehan. But we can fix this system, and I appreciate the debate.

Mr. MEEHAN. Madam Chairman, may I inquire how much time is remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) has 2½ minutes remaining.

Mr. MEEHAN. Madam Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS), a new Member of this institution who took the House seat of her husband, who signed onto the Shays-Meehan bill as the first bill that she signed onto.

Mrs. CAPPS. Madam Chairman, I commend my colleagues in the freshman class, especially the gentleman from Maine (Mr. ALLEN) and the gentleman from Arkansas (Mr. HUTCHINSON), for their hard work on their bill.

My husband, Walter Capps, cosponsored this bill. Without the freshman effort, I do not believe we would be here today.

But I am fresh off the campaign trail, and I have seen how our elections today are being manipulated by outside groups who flood the airwaves with unregulated air ads that are clearly aimed at defeating or electing Federal candidates.

These ads feature a candidate's face, name, and record. They air just before the election. Who are we fooling? They are just like other campaign ads and should be funded with fully disclosed, limited contributions from legitimate sources.

These single issues are all across the political spectrum. They affect everyone in the contested race, Democrat and Republican.

I stand in strong support of the bipartisan Shays-Meehan bill because it contains the cornerstone of serious campaign reform. The bill will ensure that these phony issue ads are brought under the same restrictions as any other campaign ads.

Let us plug the giant issue advocacy loophole. Let us pay attention to our constituents who are frustrated and disillusioned by the onslaught of ads in our campaigns which are funded by outside interest groups, undisclosed, unlimited.

Pass real reform. Support the Shays-Meehan bill. It is in the interest of all of us, of everyone.

Mr. MEEHAN. Madam Chairman, I yield the balance of my time to the gentleman from Connecticut (Mr. SHAYS), who has been fighting for campaign finance reform over the last few years and has been a real leader in this institution in fighting for campaign finance reform.

Mr. THOMAS. Madam Chairman, how much time does the gentleman from Massachusetts (Mr. MEEHAN) have remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) has 1 minute remaining.

Mr. THOMAS. Madam Chairman, I yield an additional 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) is recognized for 3 minutes.

Mr. SHAYS. Madam Chairman, as I was listening to this debate and looking out and hearing the gentleman from Iowa (Mr. LEACH) speak about campaign finance reform, I think of how hard a leader he has been over so many years.

This is not a new issue. We have been debating it for a long time. I think of the gentleman from California (Mr. THOMAS) and what a leader he has been on campaign finance reform. So we have been fighting for reform on this side of the aisle.

I turn and think of all the people on the Democrat side of the aisle as well who have been fighting for campaign finance reform.

Together, we passed congressional accountability. We have gotten Congress under all the laws that we impose on the rest of the Nation. We did that together. Together we passed gift ban legislation, Republicans and Democrats. Together we passed lobby disclosure legislation. But we have left one act not taken care of, and that is dealing with campaign finance reform.

Fortunately, we have freshmen from both sides of the aisle who have worked hard to draft legislation that they feel will deal with this issue. I believe that they have made an important step, and I believe that they are truly for reform. I am hopeful, that at the end of the day, we can all come together.

I would argue to everyone in this Chamber that the legislation we need to pass is the Shays-Meehan bill. I believe that we need to pass this legislation because it deals with the important elements that none of the other proposals do.

We need to ban soft money; and with all due respect to other bills, we need to ban it on the State level as it relates to Federal elections. We need to recognize and have the courage to confront the sham issue ads by corporations, by labor unions, by other interest groups, and call them what they are, campaign ads.

Campaign ads come under the campaign laws. It would mean, and I say this particularly to my side of the aisle, that labor money cannot be used in sham issue ads, not the dues. We deal with it whether it is Republican money or Democrat money. I think we also need to codify Beck to let workers know that they have a right to not have their money used for campaign ads.

The bill also strengthens the Federal Election Commission. We have stronger enforcement, and we have stronger disclosure. We also make it very clear that foreign money cannot be used in campaigns, because, right now, soft money is not viewed as campaign money, and so it is legal. You can even make calls from the White House, because it is soft money. It is not campaign money.

My biggest complaint with my side of the aisle is they are willing to investigate corruption and not reform the system. With all due respect, on the other side of the aisle, they are willing to reform, but not expose wrongdoing, I think, when it needs to be.

We need to do both. We need to investigate wrongdoing and hold people accountable. We also need to reform the system.

I am so grateful to be part of this Congress today and in the weeks to come because we are debating an issue we feel strongly about on a bipartisan basis.

□ 1315

Ms. KILPATRICK. Madam Chairman, I yield 10 minutes to the gentleman from Maine (Mr. ALLEN), one of the sponsors of the freshman bipartisan bill.

Mr. ALLEN. I thank the gentlewoman for yielding me this time.

Madam Chairman, last February, freshmen Democrats and freshmen Republicans agreed to create a task force on campaign finance reform. We were all veterans of targeted races in 1996. We saw firsthand the explosion of soft money in issue advocacy. We know that if soft money can be used for TV ads, and it can, the existing law on contribution limits has become a sham.

The gentleman from Arkansas (Mr. HUTCHINSON) and I cochaired that task force of six Democrats and six Republicans. H.R. 2183, the base bill for this debate, is the product of our freshman task force. It is substantial reform, it is bipartisan reform, and it ought to be passed.

Madam Chairman, I am now going to yield to members of the task force and members of the Democratic class officers.

Madam Chairman, I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Chairman, the current Congress can be broken into two groups: Those who think there is too much money in politics, and those who think there is not enough. I am of the former belief.

During the 1996 election cycle, candidates running for Federal office spent over $1.6 billion to get elected. Whether we want to admit it or not, the fact is that our campaign finance system is jeopardizing our credibility. We should not fool ourselves into believing that the problem is only the illegal activities that occur during the campaigns.

Soft money is unregulated and is not subject to any of the contribution limits. Democrats and Republicans combined to raise more than $260 million in soft money, a 206 percent increase, in 1992. If this trend is allowed to continue, we can expect the soft money figure to reach almost $1 billion in the year 2000. It is the abuse of soft money that has so badly tainted our system. It is soft money abuses that are the source of the investigations of the 1996 campaign.

Mr. ALLEN. Madam Chairman, reclaiming my time, I yield to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Madam Chairman, it is time for Congress to get its head out of the sand. Just how out of touch is this place? Will we look real campaign finance reform right in the eye and blink? I hope not, because the American people have lost trust in the system. They firmly believe that elections are bought and sold.

We all know that soft, unregulated money plays an enormous role in this disillusionment of the problem. This campaign financial loophole allows virtually unlimited contributions from wealthy special interests, and almost every dollar garnered from this is raised at the Federal level.

Madam Chairman, let us be clear: Soft money can lead to the threat of corruption, the appearance of corruption, or real corruption. Let us ban it.

Mr. ALLEN. Madam Chairman, reclaiming my time, I yield to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Madam Chairman, from the most recent records of the FEC in the last few months, a $200,000 donation from an individual impacting on the work of the Capitol; a $250,000 donation from a construction company; a $100,000 donation from a union; a total of $650,000 in donations from a bank; and I could go on and on, $100,000 from an individual; $450,000 in donations from a tobacco company.

Madam Chairman, Lady Freedom is about to be covered up. As the debate was continuing last night, I was impressed with how much we were playing "gotcha" and how much we were playing politics. Let us go home on this recess, and come back prepared to deal with this problem. Before Lady Freedom gets completely covered up, let us recover our democracy.

Mr. ALLEN. Madam Chairman, reclaiming my time, I yield to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Madam Chairman, the centerpiece of the freshman bill is a very strong ban on soft money. It prohibits national officeholders, candidates, their agents, from raising, directing and coordinating soft money. The freshman bipartisan Democratic-Republican bill incorporated the ideas of campaign finance experts; Thomas Mann of the Brookings Institute, Norm Ornstein of the American Enterprise Institute, Herb Alexander of the Citizens Research Foundation, we took their ideas and put it into the bill. This was not a partisan ship, this was an idea of experts.

But what does all this do? What is the real issue before us with soft money?

Soft money really restricts the average American from running for office. It puts tens of thousands, even millions of dollars, into campaigns, and forms great obstacles for the average American from running from office. Jefferson and Madison wanted this to be the House of the people, not the House of the elite and the special interests. Soft money does that.

Let us renew those Founding Fathers' ideas. Let us renew the House of the people. Let us ban soft money. That is what the freshman bill does. I urge my colleagues to support it.

Mr. ALLEN. Madam Chairman, reclaiming my time, I yield to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Madam Chairman, I rise today also in support of the freshman bipartisan campaign finance reform bill. One of the issues that we address in our bill, as well as is addressed in the Meehan-Shays bill, is the third party ads that are typically run by groups outside of Congressional districts. Our bill provides if you are going to attempt to influence the outcome of an election, you have to associate yourself with that ad.

We have had groups here in Washington D.C. that have told us if you force us to put our names on our ads, we will not run them. They further said the courts have ruled they have a right to run anonymous political advertising.

This is crazy. What is at stake here is not a right like that; it is the right of the voters not to be deceived, but to be informed. One of the purposes of this provision is to stop the type of misleading and inflammatory ads that people will refuse to run when their names have to go on the ad.

We have carefully written this freshman bill in a way that is constitutional. It preserves the rights of groups to speak. But if you are going to stand up and say something about a candidate and attempt to influence the outcome of an election, you are going to put your name on the ad. That is going to assure that the rights that are really at stake here are protected, and that is the rights of the voters to make informed judgments and to understand who is trying to influence the outcome of the elections that determine their elected representatives.

Mr. ALLEN. Madam Chairman, reclaiming my time, I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Chairman, I am a proud member of the freshman bipartisan task force on finance reform. If we are truly interested in passing finance reform that is going to pass and withstand constitutional challenges, the freshman bill is the bill to support.

But the opponents of reform would have us believe that large money contributions are essential to freedom, liberty and free speech in this country. I do not know any rational person who believes the ability of a wealthy individual or organization to contribute hundreds of thousands of dollars, just as my friend the gentleman from Arkansas (Mr. SNYDER) so aptly demonstrated, is essential to freedom and liberty in this country. But that is exactly what is going on right now, and it is perfectly legal.

The freshman bill prohibits soft money contributions, and it will limit the corruption and the appearance of corruption resulting from those large contributions.

We can prohibit the soft money contributions under current constitutional case law. So our soft money ban withstands any constitutional challenge,

and, yes, it does uphold liberty and free speech in this country.

I urge my colleagues, if they are interested in true finance reform that upholds the tenets of our Constitution in this country, to support the freshman bill.

Mr. ALLEN. Madam Chairman, reclaiming my time, these freshmen Members of Congress have helped bring real campaign finance reform to the floor. H.R. 2183 should now be debated and passed in this Congress. But we are going to hear some objections. We are going to hear the phrase "big money." I ask you to remember it. We are going to hear the phrase "free speech." Because when some Members of Congress argue that campaign reform stifles free speech, they are really saying that it shuts down big money, and they like big money. They want to keep big money.

The Supreme Court has said preventing the appearance and reality of corruption justifies limits on contributions to candidates and parties. To be sure, the First Amendment is a factor. But a soft money ban is constitutional. Issue advocacy can be regulated.

Do not be fooled by those who use the rhetoric of free speech to keep campaigns fueled with big money from corporations, unions and wealthy individuals. Support the freshman bill.

Mr. THOMAS. Madam Chairman, it is a pleasure now to yield 3 minutes to the gentleman from New York (Mr. PAXON), a retiring Member of Congress, but someone who certainly is not himself retiring.

Mr. PAXON. Madam Chairman, for years the two-party system has served this Nation well and has helped to make America the strongest democracy in the history of the world.

Today we have really seen on this floor the beginning of a direct assault on the two-party system in the guise of so-called reform. I warn my colleagues, as you well know, because someone walks to the well of the House and says something is reform does not make it so.

As a matter of fact, I believe that if these measures pass, we can predict three things: First, the diminishing of our two-party system; secondly, a diminishing of the ability of candidates to be responsible for the messages in their campaigns to the electorate; and, third, because so-called reform will actually move dollars from the Federal system that we have today of disclosure, those dollars will end up in issue advocacy campaigns, and that will mean no disclosure of where the dollars come from, no disclosure of where the dollars are going to or being spent, and, undoubtedly, more of what we are seeing today, negative and attack commercials that are not controlled by anyone.

Now, there is much talk though on this floor about controlling one thing, and that is these very issue advocacy campaigns. But that is a fantasy. The courts will not allow it, and that is clear.

What this talk is is a Trojan horse, good talk about controlling issue advocacy and all those negative campaigns, and, once the courts strip it away, we are only left with controls on the two-party system and controls on the candidates who are, therefore, not responsible to the electorate because of the kind of messages that will come out in those issue advocacy campaigns.

Therefore, the bottom line is simply this: The real question when it comes to campaign abuses is not about more laws. There are laws galore on the books. What we need is the real choice before us today: Will we enforce the laws that are on the books, or will we irreparably harm the two-party system and the ability of candidates to be responsible to the electorate and control their messages?

As this debate goes on in the coming weeks and months, I cannot help but come back to the adage that my dear grandmother gave me time and time and time again, and that is simply this: Be careful what you wish for; it might come true.

Mr. THOMAS. Madam Chairman, it is my pleasure to yield 2 minutes to the gentleman from Washington (Mr. WHITE), one of the authors of a major substitute that we will be looking at later in the process.

Mr. WHITE. Madam Chairman, we are embarking today on a long process to debate campaign finance reform. It is an open process, and that is a good thing. But it is also a process that, if we judge from the past, is likely to end in failure, in partisanship and in embarrassment to this House. Because the fact is if we look at what we have done in the past, we are likely to spend our time fighting with each other, arguing over our pet projects, and, ultimately, not getting anything done.

The fact is, we do not agree on the details, and what most of this campaign finance debate will turn out to be is one party trying to stick it to the other party and trying to see if they can do that in one way or another. The fact is, it is very likely that we will end up at the end of the day in a situation where no bill has the votes that is necessary to pass.

I would submit to you, Madam Chairman, if there is a lesson to be learned from the history we have seen, it is we cannot do this job ourselves. The last people in the world who should be making decisions on campaign finance reform are the people whose individual personal self-interest depends on campaign finance.

□ 1330

That is all of us in this House.

So I would submit to my colleagues that there is really only one way to get a neutral, good government campaign finance reform bill, and that is to appoint a group of neutral experts to come back to us with a proposal after debating for a period of time. That is the Commission bill.

It is one of the first bills we will be debating, and I would implore my colleagues to give it careful consideration. We will have plenty of time to debate the merits of it, to explain what the Commission is all about. But I would say to my colleagues, go ahead and have the fights, go ahead and try to stick it to the other party, go ahead and try to win on your terms, but do not forget to vote for the Commission bill, which is the one chance we really have for real, fair and neutral campaign finance reform.

Mr. THOMAS. Madam Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), a Member who has been involved in this for some time.

Mr. WHITFIELD. Madam Chairman, the Buckley decision was obviously the most important campaign finance decision made by the Supreme Court. Justice Thurgood Marshall in that opinion wrote, "One of the points on which all members of the Court agree is that money is essential for effective communication."

Now, in Federal campaigns we have two kinds of money. We have soft money, which is money spent by any organization, any individual, or a political party to talk about issues.

Now, in my campaign in 1996, the labor union spent $866,000 against me in TV ads, and it said, paid for by the AFL–CIO. That is soft money. I did not like it, but I think they have the right to run them. The Supreme Court have repeatedly ruled they have that right.

Hard money is money spent by candidates for Federal office. It is used specifically to elect or defeat a candidate and is, therefore, regulated by the Federal Government.

Now, the Shays-Meehan bill, not only does it place a cap on the amount that a person can spend of their own money, but it also prohibits any organization, any individuals and political parties of any political philosophy from spending money to educate people about issues within 60 days of the election. So in Federal elections, where does that leave us? Those that spend hard money, the candidates, and then, of course, members of the news media will be able to express their views. They will be the only ones.

But individuals around the country, organizations around the country will not be able to spend any money. And I, for one, do not like to see the last 60 days of an election having the news media being the only ones that can talk about the candidates, because they are not regulated by anyone. So they will exercise their free speech, but the American people will not exercise their free speech.

Mr. THOMAS. Madam Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. BRADY), a member of the freshman bipartisan group.

Mr. BRADY of Texas. Madam Chairman, new campaign laws will not help if we do not first enforce the ones we have, and Congress must enforce and must ensure the free expression of speech, and that is why I am proud to be an original cosponsor of the freshman reform bill.

Each year, we seem to drift farther and farther away from the original intent of Congress as a citizen legislature, electing people from all walks of life and stations of life. A citizen Congress is disappearing in great part due to horribly expensive campaigns whose costs are out of control and getting worse.

Today, it takes about $1 million. The average cost of winning a competitive seat in Congress is $1 million. That means a lot of good people in our community will never raise their hands to run for Congress because they do not have $1 million and they do not know how they would find it, and those costs are doubling every 4 years. For a Nation founded on representative government, that is alarming.

Madam Chairman, I love being part of a Republican Congress that is known for challenging business as usual in Washington. Now is the time and we are the ones who take on the difficult past of bringing some common sense to these campaigns. It will not be easy. Nothing important ever is. But it will be worth it to make sure that, someday, our children do not wake up in the future to find that our Congress is reserved for only the wealthy few.

When it comes to doing the right thing in America, money is not everything. Integrity is more important than a fat wallet. Character still counts. If we believe in the citizen Congress, we know that we have to make sure the doors are open to families and working Americans who are only rich in principle and wealthy in common sense.

The freshman bill is common sense. It is constitutional, it preserves free speech, it protects States' rights, and it avoids the extremes without giving advantage to either party.

As a Republican, I confess that the bills that give my party an advantage are awfully tempting. As a Republican and an American, I know that the principle of a citizen Congress is a higher principle. That is what America's founders envisioned, that is what generations of Americans have given their lives for, that is our challenge to preserve.

Ms. KILPATRICK. Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR), who has spent a lot of time on this issue and one of the sponsors of one of the bills we will be further debating.

Mr. FARR of California. Madam Chairman, I thank the gentlewoman for yielding me this time.

I am pleased that we finally have a chance to debate on 11 measures, separate measures to discuss campaign reform, and I join this debate to fight for reform, real reform. Reform that stops the money chase, reform that restores the integrity to the election process, that allows candidates to discuss the issues, not sling mud.

I support the Shays-Meehan bill, but I also have a bill to be discussed in this debate, one that is more comprehensive than Shays-Meehan and actually is the basis from which Shays-Meehan originally developed.

But as good as Shays-Meehan is, it could be better. If the problem with campaign finance today is too much money in the system, then let us cap it. No one talks about spending limits anymore. But my bill has spending limits; none of the others do.

If we want to reduce money in the system, do not let it be spent. I cap it out at $600,000, which is the average cost of a campaign in the United States in the last election.

No one talks about PAC contributions anymore, but I do. My bill reduces individual PAC contributions and caps them in the aggregate. Shays-Meehan does not. If we want to reduce special interest money in the system, reduce the flow of money, cap it. My bill and my amendment has PAC limits.

No one talks about wealthy candidates anymore, buying a seat in Congress, but I do. My bill limits how much personal money a candidate can spend on his or her campaign. Shays-Meehan and other bills do not.

What about bundling reform? What about access to broadcast time? Have we forgotten that there is more to campaign finance reform than only soft money?

We need reform. It needs to be bold. It needs to be comprehensive. Getting rid of soft money is a good start, but in itself is not enough. Getting tough on express advocacy is a good start, but in itself is not enough. Getting serious about disclosure is a good start, but it is not enough. Shays-Meehan is a good start, but it is not enough.

I will offer an amendment using the text of my bill, H.R. 600, that does that, and more. If we are going to go through the trouble of passing campaign finance reform, let us pass comprehensive reform. Let us show America we are serious about cleaning up the system. If we are truly determined to do something about campaigns that are financed in this country, we must attack it from all angles, not just one. Incremental reform is reform delayed, and reform delayed is not reform at all.

Mr. THOMAS. Madam Chairman, I yield myself 1 minute.

Madam Chairman, someone earlier made the statement that they saw an educational ad and it did not play by "our rules."

The gentleman from California (Mr. FARR), is obviously sincere in offering his package, and we will look at it in more detail later, and he is proud to say that it has spending limits in the bill.

If my colleagues will recall my opening comments about the concern that we have to have in passing legislation in which the Supreme Court has already rendered an opinion, my colleagues will recall that in Buckley v. Valeo the Court sustained contribution limits that were in the 1971 law, but it held unconstitutional the expenditure limits, and yet we still continue to try to go down that path.

The gentleman from California said that, in terms of millionaires spending their own money, we ought to tell them that they should not be able to do it. I remind my colleagues that the Court has said that that is supposed to be a fundamental first amendment right.

I will also remind my colleagues that the Farr bill has a severability clause. That means that if the Court rules one portion of it unconstitutional, the rest of it will stand. In other words, if he believes he has crafted a careful, comprehensive plan and the Court throws out a portion of it, what we wind up having is the same situation we are in today.

What the Congress wanted, if, in fact, that is what Congress wants, will be done only in piecemeal, hit-and-miss fashion. As we look at these various proposals, look to see whether they have severability. Look to see if they address what we should be doing under constitutional amendments in a statutory form when we are running directly into the face of the Supreme Court saying certain aspects of people involved in expressing their own positions politically have a guarantee under the first amendment.

Madam Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Madam Chairman, I am sure that all of us are familiar from watching the movie Gunsmoke or some of the other westerns, or if we have ever studied western history, we have heard of something called snake oil. That is just about what is to be sold on this House floor, and it is called snake oil.

How does one sell snake soil? First of all, one goes out there and convinces the people, goes into town ahead of time and convinces everybody that they are deathly ill, that the consequences of not buying the snake oil will be devastating to the community as a whole.

That is exactly what they are trying to do on this floor. Then, after they have convinced them about these horrible consequences, you ride into town

on a white horse and say, I have the snake oil. I have the cure. The solutions are heavenly. Everybody in the community will live happily ever after.

Well, what are we doing here on this so-called campaign finance reform? What does it mean? Well, of course, that is all in the eyes of the beholder, but let me go over a few buzzwords we have heard this morning.

Just a couple of minutes ago, I heard the good gentleman, a good friend of mine, the gentleman from Arkansas, quoting the scriptures on campaign finance reform. Then we hear the word "reform;" now we hear the words "real reform;" then we hear about restoring public confidence. They are all buzzwords. Convince them there is an illness out there. Exaggerate the abuse that goes on out there. Talk about corruption. Describe the institution of Congress and what a horrible institution it is.

The previous speaker from California talks about buying a seat in the U.S. Congress: Make it corrupt. Make it sick. We have to be able to sell this snake oil.

Use the words, "special interest." Of course, we have to use the words "special interest," as if everybody in here does not have a special interest. Mine happens to be water, mine happens to be kids, abused children, mine happens to be the military, a strong defense. I do not deny having a special interest, and none of my colleagues should either.

Use the words "soft money" over and over and over again. If we are going to convince them of this disease, we better use the word "soft," "soft," "soft" like it is the word "cancer," "cancer," "cancer."

Talk about the horrors of the two-party system, how horrible, what bad shape this country is in because we have the Republican Party and the Democratic Party. Never once look back in history to see that history proves it is the most successful political system in the history of the world. No, no, no, we do not want to look at facts. Do not look at the bottom line, talk about how this empowers individuals. Then, after we have done all this, sell the snake oil.

That is about what is going to happen, folks. The average person out there is going to get sold some snake oil because, unfortunately, they are going to believe a lot of what we say. I hope the people listening to me today do something that they should do when the snake oil salesman rolls into town and that is, look at the bottom line. Do not buy it on what you hear, do not buy it on what you see, buy it on what you know to be true.

□ 1345

Mr. KILDEE. Madam Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Chairman, I thank the gentleman for yielding me the time.

First of all, I want to thank all of my colleagues on both sides of the aisle who signed the discharge petition that has brought campaign finance to the floor, particularly the Blue Dogs, who initiated the petition drive in support of campaign finance reform.

It has been a long time since the Speaker shook on it, and a great deal has happened since then. We have held hearing after hearing on alleged campaign finance abuses, but we have taken no concrete action to repair the problem.

We have spent hundreds of taxpayers' dollars and hours of valuable time on hearings that have yielded nothing. So if we spend hours and days on this floor debating reform, as long as we end up with a strong law instead of the usual shell game, where we vote on a bill knowing that it will not be enacted into law, I do hope that the ultimate outcome will be passage of Shays-Meehan. It is bipartisan, it bans soft money, it mandates disclosure, it levels the playing field between challengers and incumbents, and it regulates independent third-party spending.

We need to hold elections, not auctions, to select our leaders. I hope we move forward as quickly as possible with reform, and that we all get behind Shays-Meehan.

Mr. THOMAS. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I would announce that the Congressional Research Service document that I had mentioned at the beginning of the debate is now being made available.

For anyone who is going to be leaving for the break from the floor, we have them available. Obviously, they will be available in greater numbers as we move through the process, and Members can have them in their offices. But if Members want one now, they are beginning to arrive.

Madam Chairman, it is my pleasure to yield 3 minutes to the gentleman from California (Mr. CAMPBELL), an author of a major substitute who will be addressing us at length later.

Mr. CAMPBELL. Madam Chairman, I thank the chairman, my good friend and colleague, the gentleman from California, for yielding me the time. I want to commence by complimenting him. There is no more sincere friend of campaign finance reform than the gentleman from California (Mr. BILL THOMAS), and I applaud his work.

Madam Chairman, I would like to use the minutes I have to speak about the first amendment, about "Can't vote, can't contribute," and about paycheck protection.

On the first amendment, I have heard on the floor already expressed review that the first amendment will not tolerate any campaign finance reform. This is simply not true. First of all, the Constitution gives to the Congress and the States the obligation to control the time, places, and manner of elections.

Second, the Supreme Court of the United States has on at least 14 occasions decided what kind of speech can be restricted. We cannot advertise a dangerous product, we cannot announce prices and fix them with somebody else, we cannot speak if the speech would pose an imminent risk of great danger. All of these, one might say, are restrictions on speech under the first amendment, and yet they have been permitted by the Supreme Court. Why is this? Because they preserve the fundamentals of the First Amendment.

The same is true with campaign finance reform. The Supreme Court dealt with this most extensively in Buckley versus Valeo, and in subsequent opinions as well. What that case said was, if the purpose and the effect of the reform is to control the system from the abuses so that truly free speech, in honest, legitimate debate can come forward, then the reform is permissible. That, I think, fairly characterizes almost all of the alternatives we will be debating.

The alternative on which I have spent my time is called "Can't vote, can't contribute." It is exceptionally simple. If you cannot vote for me, you should not be contributing to me.

What my bill say is, a labor union cannot vote for me, so they cannot contribute; a company cannot vote for me, so they cannot contribute; citizens from the State of Missouri cannot vote for me, so they cannot contribute. (I represent the State of California).

I am saying, let us restrict the ability to give to the very people to whom you owe the highest responsibility, your constituents. That approach, it seems to me, would solve a huge amount of the problem. No PACs, no labor unions, no companies, just the people whom you represent, can contribute. "Can't vote, can't contribute."

I have to be a little bit more careful and say that, under Supreme Court law, we have to allow some small amount of giving by others, and so I have a small amount that can come from other sources, no more than $100.

Lastly, my bill will have an expanded protection for those people who give their money to some entity, and that entity goes and uses it politically. We have heard how labor unions do this, but I think companies do it, too. What I propose is if you give your money to a company and the company decides to spend it politically, that company ought to get your approval up front. Then they can only spend as much money as has been approved by their shareholders. And similarly, if you are a member of a labor union, that union should not spend your money without getting your approval up front for the amount they wish to spend.

"Can't vote, can't contribute" is simple, and it is fair. Most importantly, though, it is consistent with the first amendment. I thank the leadership of the Republican Party for allowing this debate to take place.

Ms. KILPATRICK. Madam Chairman, I yield 2½ minutes to my colleague, the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Madam Chairman, I think this debate has been illuminating. The basic issue is really quite clear: Are we basically satisfied with the status quo, or are we not?

Yesterday the gentleman from Georgia (Mr. LINDER) said, in opening the discussion on the rule, I do not believe that major changes are necessary to the existing campaign finance laws. Instead, he urged some kind of assurance that the current laws we have on the books are going to be honored.

All I can say to him and the gentleman from Colorado, who tried to minimize the present problems, is money is swamping democratic politics in America. I have been involved in the political process for a long time. I am proud of the two-party system. It is the two-party system that is being eroded by money.

The issue advocacy issue is not a Trojan horse for soft money. The point is, if we do not address not only soft money but so-called issue advocacy ads that are really campaign ads, we have not closed the circle and ended the loopholes.

I think the gentleman from California (Mr. CAMPBELL) is absolutely correct about the first amendment. I hope people will not use it as an excuse to do nothing. I want to read just a couple of lines from Buckley which indicates that the first amendment has to be looked at in the context of the political realities of 1976, in the case of Buckley, and 1998 today.

It says, "The increasing importance of the communications media and sophisticated mass-mailing and polling operations to effective campaigning make the raising of large sums of money an ever more essential ingredient of an effective candidacy. To the extent that large contributions are given to secure political quid pro quos from current and potential officeholders, the integrity of our system of representative democracy is undermined. . . ."

Then they go on to say, "Of almost equal concern as the danger of actual quid pro quo arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions."

What Shays-Meehan gets at is not only these huge financial contributions, but their unknown source and issue advocacy ads. If Members like the present system and they think the public does, go ahead and vote for essentially sham proposals. If Members want basic change, vote for Shays-Meehan.

Mr. THOMAS. Madam Chairman, it is my pleasure to yield 3 minutes to a freshman, the gentlewoman from Kentucky (Mrs. NORTHUP), someone who has just recently been on the front lines.

Mrs. NORTHUP. Madam Chairman, I thank the gentleman for yielding me the time.

In my government class in my junior year of high school, my teacher taught my class about civic duty. We studied the Constitution, and I learned then that that document represents a contract between the U.S. government and us, its citizens; and that as citizens, we are guaranteed certain inalienable rights. Those rights include our freedom of speech.

Today we have before us a number of proposals, all addressing the issue of campaign reform. The self-proclaimed reformers will talk about the problems of public cynicism, corruption in politics, and abuse of the system. Their proposed solutions will suggest everything from limiting when certain groups did disseminate their message to capping campaign spending and using tax dollars to fund campaigns.

The problem is that at the heart of each of these proposals is a muzzle on first amendment rights, the right to freedom of speech. Members may ask, what does campaign financing have to do with free speech? The answer is, absolutely everything.

In the landmark Buckley versus Valeo case, the Supreme Court ruled that being able to raise and spend money is necessary for speech. Restricting the amount of money a person or group can spend in campaigns reduces their ability to express themselves.

In today's society, every means of communicating ideas requires spending money. In fact, most campaign spending is used for the purpose of communicating with voters. Running an advertisement on television or the radio costs money. The ink and paper used in a mail piece costs money. An ad in a newspaper costs money.

While standing on a street corner screaming at the top of your lungs may be an exercise in free speech, it does little to disseminate your message. In order to share your views with others, whether you are a candidate running for office or a group of individuals concerned about the environment, you must have the funds and be able to buy air time or newspaper space to voice your opinion effectively.

While the authors of these reform proposals might say their ideas do not hamper free speech, most proposals do infringe on the first amendment, the right to free speech.

We must remember that election activity is a healthy sign of a vibrant democracy. Just as we encourage citizens to vote, we should encourage them to be involved in campaigns. The discussions that swirl around campaigns are part of engaging our citizens in campaigns and the issues that confront them.

Limiting our ability to discuss those issues violates our inalienable rights. Oppose limiting free speech. Oppose the Shays-Meehan and Hutchison bill.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute and 15 seconds to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Chairman, I rise in strong support of the Shays-Meehan proposal as the first important step towards reform, the first important step. I have listened to these arguments about free speech. Well, if money is now equated with free speech, then lack of money is equated with lack of free speech. It makes sense to me. Let the American people be the judge.

What we really do need is a constitutional amendment that will overturn Buckley versus Valeo. It is outdated. Think about this. In 1994 the average Member sitting here had to spend nearly $1 million when they were in competitive House races to hold onto their seats for a job that pays one-tenth as much. If they ran for the other body, the S-E-N-A-T-E, then they had to spend close to $4.5 million for a job that pays about $130,000 to $136,000 a year. Let the American people be the judge.

In 1994, no House challenger won spending less than $100,000 in this Chamber for a job that pays $136,000. In 1996, the number of congressional candidates financing their campaigns with $100,000 or more of their own money was over 109 candidates.

The American people are voting at all time lows. They know that the money changers are in the temple here. I would say to the people of New Hampshire and Iowa, they have enormous power to change this system. They should not let a single presidential candidate through their States until they are willing to agree to limits.

Mr. THOMAS. Madam Chairman, it is my pleasure to yield 2½ minutes to the gentleman from Missouri (Mr. HULSHOF), another one of those members of the freshman class.

Mr. HULSHOF. I thank the gentleman for yielding me the time, Madam Chairman.

Madam Chairman, I rise today in support of the freshman bill, the Bipartisan Campaign Integrity Act of 1997.

With great respect for the gentlewoman from Kentucky who just spoke recently, and another freshman Member, I am one of those self-proclaimed reformers. There has been a lot of discussion about the Shays-Meehan bill. One part that I happen to agree with the gentlewoman from Kentucky is that even with the motive, the good motive that I think is underlying the bill, I think it is unconstitutional.

□ 1400

I think that it is an unconstitutional infringement upon the right of free speech. The freshman bill, I think, cuts a swath down the middle. As newly elected Members of Congress just off the 1996 campaign trail, our class is bringing a fresh look at reforming the way that Federal elections are financed in this country. Increasingly the American people are losing faith. They are losing confidence in the current system of campaign financing which reflects upon those of us who come here.

The freshman bill is truly a bipartisan bill. It was crafted to meet the needs of reform without unfairly impacting one side over the other. With all due respect, last night we had a very passionate debate on the rule and the majority whip, right where I am standing, talked very passionately about the First Amendment. But with all due respect, there is no constitutional protection to soft money. There is nothing in the Constitution that says this unregulated, nondisclosed, big money in politics somehow enjoys the protections of the First Amendment of the United States Constitution. The freshman bill bans soft money.

The other area that I think that our bill is actually an improvement over other measures that will be fully debated after we get back from our recess is on the issue of issue advocacy. Where this bill is an improvement over the Shays-Meehan bill is simply we are asking for disclosure. It is interesting that when you have a broadcast commercial either on the radio or television, the FCC requires that the advertisement's sponsor must be disclosed. Should we not at least require some disclosure from the FEC when you are engaging in broadcast? We are not asking for disclosure of who has contributed to these particular third party groups. We simply are asking for full disclosure. That is why I think that this freshman bill is the best measure. I urge its support.

Madam Chairman, I thank the gentleman for yielding me the time.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. POSHARD).

Mr. POSHARD. Madam Chairman, I speak to a lot of college students around the State of Illinois. Every time I stand in front of those students, they look me straight in the eye and they say to me, Congressman, we do not trust any of you guys anymore. You are all in it for yourselves. You are all in it for the special interests. No one is in it for us any longer.

When I inquire of those students as to why they do not trust their government, why they see their government as the enemy rather than their friend, they always look me straight in the eye and they say, Congressman, just follow the money, just follow the money. You will know why we do not trust you.

They are not wrong. Those students know that money in our government today leads to access, and access leads to influence, and influence leads to policymaking that is not always in the best interest of all of our people. Trust is the glue that holds our democratic system together. Without trust, it begins to unravel for all of us. If there is anything important in America, it is that every citizen ought to enjoy equal access to every door of representation in this government. That is our responsibility in this Chamber, to make that happen.

Madam Chairman, I am very pleased to have the opportunity to rise today and add my comments on an issue of deep concern to myself and many of my colleagues. At long last, this House is engaging in a meaningful debate on one of the most significant, controversial and urgent issues facing our nation—the reform of our nation's campaign finance laws.

The overhaul of our campaign finance system is a goal I have supported for many years. I strongly believe that we must reduce the overwhelming influence of money and return our campaign system to its roots of citizen legislators who challenged each other on the issues and their vision of the future. During my service in the Illinois Legislature and in this body, I have witnessed first-hand the effect that special interest money can have on honest debate and the integrity of the legislative branch of government.

In the absence of meaningful progress on this issue on the national level, I have sought to reform the financing of my own campaigns by refusing all PAC donations and relying instead on small contributions from individuals. Although I have often hoped that in this way, a few of my colleagues and I were setting an example for others to follow, it is not at all difficult to understand why only a handful have done so. It is indeed a daunting task to run a campaign without the easy donations that flow from special interests. But I would rather rise to the challenge and struggle to overcome this obstacle freely and honestly than continue to work within a system that has become irreversibly corrupted by the Influence of money.

There are those who will argue that the reforms we are seeking will place undue restrictions on the ability of interest groups to publicize their views. While I understand this concern, and I certainly do not support measures that infringe on First Amendment rights, I feel that the damage that money has inflicted on our political system can no longer be ignored. I am convinced that if reforms are enacted, sufficient opportunity will remain for groups and individuals to continue to make the opinions known in a meaningful and effective way.

The bill which has been brought to the floor today does not encompass my vision of campaign finance reform. However, I am grateful that the leadership has provided for consideration of many substitutes to this legislation, and I am hopeful that as this debate continues, my colleagues and the American people will join me in calling for a solution to this urgent problem. I believe that the Shays-Meehan bill represents the best vehicle for reform, and I will vote for its passage as a substitute to H.R. 2183. But regardless of the outcome of the votes we will cast as this process continues, the discussion itself marks a milestone in the House, and I strongly urge all members to take advantage of this historic opportunity to return politics to the American people, so that they can take pride in their government and in the role they play in the democratic process.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, Americans want fundamental change or a complete overhaul of the campaign finance system. They want meaningful limits on the out-of-control money in politics, and they want it now. We need to end the abuses of the electoral process, ban soft money, rein in the exploitation of issue ads and bring elections back home to the American people.

During this debate the Republican leadership will try to change the topic and, yes, to sell snake oil. It will try to turn attention away from all the good ideas that are out there to truly reform our elections and, instead, will try to focus debate on proposals specifically devised to bury elections deeper in the pockets of big money and of their special interests, to silence the voices of working men and women, and to kill reform.

Do not be fooled by the Republican leadership's all smoke and mirrors routine. Americans are tired of the games. We have the votes in this House to pass real reform. It is the Republican leadership that would thwart the will of this House and thwart the will of the American public.

Vote for Shays-Meehan, vote for a victory for the American people. Give their voices back to democracy.

Mr. THOMAS. Madam Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), another member of the freshman class.

Mr. BLUNT. Madam Chairman, today we have really started what can be a great debate in this House. We are often frustrated by how long the Senate takes to talk about the ideas that they talk about. We are also often frustrated by the fact that we do not have the time to chase important ideas to an important conclusion.

The law of unintended consequences seems to particularly appeal every time we try to change our campaign finance laws. In fact, many of the things we will talk about in this debate will be why the reforms after Watergate have not worked. Many of the things we will talk about is why we cannot enforce the laws we have.

If there is a smoke and mirrors problem, like I just heard that term used, in our law today, the smoke and mirrors problem is why we cannot enforce the laws we have and how we turn that into a debate about why we need more

laws. But we do have time for this debate. This is a debate that goes to the core of our process. It goes to the core of what the next generation of folks who run important public office are likely to deal with. We can take the time. We have the time. We are going to talk about important things.

I just heard a moment ago the need to rewrite the First Amendment. I am not opposed to revisiting the Constitution. In fact, I was for revisiting the Constitution recently when we talked about the need to have a balanced budget amendment in the Constitution. But many of my colleagues who now want to rewrite the First Amendment said, it is way too dangerous to talk about an amendment, a new amendment that would protect the way we spend taxpayers money, but we are going to have a debate on whether it is too dangerous or not to talk about the way we protect the speech of voters and citizens.

These are big issues. This is a debate that deserves the attention it is going to have. I am grateful that we have an opportunity in this debate that we seldom have on this side of the Capitol to have a full and free exchange of ideas. I am pleased to see it start here today.

Ms. KILPATRICK. Madam Chairman, may I inquire as to the remaining time on both sides?

The CHAIRMAN. The gentlewoman from Michigan (Ms. KILPATRICK) has 13¾ minutes remaining, and the gentleman from California (Mr. THOMAS) has 11 minutes remaining.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Chairman, I thank the gentlewoman for yielding me the time.

The most often asked question of me at home, especially with the young people that I represent in California's very distinguished 14th congressional district, is the following: What got you interested in politics, and why do you want to be in it? What do you want to get done?

I was attracted to public service at a very early age when I was in high school. We did not vote then. You had to be 21 years old to vote. And I became involved in the presidential campaign of John Fitzgerald Kennedy When he won, I honestly felt that I had put him over the top with the work that I had done. It was a time when public service was celebrated. Today in 1998, 38 years later, I am sorry that we cannot report the same thing. Why? Because people do not believe that this place is on the level.

And they are right. Why? Because money influences everything that takes place here.

We must step up to the bar and encourage the American people that they can indeed have confidence in this institution and their representatives by reforming a broken congressional finance campaign system. Vote for the Meehan-Shays bill. It is the real one. We should pass it, and we should be judged as to whether we have voted for it or not.

Mr. THOMAS. Madam Chairman, I yield 2 minutes to the gentleman from Washington (Mr. METCALF), a member of the freshman class.

Mr. METCALF. Madam Chairman, I would like to thank the gentleman from California (Mr. THOMAS) for yielding me the time and congratulate the Speaker and the leadership for keeping their commitment and allowing this debate today.

Madam Chairman, I am one of the Members totally committed to a full debate on this issue. I would even have signed the discharge petition to force a full and open debate. I am gravely concerned about the present campaign system because the American people have lost faith in the way Congress is elected. It has to be changed. By reforming our campaign finance system, we are moving forward on a new course that will empower people's faith in the political process. I have looked forward to this debate and I sincerely hope that we will enact real and honest campaign finance reform.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. TURNER), the Lone Star State.

Mr. TURNER. Madam Chairman, I thank my fellow freshmen, Democrats and Republicans, who are fighting for campaign finance reform. I also thank my fellow blue dog Democrats who worked to bring this issue to the floor by pushing the discharge petition calling for a fair and open debate.

Why are we fighting so hard? Because we believe that big money has a corrupting influence upon politics. We want votes, not dollars, to count in these halls. We want the strength of one's argument, not the size of one's pocketbook, to determine public policy. And we want to ensure that this government is not for sale to the highest bidder.

The American people deserve to know that this Congress investigates every allegation of campaign finance abuse, not to secure partisan advantage but to restore public trust and confidence in government.

While we investigate allegations surrounding Johnny Chung and possible corporate influence on decisions to grant licenses to sell technology to China, let us not forget that at the end of the day it is about big money in the political process.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Chairman, I want to take a moment to thank the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Massachusetts [Mr. MEEHAN] for including a variant of my "stand by your ad" proposal in their campaign finance reform substitute.

A little over a year ago, I introduced stand by your ad, based on a good North Carolina idea from Lt. Governor Dennis Wicker, to make a real change in campaign advertising.

Stand by your ad is a bipartisan proposal sponsored by the gentleman from California [Mr. HORN] and myself and 13 others. Our bill would require simply that candidates appear in their television ads and say that they sponsored the ads. It would require the same for radio advertisements. The disclaimer for print advertising would also be enhanced.

Our proposal will not dictate the content of ads. But it will make candidates think twice before running a distorted or a mud-slinging advertisement, for they will have to take responsibility for what they put on the air and the voters will be more likely to hold them accountable.

We must change our electoral system in a real and positive way. I believe the Shays-Meehan bill offers us the best opportunity we are likely to have to do that. I am grateful that the sponsors have included "stand by your ad" in their substitute, to strengthen the required disclaimer and thereby to improve the tone and content of campaign advertising.

This year we have a real opportunity to change the rules. We need to work across party lines to reform how we conduct campaigns. I urge my colleagues to join us and the other cosponsors of the Shays-Meehan bill in supporting real campaign reform by voting for the Shays-Meehan substitute, including "stand by your ad."

Mr. THOMAS. Madam Chairman, I yield 4 minutes to the gentleman from Florida (Mr. MICA), a member of the Committee on House Oversight.

□ 1415

Mr. MICA. Madam Chairman, I thank the chairman of our Committee on House Oversight for yielding me this time and also for his distinguished leadership on this issue.

My colleagues, we have ourselves in a real pickle here. I have served on the Committee on House Oversight, and we have had to tangle with this dilemma in committee. The chairman has tried to act and Members have tried to act in a very responsible and responsive manner to the will of the House.

We sat for days and days in meeting after meeting. We heard at least 40 Members of the House with their various proposals as to how to revise our campaign laws. I sat through much of that testimony. And that is part of the problem.

No one is trying to deep six campaign reform, as we have heard some accounts in the media or some of my colleagues on the other side or this side

say. I think people want meaningful campaign reform. And our committee tangled with this, and we brought out measures, and we gave the House an opportunity to vote on it. But now this House is going to suffer the same fate that our committee suffered.

I am not here to speak for or against one measure or the other, but I tell my colleagues that the reason we have 500 amendments and dozens of bills and proposals and differences of opinion is, in fact, we have 435 Members.

My colleague from California (Mr. HORN) summed it up so well when he said, we have 435 experts on this issue. And that is our problem.

But let me tell my colleagues what the American people want, and my colleagues have heard at this podium here all the condemnations. Actually, that is the side that controlled the White House, this House and the other body for several years and had complete power to change all the laws that they, in fact, passed and eliminate these abuses, but they did not.

So here we are in an open discussion, and we are going to have to sort through this, and we have a great difference of opinion on it because we are all experts.

We have all been abused by the system. I hate soft money. I was abused by it. I would love to ban it. The only problem is this little thing that gets in the way, the Constitution, which I carry around. And if my colleagues can find a way around the Constitution, then go at it.

But I want to tell my colleagues what the American people are upset about, and I am offended by some of the debate here today. The American people are disgusted because the laws on the books have been abused and misused. We have heard that we are going to investigate to the end, but we do not investigate to the end.

I sit also on the Committee on Government Reform and Oversight, where we have heard a parade of witnesses that go on and on about campaign abuses of existing laws. It is illegal for foreign governments to contribute. It is illegal for foreign citizens to contribute. It is illegal under the laws.

And I stacked one day in the hearing all the laws that had been violated, the statutes of the United States of America. Illegal conduit payments. That is illegal. And I heard it is illegal for conduit payments.

And then I heard the testimony and the tape of the President of the United States saying, we found a way to take amounts of money in 20s, 50s and hundred thousands, go get it, play it, to subvert the presidential election process that we put in place with some public money to avoid these abuses.

So, yes, the laws are on the books; but, yes, they have been violated. And people want, 74 percent of the American people, when polled, said their number one priority is enforcing the laws that are on the books.

So we face today this dilemma: Those who say we want to clean up and enact new laws; those who want to affront the Constitution. We will have to make the choice.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Madam Chairman, if American citizens are concerned that Congress continues to represent the interests of the wealthy and the powerful at the expense of the middle-class and working families, then the American people must get involved in the fight for real campaign finance reform.

Our Republican friends want to investigate the role that campaign contributions might have played on President Clinton's China policy. Well, we should investigate that issue fully and fairly, but we should also investigate the role that campaign contributions play in our tobacco policy, our health care policy, our tax policy, our banking policy, and many other policies that we deal with.

Big money interests are pouring hundreds of millions of dollars into the political process, and the wealthiest ¼ of 1 percent provide over 80 percent of campaign contributions. More and more millionaires are running for office while the middle class and working families are voting less and less and participating in lower numbers.

Let us have the guts to pass real campaign finance reform, and let us do it now.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Madam Chairman, I took this picture off the wall of my office. I purchased it several years ago from a high school art competition in my district. It was produced by Jeff Vogelsberg, a student at that time in a high school in my district.

As my colleagues can see, or maybe they cannot see, it is a picture of a car made out of money that has lassoed and is taking away the Capitol of the United States.

We have a saying in our language, "out of the mouths of babes," which really speaks to the sort of pure and perfect insight of children, the ability to get to the nub of the issue. And, in fact, Madam Chairman, this is how our children see us. And it is, of course, these children who will grow up and write the history books of the future.

And what do my colleagues think they will have to say about us? How will we be portrayed? Will this Congress be portrayed as supporters of a system with integrity and honor, or one of money that is so powerful it can pull the Capitol of the United States from its very foundation?

Support Shays-Meehan.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentlewoman for yielding me this time, and I want to say that, yes, we are beginning this debate on campaign finance reform, but we dare not close our eyes. We may not ever end it, and we may not get a chance to vote on real campaign finance reform, and that is the Meehan-Shays legislation.

I hope I can go home and tell the children in my district that they are the ones that control and direct our efforts up here in the United States Congress and not the special interests. But, my colleagues, I have some special insight. Because as we are going through the bankruptcy revisions, we now see the impact of special interests who want us to eliminate provisions that would allow hard-working Americans, who have come upon hard times, who have had catastrophic illnesses, to be able to go into bankruptcy court fairly and honestly and save themselves and their homes and their children's homes.

We need to realize that real campaign finance reform is to get rid of the special interests. And real campaign finance reform is to vote for the Meehan-Shays, and not for the nongermane amendments, 500 of them, maybe, that will come up when we come back so we never get a chance to vote for Meehan-Shays.

I hope that does not happen. Vote for Meehan-Shays for real campaign finance reform for our children.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Chairman, I thank the gentlewoman for yielding me this time, and I rise in strong support of campaign finance reform.

I will vote for both the Shays-Meehan bill and the bipartisan freshman bill, because I think that those bills go a long, long way in helping to clear up the problems that we have, although I think we still have a long way to go.

The Buckley-Valeo decision by the Supreme Court, in my opinion, was one of the worst decisions that was ever put forth in the Supreme Court, equating free speech and money, saying that money, money and more money can be spent on campaigns. We have a situation where only millionaires can afford to run for office in this country. And that is the real threat to our democracy, when the average person can no longer run for office because it costs so much to run for office and the special interests so dominate it with money, money, and more money.

Public financing, in my opinion, is the way to go, because that would even the playing field and level the playing field. It is obvious we are not going to get that, so we need to have some kind of restrictions on the obscene amounts of money it takes to run for office in this country.

Are we saying that only wealthy people should serve in the United States Congress? We have more and more millionaires here. There is nothing wrong with millionaires, I wish I was one of them, but I do not think they are the only people that ought to serve in the U.S. Congress.

We need campaign finance reform, and we need it now. It is a threat to our democracy to do nothing. Let us move on this. Pass Shays-Meehan and the freshman bill.

Mr. THOMAS. Madam Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. UPTON), who has been involved extensively in the area of campaign finance reform.

Mr. UPTON. Madam Chairman, not too long ago I spent some time with one of the most distinguished journalists in this country, David Broeder. He made a very good point that the most popular thing that Americans watch and enjoy is probably NFL football or college football.

They do not focus on the missed pass patterns, the overthrown passes, the blocks that go awry. They look at the TDs, a Desmond Howard running back, a punt return, a Charles Woodson making a great defensive play in the end zone, a Brian Griese getting that touchdown pass in the Rose Bowl.

Sadly, our political system, indeed, focuses on the bad, the opposite, the negatives. So-and-so is against the elderly. They are a big spender. They are for higher taxes. They are for pornography, even kiddie porn. That is what we have come down to with these negatives.

And, sadly, those negatives are led not by the candidates. The candidates are not responsible for that kind of junk, but, instead, the independent interest groups that have taken over the system.

They have discovered a gigantic loophole. They have discovered that they can pour unlimited amounts of money into a campaign, hundreds of thousands, maybe even a million dollars. It is not reported, it is not disclosed, and, in fact, they have no direct responsibility.

Well, that buying of this House has got to end. It is time to return this House to the people's House.

I can remember not too long Speaker Foley did not really allow an open rule on campaign finance reform. A gentleman here by the name of Mike Synar, myself, and the gentleman from Louisiana (Mr. BOB LIVINGSTON) worked together on a bipartisan campaign plan, and it was a good one, and we were turned down by the Committee on Rules on a vote by just a handful of votes, 220 to 213.

I applaud our bill leadership, and I applaud the gentleman from California (Mr. BILL THOMAS) for working to construct the bipartisan vote that we had last night that is an open rule so that Members from every stripe in this Chamber can debate the issues for perhaps a couple of weeks based on the amendments that were filed, and we can sort this thing out and we can end some of these abuses and return this House to the people's House.

Madam Chairman, we need reform. The country wants reform. We want reform. Together, we can do it. Let us look at these issues. Let us look at all of the amendments and the substitutes. And, at the end of the day, let us not fall short and reject what comes out. Let us pass something and get it back to the Senate.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Washington State (Mr. ADAM SMITH), someone who has been waiting a long time this afternoon.

Mr. ADAM SMITH of Washington. Madam Chairman, I rise in strong support of the Shays-Meehan bill.

Let me first say that I think it is good that people are interested enough in the process to contribute money to a candidate and get involved. The key is to have a reasonable contribution limit so that some people do not have so much more influence than other people that those other people are discouraged from participating. Unfortunately, that is the system we have right now.

Shays-Meehan does a very good job of fixing that problem by banning soft money, limiting issue advocacy, and beefing up the enforcement mechanisms the FEC has to enforce the existing laws. I think placing reasonable limits on contributions makes sense, and Shays-Meehan maintains those limits.

I do want to caution folks about going too far down the road about how corrupt we are if we receive campaign money. I do not believe that to be the case. However, we do need to keep a ceiling on contributions so that certain individuals do not have undue influence. I think a limit of $1,000 per individual, $5,000 per PAC makes sense.

The problem is that between soft money and third-party expenditures, those limits have been rendered meaningless. Shays-Meehan takes a first step towards fixing that problem, and I urge my colleagues to support that bill.

□ 1430

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Madame Chairman, I rise today in strong support of the efforts to create real campaign finance reform. At the end of the day, it will not be what we said, what fingers we pointed at each other; it will be whether or not we actually got anything done. That is what people will judge us on.

I want to commend my colleagues in the freshman class who have worked so hard on both sides of the aisle to bring this issue forward and to put a bill in front of us that makes sense. Also, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) who have worked so hard to put together a bipartisan bill.

We have two opportunities in front of us, either of which moves us in the right direction. And I would encourage us not to get bogged down in finger pointing, not to get bogged down in 11 substitutes, over 500 amendments, but to instead, when we have the opportunity to come back in another week to vote on whether or not we want less money in the system or more, that we vote for less; whether we want more accountability, whether we want folks to be able to make up names and run ads without any accountability for us or for our constituents to know who they are, or whether we want fairness, whether we want accountability.

Let us vote for accountability. Let us vote for real campaign finance reform now.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Chairman, I thank the gentlewoman from Michigan for yielding me the time.

Literally, money talks; and when it speaks, it drowns out all other political discourse. Money has distorted, corrupted, and perverted our political system. It is time to get back to the basics of democracy. We are past the time for halfway and halfhearted patches on the system.

Belief that disclosure alone will remedy the problem is like belief in the tooth fairy. Solving the problem by just regulating soft money is about as likely to happen as expecting pigs to fly. I believe that the basic principles of campaign reform are these:

Take seriously some of the money out of the equation. Provide some public financing for all Federal campaigns. Set a limit on Federal candidates' use of private money. Provide voters with enough information, unfiltered, to make serious decisions. Create an independent agency that will report on the activities of all paid lobbyists, who and when they lobby.

It is only when we take the money out that democracy will come in.

The CHAIRMAN. The gentlewoman from Michigan (Ms. KILPATRICK) has 3¾ minutes remaining.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Madam Chairman, let me first say to my colleagues on the left and the right who seem so deeply concerned about the constitutional ramifications of a campaign finance package, I would remind them that next week when we return from our Memorial Day recess that one of our colleagues the gentleman from Oklahoma

(Mr. ISTOOK) will bring a piece of legislation to the floor that seeks to rewrite the First Amendment in certainly more egregious ways than perhaps this campaign finance legislation will.

But I say to my colleagues on both sides of the aisle, what is it that we are afraid of when it relates to campaign finance reform? What is it that we are afraid of when we talk about taking less money? What is it that we are afraid of when we talk about less money in this entire political system?

This is the same body that had the courage to say to welfare recipients throughout this Nation, and I voted with them, we are going to place a 2-year time limit on them. We are going to limit the amount of funds. This is the same Congress that said to those in the Dakotas, when the floods ravaged those areas, we are going to make them wait for disaster aid relief.

What is it about campaign finance reform that irks and irritates so many in this Congress? I would hope that we can find the courage to reach down deep inside to find the courage that is needed to not only reform these laws and restore the integrity to this system but to do what is right for the future of this Nation and the next generation of Congresspeople that will occupy our seats.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. Madam Chairman, I thank the gentlewoman for yielding me the time.

Let me say this debate will test this House as it has not been tested in a decade. Admittedly, this is not the number one political issue on the minds of the public. Probably no one will lose their reelection because of it. But clearly, if we care about this Congress and care about this democracy, this is the issue that is driving the Government further and further and further from the people. Reform it we must. Those who love this democracy, those who believe in what the Founding Fathers said, should be on the side of this issue.

And second, I have heard more crocodile tears shed over the First Amendment from the very same people who spend a career bashing the National Endowment for the Arts and everything else that I am just amazed. Methinks that there is too much protest here.

I do not think the issue is the First Amendment. No amendment is absolute. I do not think that these newfound converts to the First Amendment fear that that amendment will be infringed. They try to infringe on it every week on the floor of this House. I think they are afraid of reform, they are afraid of government coming clean.

The CHAIRMAN. The gentlewoman from Michigan (Ms. KILPATRICK) has 1¾ minutes remaining.

Mr. THOMAS. Madam Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Chairman, if we like our legal system, after this debate on campaign finance reform, where we have 10 substitutes and over 300 amendments, we are going to love our campaign finance.

What we need to do is enforce the campaign finance laws that are on the books and work together to simplify so that the American people are being well-served. Now, a lot of people will say, well, this is a case of being able to have free speech. I think so. But simplicity is the path to strengthening our system and allowing Americans to finally trust their elected Federal officials.

We can gain a lot of credibility with the American people by actually investigating and enforcing the current laws. No one on this side of the aisle is talking about enforcing the current law, especially as it concerns fund-raising in churches, in Buddhist temples, campaign or other financial solicitation from executive office buildings, foreign contributions and other illegalities that occurred during the 1996 campaign cycle.

I believe we need to preserve the freedom of any individual or group to speak out on issues. Some of the proposals being offered clearly violate the First Amendment guarantee of free speech. Therefore, some of these proposals are clearly unconstitutional.

Let us pass sensible campaign finance reform that enjoys the widespread support of all the American people.

Ms. KILPATRICK. Madam Chairman, I yield 1¾ minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Madam Chairman, the debate here is how to instill confidence in the voters of this country and their elected officials. There is no place on earth where the connection between the elected and the electors is closer. But as the amounts of money rushing into campaigns through every possible back door and front door continue to grow, the American people's respect for this Government continues to diminish.

There is an advantage on the Republican side. I think their constituents are often less bothered by $100,000 contributions. We tend to represent blue collar people that are astounded by those numbers.

The Democratic record is clear. In 1971, we started the FEC and overrode President Nixon's objections. In 1974, we passed campaign finance reform. Yes, the court gutted it. But remember, the Supreme Court for 50 years said separate and equal are okay, until 1954 in Brown v. Board of Education when they reversed themselves.

In 1991, the House, under Democratic leadership, passed the campaign finance reform; and in 1992 we put it on George Bush's desk to see him veto it. When President Clinton got elected, we got legislation through both houses and it was filibustered to death in the Senate. Had that gotten past the Senate filibuster, this President would have signed it.

Let us pass MCCAIN/FEINGOLD in this form in the House, get it to the Senate, and get those couple more votes we need to break the filibuster. We have more than a majority for reform in the Senate, and this President will sign the beginning of real campaign finance reform with the leadership of the men and women in this House of Representatives.

Mr. THOMAS. Madam Chairman, I yield myself the remaining 2 minutes.

We have heard the general debate on campaign reform; and true to form, it is an attempt to move the discussion to class warfare and righteous indignation. I would like to bring some of the fundamentals in focus, if I might.

We have heard a piece of legislation referred to on our side of the aisle as Shays/Meehan. We have heard that same legislation referred to on the other side of the aisle as Meehan/Shays. I think that pretty well sums up how significant the substance is. These people are so desperate in terms of the need to package this in a way that, their reform, that they actually reverse the name of the legislation.

In that CRS booklet that I provided my colleagues, I do apologize to my colleagues on the other side of the aisle, it is listed as Shays. He is the principal author. It is Shays/Meehan. But we will hear them repeatedly say Meehan/Shays. So much for substance. This is all about style on their part. We are concerned about the First Amendment, and we guarantee it will be protected.

For those of my colleagues who do not have the CRS copy, I am pleased to announce that by the end of business today, for those on the web, the cite is www.house.gov/cho. That is www.house.gov/cho for the Internet copy of the Congressional Research Service's factual analysis of the various substitutes that will be in front of us.

Madam Chairman, I look forward to a substantive debate over the specifics of these issues, especially in regard to the constitutionality of the measures that we will be looking at.

Mr. FORD. Madam Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Tennessee.

Mr. FORD. Madam Chairman, I have the greatest respect for the gentleman from California (Mr. THOMAS). But what difference does it make if it is called Meehan/Shays or Shays/Meehan?

Mr. THOMAS. Madam Chairman, reclaiming my time, if it does not make any difference, why not call it by its proper name, Shays/Meehan?

Mr. FORD. Madam Chairman, if the gentleman would further yield, vote for Shays/Meehan then.

Mr. SANDERS. Madam Chairman, Some may think the discussion of campaign finance reform is esoteric—not related to the real day to day problems and concerns of ordinary people. Wrong. If we are concerned to know why this country has the most unfair distribution of wealth in the industrialized world, and why the richest person in this country owns more wealth than the bottom 40 percent of our population-then you are talking about campaign finance reform, and the role that big money plays in the political process.

If you want to know why last year Congress gave huge tax breaks for the rich and large Corporations, and then proceeded to cut Medicare by 115 billion dollars—then you are talking about campaign reform, and the role that big money plays in the political process.

If you want to know why this country spends more money per capita on health care than any other industrialized country, and why 40 million Americans have no health insurance at the same time as insurance companies and pharmaceutical companies make huge profits—then you are talking about campaign finance reform and the role that big money plays in the political process.

And on and on it goes. The rich get richer, the middle class shrinks and we have the highest rate of childhood poverty in the industrialized world-and big money plays a major role in determining the agenda of both political parties.

Madam Chairman, the current campaign finance system is obscene and the situation is becoming worse and worse everyday.

Our republican friends have recently made allegations against President Clinton regarding the influence that campaign contributions might have had on the Presidents policy towards China and Chinese missiles. This is a very serious allegation that should be fully and fairly investigated, but so should the role that campaign contributions play in our tobacco policy, in our health care policy, in our banking policy, in our environmental policy, and in many other areas.

Since 1991 the pharmaceutical industry has given more than 18 million dollars in political contributions and today we have the highest cost of prescription drugs in the world. The oil gas and chemical industries have provided over 24 million dollars in campaign contributions, and they get away with murder in terms of environmental destruction.

Some in this body say that the problem is with labor unions and the big money that labor spends. In the 1995–1996 election cycle corporations and groups and individuals representing business interests out spent labor 12 to 1. In fact, the wealthiest one quarter of one percent provides 80 percent of the campaign contributions and it is incomprehensible that some want to relax restrictions and enable the rich to contribute even more.

Mr. Speaker, this congress must end the obscenity of the current system which allows big money to buy and sell politicians like we were just another commodity.

This congress can learn a lot from my own state of Vermont which has passed serious campaign finance reform which severely limits the power of big money over the political process. Ultimately, what this congress must do is eliminate soft money completely; limit the total amount of money that can be spent in a campaign by a candidate, and move us in the direction of matching public funding with small individual contributions.

The day must come when once more in this country democracy means one person one vote, and not the current obscenity in which multinational corporations and individuals control the process.

Mr. DELAY. Madam Chairman, a diverse coalition of citizens groups ranging from the American Civil Liberties Union (ACLU) to the National Right to Life (NRLC) have demonstrated that the Shays/Meehan and the Hutchinson campaign reform bills are nothing short of attacks on freedom of speech.

I hope my colleagues will take some time to read the following analysis distributed by National Right to Life Committee. The NRLC correctly points out that these two bills contain patently unconstitutional government regulations that should not be supported by the House of Representatives.

THE SHAYS-MEEHAN BILL'S YEAR-ROUND RESTRICTIONS ON FIRST AMENDMENT RIGHTS

The most recent version of the Shays-Meehan bill (H.R. 3526) is taken from the September 29, 1997 version of the Senate McCain-Feingold bill. This bill contains multiple provisions that blatantly violate the Supreme Court's long-established First Amendment rulings. In Buckley v. Valeo (1976) and later cases, the Court has emphatically held that the government may not regulate commentary on politicians except for "express advocacy," a term that the Court has said must be confined to communications that use explicit words to expressly urge a vote for or against an identified candidate.

As the Court stated in Buckley, "So long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate [i.e., "express advocacy"], they are free to spend as much as they want to promote the candidate and his views." Such constitutionally protected commentary on politicians' positions is referred to by the legal term of art issue advocacy. This memo summarizes multiple provisions of the Shays-Meehan bill that infringe on such constitutionally protected speech.[1]

YEAR-ROUND RESTRICTIONS ON CONSTITUTIONALLY PROTECTED SPEECH

1. The bill would redefine illegal corporate campaign activity so broadly that, at any time of any year, a non-PAC incorporated organization would risk being the target of a complaint to the Federal Election Commission (FEC), alleging illegal corporate campaign expenditures, and subsequent costly investigation and litigation, any time it issues a print, broadcast, or other type of communication to the public that mentions the name of a Member of Congress (or other candidate) with any sort of explicit or implicit viewpoint regarding the rightness or wrongness of that politician's position. This is because any such commentary could be viewed by some politician or regulator as constituting "unmistakable and unambiguous support for or opposition to" a candidate, which the bill would redefine as "express advocacy." (Section 201) For example, if NRLC distributed a brochure that contained a description of partial-birth abortion, followed by the simple statement, "On May 20, 1997, Senator Russ Feingold voted against banning the brutal partial-birth abortion procedure," NRLC would risk being subjected to investigation and prosecution for engaging in speech that expressed "unmistakable . . . opposition" to Senator Feingold.

2. Moreover, if a non-PAC organization is deemed to have established "coordination" with a lawmaker or other "candidate" (even by sharing a vendor—see #4 below), it would be banned (at any time of any year) from issuing any communication to the public that names that "candidate" and "is for the purpose of influencing a Federal election." This is an extremely vague and sweeping restriction that applies, as the bill says, "regardless of whether the communication is express advocacy." (See Section 201, definition of "expenditure.")

3. In addition, under Section 205, at any time of any year, a non-PAC incorporated citizen group, if it has established "coordination" (see #4 below), is prohibited from issuing any communication to the public that is "of value" to a candidate, "regardless of whether the value being provided is a communication that is express advocacy." Such a communication is prohibited, as an illegal campaign "contribution," even if the communication contains the name of no candidate. This could apply, for example, to an ad in a newspaper that mentions the name of no politician, but that calls for a ban on partial-birth abortions, if a politician complains that the ad was "of value" to a political opponent who opposes partial-birth abortion.

DEFINITION OF "COORDINATION" PLACES UNCONSTITUTIONAL RESTRICTIONS ON LOBBYING ACTIVITIES AND ISSUE ADVOCACY

4. The restrictions described in items #2 and #3 above apply to any group that is deemed to have established "coordination" with a candidate. The bill (Section 205) vastly expands the current definition of "coordination," in 10 separate clauses, so that an organization that communicates with members of Congress regarding public policy matters would be at constant risk of falling over these "coordination" tripwires. For example:

Many public policy organizations gather information on the positions of members of Congress on certain issues through use of a written questionnaire, and then disseminate that information in communications to the pubic. But the submission and return of such a questionnaire, with intent to publicize the information obtained, would fall under one of Section 205's multiple definitions of "coordination"—that is, a communication based on a "general or particular understanding with a candidate"—and therefore would be an illegal corporate campaign expenditure.

Another provision, declaring that an organization is "coordinated" if it has engaged in "policymaking discussions" with a "candidate's campaign," could apply to routine attempts by public policy groups to persuade lawmakers of the merits of the organization's positions (i.e., lobbying).

Another provision would define "coordination" as the mere sharing of a single professional vendor (a printer, artist, or pollster, for example), during a two-year period, with a congressional candidate.

[1] For a fuller analysis of this bill, see NRLC's memo, "An Analysis of the Speech-Restriction Provisions of the Shays-Meehan Bill (H.R. 3526)." For an examination of statements by advocates of the bill, and their implications, see "Do American Voters Need Speech Nannies?" by NRLC Legislative Director Douglas Johnson (Sept. 30, 1997), available at www.nrlc.org/dimwit.html.

THE FIRST AMENDMENT DOES NOT ALLOW LAWMAKERS TO PROHIBIT NON-PAC GROUPS FROM MENTIONING THEIR NAMES

5. In addition to the restrictions described above, within 60 days of a congressional primary election (which occur as early as March 1) or a general election, Section 201 places an absolute ban on any non-PAC group broadcasting a communication that even mentions the name of a "candidate," which includes all incumbent members of Congress. This provision does not only require "disclosure" of funding sources for such communications. Rather, it bans the naming of politicians in broadcast communications to the public, unless they are conducted under the entire panoply of restrictions that apply to PACs—in other words, only federal PACs are permitted to sponsor such "politician-mentioning" communications. This ban would apply even to ads alerting citizens to upcoming votes in Congress. [For further discussion of the implications of allowing only PACs to sponsor politician-mentioning communications, see the NRLC memorandum, "An Analysis of the Speech-Restrictive Provisions of the Shays-Meehan Bill (HR 3526)."]

THE FIRST AMENDMENT DOES NOT PERMIT LAWMAKERS TO DICTATE "SPEECH SPECIFICATIONS" FOR DISCUSSION OF THEIR VOTING RECORDS

6. Sponsors of the bill make much of a so-called "exception" (in Section 201) for printed material about voting records and positions. But legal analysis of the so-called "exception" reveals that it actually underscores the sweeping restrictions implicit in the underlying definitions. The "exception" would not allow, but rather effectively defines as illegal corporate campaign expenditures and thereby bans (to non-PACs), at any time of any year, any printed materials (such as typical "scorecards" and voter guides) that fail to conform to a series of "speech specifications."

For example, to qualify for the "exception" a publication must be confined "solely" to information regarding votes or positions, and must be presented "in an educational manner"—in other words, interpretation or commentary would be verboten. Even if these requirements are met, the "exception" explicitly excludes publications that discuss the position on only one "candidate"—for example, a newspaper ad that urges letters and calls to a single local congressman about an upcoming vote in Congress. But under the First Amendment, Congress has no authority whatever to impose such restrictions on the right of citizen groups to disseminate and comment on lawmakers' voting records or upcoming votes.

"SOFT MONEY" BAN UNCONSTITUTIONALLY NULLIFIES THE RIGHT OF POLITICAL PARTIES TO ENGAGE IN UNRATIONED ISSUE ADVOCACY

7. The bill (Section 101) completely prohibits organs of the national political parties from receiving so-called "soft money"—a term that really refers to all funds that are not rationed and controlled by the Federal Election Campaign Act (FECA). This is unconstitutional. Under rulings of the U.S. Supreme Court, the First Amendment protects the right of political parties to sponsor communications that discuss issues, or the positions of officeholders or officeseekers on those issues ("issue advocacy"), without being subjected to the rationing laws that the FECA applies to communications that contain explicit endorsements of candidates ("express advocacy"). The bill would effectively nullify political parties' First Amendment right to engage in issue advocacy, by requiring that all party ads be conducted under the restrictions that currently apply only to express advocacy communications (since the parties would be prohibited from raising any money that did not conform to those restrictions). If "reform" advocates successfully obliterate the distinction between issue advocacy and express advocacy with respect to political parties, they will then redouble their attacks on issue advocacy by citizen groups such as NRLC. Those who support free speech about political figures should oppose all restrictions on issue advocacy, whether engaged in by political parties, citizen groups, or others.

THE HUTCHINSON "FRESHMAN" BILL (HR 2183) VIOLATES THE FIRST AMENDMENT RIGHTS OF CITIZEN GROUPS, POLITICAL PARTIES, AND MEMBERS OF CONGRESS

When the House of Representatives soon revisits the issue of "campaign finance reform," the "base bill" will be HR 2183, sponsored by Rep. Asa Hutchinson (R–Ark.), sometimes referred to as the "freshman" bill. NRLC strongly opposes the Hutchinson bill. This memo summarizes the most objectionable elements of the bill.

UNCONSTITUTIONAL REGULATION OF CITIZEN GROUPS' COMMUNICATIONS TO THE PUBLIC

HR 2183 attempts to assert congressional authority to monitor and regulate citizen groups' broadcast communications to the public, in any month of any year, merely on grounds that a communication mentions a member of Congress or other federal politician. The bill would require that sponsoring organizations report such communications to Congress. This proposed requirement violates both the general constitutional immunity of issue advocacy from governmental regulation, enforced in numerous court decisions, and the specific holdings of the Supreme Court in the 1995 case of McIntyre v. Ohio Elections Commission, a 7–2 affirmation of the First Amendment right to engage in anonymous issue advocacy.

The Hutchinson requirement would apply whenever a group spends in a year (1) $25,000 on communications "relating to" (mentioning) a single politician, or (2) $100,000 on all "politician-mentioning" communications nationally. Once a group has spent an aggregate total of $100,000 on broadcast communications that name politicians—even if they pertain solely to upcoming votes on legislation—then EVERY such expenditure must be reported to Congress, even a $100 radio ad.

UNCONSTITUTIONAL BAN ON "SOFT MONEY"

The bill completely prohibits organs of the national political parties from receiving so-called "soft money"—a term that really refers to all funds that are not rationed and controlled by the Federal Election Campaign Act (FECA). This is unconstitutional. Under rulings of the U.S. Supreme Court, the First Amendment protects the right of political parties to sponsor communications that discuss issues, or the positions of officeholders or officeseekers on those issues (called "issue advocacy"), without being subjected to the rationing laws that FECA applies to communications that contain explicit endorsements of candidates (called "express advocacy"). The bill would effectively nullify political parties' First Amendment right to engage in issue advocacy, by requiring that all party ads be conducted under the restrictions that currently apply to express advocacy communications (since the parties would be prohibited from raising any money that did not conform to those restrictions).

If "reform" advocates successfully obliterate the distinction between issue advocacy and express advocacy with respect to political parties, they will then redouble their attacks on issue advocacy by citizen groups such as NRLC. Those who support free speech about political figures should oppose all restrictions on issue advocacy, whether engaged in by political parties, citizen groups, or others.

UNCONSTITUTIONAL BAN ON ENDORSEMENTS BY MEMBERS OF CONGRESS

The bill would make it unlawful for any Member of Congress to endorse the fundraising or membership-recruitment efforts of a citizen group, such as NRLC, which at any time of any year engages in "any communication which refers to a clearly identified candidate for election for Federal office," which includes all incumbents except those who have announced their retirement.

In other words, an organization becomes "tainted" if it issues any communication, at any time of the year, that so much as mentions the name of a member of Congress. For example, if an organization sponsors a single newspaper ad or sends out a single newsletter saying that a lawmaker will be voting or has already voted on a certain bill, this restriction would be triggered. Such a mettlesome organization would no longer be eligible to receive the endorsement of any member of Congress. Communications that mention the names of lawmakers are a pervasive ingredient in NRLC's overall pro-life advocacy, throughout the year, so the bill effectively prohibits lawmakers from endorsing NRLC's fundraising efforts, as Congressman Henry Hyde and others have done in the past.

The concept underlying this provision—that there is something "corrupting" about Members of Congress endorsing the work of issue-oriented organizations with which they agree—is very offensive. This provision in effect applies an unconstitutional penalty to NRLC for exercising its First Amendment right to engage in commentary on a federal politician, and also violates NRLC's constitutional right of association. Moreover, this proposed endorsement ban is an unconstitutional infringement on the rights of association and freedom of speech of each and every Member of Congress.

The CHAIRMAN. All time for general debate has expired.

Mr. THOMAS. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mrs. EMERSON, 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. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 2400, TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Mr. SHUSTER submitted the following conference report and statement on the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–550)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2400), to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Transportation Equity Act for the 21st Century".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1101. Authorization of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Apportionments.
Sec. 1104. Minimum guarantee.
Sec. 1105. Revenue aligned budget authority.
Sec. 1106. Federal-aid systems.
Sec. 1107. Interstate maintenance program.
Sec. 1108. Surface transportation program.
Sec. 1109. Highway bridge program.
Sec. 1110. Congestion mitigation and air quality improvement program.
Sec. 1111. Federal share.
Sec. 1112. Recreational trails program.
Sec. 1113. Emergency relief.
Sec. 1114. Highway use tax evasion projects.
Sec. 1115. Federal lands highways program.
Sec. 1116. Woodrow Wilson Memorial Bridge.
Sec. 1117. Appalachian development highway system.
Sec. 1118. National corridor planning and development program.
Sec. 1119. Coordinated border infrastructure and safety program.

Subtitle B—General Provisions

Sec. 1201. Definitions.
Sec. 1202. Bicycle transportation and pedestrian walkways.
Sec. 1203. Metropolitan planning.
Sec. 1204. Statewide planning.
Sec. 1205. Contracting for engineering and design services.
Sec. 1206. Access of motorcycles.
Sec. 1207. Construction of ferry boats and ferry terminal facilities.
Sec. 1208. Training.
Sec. 1209. Use of HOV lanes by inherently low-emission vehicles.
Sec. 1210. Advanced travel forecasting procedures program.
Sec. 1211. Amendments to prior surface transportation laws.
Sec. 1212. Miscellaneous.
Sec. 1213. Studies and reports.
Sec. 1214. Federal activities.
Sec. 1215. Designated transportation enhancement activities.
Sec. 1216. Innovative surface transportation financing methods.
Sec. 1217. Eligibility.
Sec. 1218. Magnetic levitation transportation technology deployment program.
Sec. 1219. National scenic byways program.
Sec. 1220. Elimination of regional office responsibilities.
Sec. 1221. Transportation and community and system preservation pilot program.
Sec. 1222. Additions to Appalachian region.

Subtitle C—Program Streamlining and Flexibility

Sec. 1301. Real property acquisition and corridor preservation.
Sec. 1302. Payments to States for construction.
Sec. 1303. Proceeds from the sale or lease of real property.
Sec. 1304. Engineering cost reimbursement.
Sec. 1305. Project approval and oversight.
Sec. 1306. Standards.
Sec. 1307. Design-build contracting.
Sec. 1309. Major investment study integration.
Sec. 1309. Environmental streamlining.
Sec. 1310. Uniform transferability of Federal-aid highway funds.

Subtitle D—Safety

Sec. 1401. Hazard elimination program.
Sec. 1402. Roadside safety technologies.
Sec. 1403. Safety incentive grants for use of seat belts.

Subtitle E—Finance

Sec. 1501. Short title.
Sec. 1502. Findings.
Sec. 1503. Establishment of program.
Sec. 1504. Duties of the Secretary.

Subtitle F—High Priority Projects

Sec. 1601. High priority projects program.
Sec. 1602. Project authorizations.
Sec. 1603. Special rule.

TITLE II—HIGHWAY SAFETY

Sec. 2001. Highway safety programs.
Sec. 2002. Highway safety research and development.
Sec. 2003. Occupant protection.
Sec. 2004. Alcohol-impaired driving countermeasures.
Sec. 2005. State highway safety data improvements.
Sec. 2006. National Driver Register.
Sec. 2007. Safety studies.
Sec. 2008. Effectiveness of laws establishing maximum blood alcohol concentrations.
Sec. 2009. Authorizations of appropriations.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Sec. 3001. Short title.
Sec. 3002. Amendments to title 49, United States Code.
Sec. 3003. Definitions.
Sec. 3004. Metropolitan planning.
Sec. 3005. Transportation improvement program.
Sec. 3006. Transportation management areas.
Sec. 3007. Urbanized area formula grants.
Sec. 3008. Clean fuels formula grant program.
Sec. 3009. Capital investment grants and loans.
Sec. 3010. Dollar value of mobility improvements.
Sec. 3011. Local share.
Sec. 3012. Inteligent transportation systems applications.
Sec. 3013. Formula grants and loans for special needs of elderly individuals and individuals with disabilities.
Sec. 3014. Formula program for other than urbanized areas.
Sec. 3015. Research, development, demonstration, and training projects.
Sec. 3016. National planning and research programs.
Sec. 3017. National transit institute.
Sec. 3018. Bus testing facilities.
Sec. 3019. Bicycle facilities.
Sec. 3020. General provisions on assistance.
Sec. 3021. Pilot program for intercity rail infrastructure investment from mass transit account of highway trust fund.
Sec. 3022. Contract requirements.
Sec. 3023. Special procurements.
Sec. 3024. Project management oversight and review.
Sec. 3025. Administrative procedures.
Sec. 3026. Reports and audits.
Sec. 3027. Apportionment of appropriations for formula grants.
Sec. 3028. Apportionment of appropriations for fixed guideway modernization.
Sec. 3029. Authorizations.
Sec. 3030. Projects for new fixed guideway systems and extensions in existing systems.
Sec. 3031. Projects for bus and bus-related facilities.
Sec. 3032. Contracting out study.
Sec. 3033. Urbanized area formula study.
Sec. 3034. Coordinated transportation services.
Sec. 3035. Final assembly of buses.
Sec. 3036. Clean fuel vehicles.
Sec. 3037. Job access and reverse commute grants.
Sec. 3038. Rural transportation accessibility incentive program.
Sec. 3039. Study of transit needs in national parks and related public lands.
Sec. 3040. Obligation ceiling.
Sec. 3041. Adjustment for the Surface Transportation Extension Act of 1997.

TITLE IV—MOTOR CARRIER SAFETY

Sec. 4001. Amendments to title 49, United States Code.
Sec. 4002. Statement of purposes.
Sec. 4003. State grants.
Sec. 4004. Information systems.
Sec. 4005. Automobile transporter defined.
Sec. 4006. Inspections and reports.
Sec. 4007. Waivers, exemptions, and pilot programs.
Sec. 4008. Safety regulation.
Sec. 4009. Safety fitness.
Sec. 4010. Repeal of certain obsolete miscellaneous authorities.
Sec. 4011. Commercial vehicle operators.
Sec. 4012. Exemption from certain regulations for utility service commercial motor vehicle drivers.
Sec. 4013. Participation in international registration plan and international fuel tax agreement.
Sec. 4014. Safety performance history of new drivers; limitation on liability.
Sec. 4015. Penalties.
Sec. 4016. Authority over charter bus transportation.
Sec. 4017. Telephone hotline for reporting safety violations.
Sec. 4018. Insulin treated diabetes mellitus.
Sec. 4019. Performance-based CDL testing.
Sec. 4020. Post-accident alcohol testing.
Sec. 4021. Driver fatigue.
Sec. 4022. Improved flow of driver history pilot program.
Sec. 4023. Employee protections.
Sec. 4024. Improved interstate school bus safety.
Sec. 4025. Truck trailer conspicuity.
Sec. 4026. DOT implementation plan.
Sec. 4027. Study of adequacy of parking facilities.
Sec. 4028. Qualifications of foreign motor carriers.
Sec. 4029. Federal motor carrier safety inspectors.
Sec. 4030. School transportation safety.
Sec. 4031. Designation of New Mexico commercial zone.
Sec. 4032. Effects of MCSAP grant reductions.

TITLE V—TRANSPORTATION RESEARCH

Subtitle A—Funding

Sec. 5001. Authorization of appropriations.
Sec. 5002. Obligation ceiling.
Sec. 5003. Notice.

Subtitle B—Research and Technology

Sec. 5101. Research and technology program.
Sec. 5102. Surface transportation research.
Sec. 5103. Technology deployment.

Sec. 5104. Training and education.
Sec. 5105. State planning and research.
Sec. 5106. International highway transportation outreach program.
Sec. 5107. Surface transportation-environment cooperative research program.
Sec. 5108. Surface transportation research strategic planning.
Sec. 5109. Bureau of Transportation Statistics.
Sec. 5110. University transportation research.
Sec. 5111. Advanced vehicle technologies program.
Sec. 5112. Study of future strategic highway research program.
Sec. 5113. Commercial remote sensing products and spatial information technologies.
Sec. 5114. Sense of Congress on the year 2000 problem.
Sec. 5115. International trade traffic.
Sec. 5116. University grants.
Sec. 5117. Transportation technology innovation and demonstration program.
Sec. 5118. Drexel University Intelligent Infrastructure Institute.
Sec. 5119. Conforming amendments.

Subtitle C—Intelligent Transportation Systems

Sec. 5201. Short title.
Sec. 5202. Findings.
Sec. 5203. Goals and purposes.
Sec. 5204. General authorities and requirements.
Sec. 5205. National ITS program plan.
Sec. 5206. National architecture and standards.
Sec. 5207. Research and development.
Sec. 5208. Intelligent transportation system integration program.
Sec. 5209. Commercial vehicle intelligent transportation system infrastructure deployment.
Sec. 5210. Use of funds.
Sec. 5211. Definitions.
Sec. 5212. Project funding.
Sec. 5213. Repeal.

TITLE VI—OZONE AND PARTICULATE MATTER STANDARDS

Sec. 6101. Findings and purpose.
Sec. 6102. Particulate matter monitoring program.
Sec. 6103. Ozone designation requirements.
Sec. 6104. Additional provisions.

TITLE VII—MISCELLANEOUS

Subtitle A—Automobile Safety and Information

Sec. 7101. Short title.
Sec. 7102. Authorizations of appropriations.
Sec. 7103. Improving air bag safety.
Sec. 7104. Restrictions on lobbying activities.
Sec. 7105. Odometers.
Sec. 7106. Miscellaneous amendments.
Sec. 7107. Importation of motor vehicle for show or display.

Subtitle B—Railroads

Sec. 7201. High-speed rail.
Sec. 7202. Light density rail line pilot projects.
Sec. 7203. Railroad rehabilitation and improvement financing.
Sec. 7204. Alaska Railroad.

Subtitle C—Comprehensive One-Call Notification

Sec. 7301. Findings.
Sec. 7302. One-call notification programs.

Subtitle D—Sportfishing and Boating Safety

Sec. 7401. Short title; amendment of 1950 Act.
Sec. 7402. Outreach and communications programs.
Sec. 7403. Clean Vessel Act funding.
Sec. 7404. Boating infrastructure.
Sec. 7405. Boat safety funds.

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE AND BUDGET OFFSETS

Subtitle A—Transportation Discretionary Spending Guarantee

Sec. 8101. Discretionary spending categories.
Sec. 8102. Conforming the Paygo Scorecard with this Act.
Sec. 8103. Level of obligation limitations.

Subtitle B—Veterans' Benefits

Sec. 8201. Short title.
Sec. 8202. Prohibition on establishment of service-connection for disabilities relating to use of tobacco products.
Sec. 8203. Twenty percent increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 8204. Increase in assistance amount for specially adapted housing.
Sec. 8205. Increase in amount of assistance for automobile and adaptive equipment for certain disabled veterans.
Sec. 8206. Increase in aid and attendance rates for veterans eligible for pension.
Sec. 8207. Eligibility of certain remarried surviving spouses for reinstatement of dependency and indemnity compensation upon termination of that remarriage.
Sec. 8208. Extension of prior revision to offset rule for department of defense special separation benefit program.
Sec. 8209. Sense of Congress concerning recovery from tobacco companies of costs of treatment of veterans for tobacco-related illnesses.

Subtitle C—Temporary Student Loan Provision.

Sec. 8301. Temporary student loan provision.

Subtitle D—Block Grants for Social Services

Sec. 8401. Block grants for social services.

TITLE IX—AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

Sec. 9001. Short title; amendment of 1986 Code.
Sec. 9002. Extension of highway-related taxes and trust fund.
Sec. 9003. Extension and modification of tax benefits for alcohol fuels.
Sec. 9004. Modifications to Highway Trust Fund.
Sec. 9005. Provisions relating to Aquatic Resources Trust Fund.
Sec. 9006. Repeal of 1.25 cent tax rate on rail diesel fuel.
Sec. 9007. Additional qualified expenses available to non-Amtrak States.
Sec. 9008. Delay in effective date of new requirement for approved diesel or kerosene terminals.
Sec. 9009. Simplified fuel tax refund procedures.
Sec. 9010. Election to receive taxable cash compensation in lieu of nontaxable qualified transportation fringe benefits.
Sec. 9011. Repeal of National Recreational Trails Trust Fund.
Sec. 9012. Identification of limited tax benefits subject to line item veto.

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.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1101. 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, $3,427,341,000 for fiscal year 1998, $3,957,103,000 for fiscal year 1999, $3,994,524,000 for fiscal year 2000, $4,073,322,000 for fiscal year 2001, $4,139,630,000 for fiscal year 2002, and $4,217,635,000 for fiscal year 2003.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of such title $4,112,480,000 for fiscal year 1998, $4,748,523,000 for fiscal year 1999, $4,793,429,000 for fiscal year 2000, $4,887,986,000 for fiscal year 2001, $4,967,556,000 for fiscal year 2002, and $5,061,162,000 for fiscal year 2003.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of such title $2,941,454,000 for fiscal year 1998, $3,395,354,000 for fiscal year 1999, $3,427,472,000 for fiscal year 2000, $3,495,104,000 for fiscal year 2001, $3,552,016,000 for fiscal year 2002, and $3,618,966,000 for fiscal year 2003.

(4) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of such title $4,797,620,000 for fiscal year 1998, $5,539,944,000 for fiscal year 1999, $5,592,333,000 for fiscal year 2000, $5,702,651,000 for fiscal year 2001, $5,795,482,000 for fiscal year 2002, and $5,904,689,000 for fiscal year 2003.

(5) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of such title $1,192,619,000 for fiscal year 1998, $1,345,415,000 for fiscal year 1999, $1,358,138,000 for fiscal year 2000, $1,384,930,000 for fiscal year 2001, $1,407,474,000 for fiscal year 2002, and $1,433,996,000 for fiscal year 2003.

(6) 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.) $450,000,000 for each of fiscal years 1999 through 2003.

(7) 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.

(8) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of such title $225,000,000 for fiscal year 1998 and $275,000,000 for each of fiscal years 1999 through 2003.

(B) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of such title $196,000,000 for fiscal year 1998 and $246,000,000 for each of fiscal years 1999 through 2003.

(C) PARK ROADS AND PARKWAYS.—For park roads and parkways under section 204 of such title $115,000,000 for fiscal year 1998 and $165,000,000 for each of fiscal years 1999 through 2003.

(D) REFUGE ROADS.—For refuge roads under section 204 of such title $20,000,000 for each of fiscal years 1999 through 2003.

(9) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—For the national corridor planning and development and coordinated border infrastructure programs under sections 1118 and 1119 of this Act $140,000,000 for each of fiscal years 1999 through 2003.

(10) 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) $30,000,000 for each of fiscal year 1998 and $38,000,000 for each of fiscal years 1999 through 2003.

(11) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of title 23, United States Code, $23,500,000 for each of fiscal years 1998 and 1999, $24,500,000 for each of fiscal years 2000 and 2001, and $25,500,000 for fiscal year 2002, and $26,500,000 for fiscal year 2003.

(12) VALUE PRICING PILOT PROGRAM.—For the value pricing pilot program under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) $7,000,000 for fiscal year 1999, and $11,000,000 for each of fiscal years 2000 through 2003.

(13) HIGH PRIORITY PROJECTS PROGRAM.—For the high priority projects program under section 117 of title 23, United States Code, $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.

(14) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects under section 143 of such title $5,000,000 for each of fiscal years 1998 through 2003.

(15) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 1214(r) of this Act $110,000,000 for fiscal years 1998 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 made available for any program under titles I, III, and V of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) DEFINITIONS.—In 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.

(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(5) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an entity or person to receive funds made available under titles I, III, and V 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.

(6) 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 certified in each State under paragraph (4) as 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 V 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 V 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 V 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 V 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 V 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 (5) 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.

SEC. 1102. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law but subject to subsections (g) and (h), the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

(1) $21,500,000,000 for fiscal year 1998;

(2) $25,431,000,000 for fiscal year 1999;

(3) $26,155,000,000 for fiscal year 2000;

(4) $26,651,000,000 for fiscal year 2001;

(5) $27,235,000,000 for fiscal year 2002; and

(6) $27,681,000,000 for fiscal year 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 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of enactment of this Act; and

(8) under section 105 of title 23, United States Code but, for each of fiscal years 1998 through 2007, only in an amount equal to $639,000,000 per fiscal year.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 1998 through 2003, the Secretary shall—

(1) not distribute obligation authority provided by subsection (a) for such fiscal year for 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) not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation authority provided by subsection (a) for such fiscal year less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional

Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of such title (relating to minimum guarantee) so that amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under this Act and title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under this Act and title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall 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 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 imposed 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.—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 (1) 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 (2) 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)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(g) SPECIAL RULE.—Obligation authority distributed for a fiscal year under subsection (c)(4) for a section set forth in subsection (c)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(h) INCREASE IN OBLIGATION LIMIT.—Limitations on obligations imposed by subsection (a) for a fiscal year shall be increased by an amount equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(ii)(I)(cc)) for such fiscal year. Any such increase shall be distributed in accordance with this section.

(i) LIMITATIONS ON OBLIGATIONS FOR ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the total amount of all obligations under section 104(a) of title 23, United States Code, shall not exceed—

(1) $320,000,000 for fiscal year 1998;
(2) $350,000,000 for fiscal year 1999;
(3) $370,000,000 for fiscal year 2000;
(4) $390,000,000 for fiscal year 2001;
(5) $410,000,000 for fiscal year 2002; and
(6) $430,000,000 for fiscal year 2003.

SEC. 1103. APPORTIONMENTS.

(a) ADMINISTRATIVE EXPENSES.—Section 104 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—Whenever an apportionment is made of the sums made available for expenditure on each of the surface transportation program under section 133, the bridge program under section 144, the congestion mitigation and air quality improvement program under section 149, the Interstate and National Highway System program under section 103, the minimum guarantee program under section 105, the Federal lands highway program under section 204, or the Appalachian development highway system program under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), the Secretary shall deduct a sum, in an amount not to exceed 1½ percent of all sums so made available, as the Secretary determines necessary—

"(A) to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2; and

"(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system.

"(2) CONSIDERATION OF UNOBLIGATED BALANCES.—In making the determination described in paragraph (1), the Secretary shall take into account the unobligated balance of any sums deducted under this subsection in prior fiscal years.

"(3) AVAILABILITY.—The sum deducted under paragraph (1) shall remain available until expended.".

(b) APPORTIONMENTS.—Section 104(b) of such title 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 the Interstate and National Highway System program, the congestion mitigation and air quality improvement program, and the surface transportation program for that fiscal year, among the several States in the following manner:

"(1) NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(A) IN GENERAL.—For the National Highway System (excluding funds apportioned under paragraph (4)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands, $18,800,000 for each of fiscal years 1999 through 2003 for the Alaska Highway, and the remainder apportioned as follows:

"(i) 25 percent in the ratio that—

"(I) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(II) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(ii) 35 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(II) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(iii) 30 percent in the ratio that—

"(I) the total diesel fuel used on highways in each State; bears to

"(II) the total diesel fuel used on highways in all States.

"(iv) 10 percent in the ratio that—

"(I) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(II) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A) and paragraph (4), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under subparagraph (A) and paragraph (4).

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the 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 (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under such subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under such subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under such subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under such subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of such Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of such Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance 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.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of such Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(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.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 25 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 40 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 35 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(4) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(A) 33⅓ percent in the ratio that—

"(i) the total lane miles on Interstate System routes open to traffic in each State; bears to

"(ii) the total of all such lane miles in all States;

"(B) 33⅓ percent in the ratio that—

"(i) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(I) section 103;

"(II) section 139(a) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(III) section 139(c) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century);

in each State; bears to

"(ii) the total of all such vehicle miles traveled in all States; and

"(C) 33⅓ percent in the ratio that—

"(i) the total of each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles; bears to

"(ii) the total of such annual contributions by all States.

(c) OPERATION LIFESAVER AND HIGH SPEED RAIL CORRIDORS.—Section 104(d) of such title is amended—

(1) in paragraph (1) by striking "The" and all that follows through "$300,000 for each" and inserting "Before making an apportionment under subsection (b)(3) of this section for a fiscal year, the Secretary shall set aside $500,000 for such"; and

(2) by striking paragraphs (2) and (3) and inserting the following:

"(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

"(A) IN GENERAL.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $5,250,000 of the funds made available for the surface transportation program for the fiscal year for elimination of hazards of railway-highway crossings.

"(B) ELIGIBLE CORRIDORS.—Subject to subparagraph (E), funds made available under subparagraph (A) shall be expended for projects in—

"(i) 5 railway corridors selected by the Secretary in accordance with this subsection (as in effect on the day before the date of enactment of this clause);

"(ii) 3 railway corridors selected by the Secretary in accordance with subparagraphs (C) and (D);

"(iii) a Gulf Coast high speed railway corridor (as designated by the Secretary);

"(iv) a Keystone high speed railway corridor from Philadelphia to Harrisburg, Pennsylvania; and

"(v) an Empire State railway corridor from New York City to Albany to Buffalo, New York.

"(C) REQUIRED INCLUSION OF HIGH SPEED RAIL LINES.—A corridor selected by the Secretary under subparagraph (B) shall include rail lines where railroad speeds of 90 miles or more per hour are occurring or can reasonably be expected to occur in the future.

"(D) CONSIDERATIONS IN CORRIDOR SELECTION.—In selecting corridors under subparagraph (B), the Secretary shall consider—

"(i) projected rail ridership volume in each corridor;

"(ii) the percentage of each corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line;

"(iii) projected benefits to nonriders such as congestion relief on other modes of transportation serving each corridor (including congestion in heavily traveled air passenger corridors);

"(iv) the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities; and

"(v) the cooperation of the owner of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in each corridor.

"(E) CERTAIN IMPROVEMENTS.—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.

"(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.".

(d) CERTIFICATION OF APPORTIONMENTS.—Section 104(e) of such title 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 by the 21st day of a fiscal year beginning after September 30, 1998, the Secretary shall transmit, by 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) of such title 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 1½ 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.

"(3) ELIGIBLE STATE DEFINED.—In this section, the term 'eligible State' means a State that meets the requirements of section 206(c).".

(g) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of such title is amended by striking subsection (i) and inserting the following:

"(i) AUDITS OF HIGHWAY TRUST FUND.—From administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(h) REPORT ON OBLIGATIONS.—Section 104 of such title is amended by striking subsection (j) and inserting the following:

"(j) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report for each fiscal year on—

"(1) the amount obligated, by each State, for Federal-aid highways and highway safety construction programs during the preceding fiscal year;

"(2) the balance, as of the last day of the preceding fiscal year, of the unobligated apportionment of each State by fiscal year under this section and sections 105 and 144;

"(3) the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for the fiscal year; and

"(4) the rates of obligation of funds apportioned or set aside under this section and sections 105, 133, and 144, according to—

"(A) program;

"(B) funding category or subcategory;

"(C) type of improvement;

"(D) State; and

"(E) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.".

(i) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—Section 104 of such title is amended by inserting after subsection (j) the following:

"(k) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

"(1) TRANSFER OF HIGHWAY FUNDS.—Funds made available under this title and transferred for transit projects of a type described in section 133(b)(2) shall be administered by the Secretary in accordance with chapter 53 of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

"(2) TRANSFER OF TRANSIT FUNDS.—Funds made available under chapter 53 of title 49 and transferred for highway projects shall be administered by the Secretary in accordance with this title, except that the provisions of such chapter relating to the non-Federal share shall apply to the transferred funds.

"(3) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority provided for projects described in paragraphs (1) and (2) shall be transferred in the same manner and amount as the funds for the projects are transferred.".

(j) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of such title is amended by adding at the end the following:

"(l) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Transportation Equity Act for the 21st Century and this title.".

(k) TECHNICAL AMENDMENTS.—Section 104(f) of such title is amended—

(1) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET-ASIDE.—On";

(2) in paragraph (1) by striking ", except that" and all that follows through "programs";

(3) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(4) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The";

(5) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The"; and

(6) by aligning the remainder of the text of each of paragraphs (1) through (4) with paragraph (5).

(l) CONFORMING AMENDMENTS.—

(1) Section 146(a) of such title is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(3)".

(2) Section 158 of such title is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "AFTER THE FIRST YEAR" and inserting "IN GENERAL"; and

(II) by striking "104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "104(b)(3), and 104(b)(4)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)) by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

(B) by striking subsection (b) and inserting the following:

"(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.".

(3)(A) Section 115(b)(1) of such title is amended by striking "104(b)(5)" and inserting "104(b)(4)".

(B) Section 137(f)(1) of such title is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(4)".

(C) Section 141(c) of such title is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(4)".

(D) Section 142(c) of such title is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of such title is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A) by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)";

(II) in paragraph (1)(A)(ii) by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)";

(III) in paragraph (3)(B) by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)"; and

(IV) in paragraphs (3) and (4) by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)".

(F) Section 161(a) of such title is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1), (3), and (4) of section 104(b)".

(4) Section 142(b) of such title is amended by striking "paragraph (5) of subsection (b) of section 104 of this title" and inserting "section 104(b)(4)".

(m) 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 (other than Massachusetts) for fiscal year 1998 made under the Transportation Equity Act for the 21st Century (including amendments made by such Act) shall be reduced by the amount apportioned to such State (other than Massachusetts) 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 Transportation Equity Act for the 21st Century (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 Transportation Equity Act for the 21st Century (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 Transportation Equity Act for the 21st Century (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.

(5) TREATMENT OF STEA OBLIGATION AUTHORITY.—The amount of obligation authority made available under section 2(e) of the Surface Transportation Extension Act of 1997 shall be considered to be an amount of obligation authority made available for fiscal year 1998 under section 1102(a) of this Act.

(n) STATE DEFINED.—For the purposes of apportioning funds under sections 104, 105, 144, and 206, the term "State" means any of the 50 States and the District of Columbia.

SEC. 1104. MINIMUM GUARANTEE.

(a) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) GENERAL RULE.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that each State's percentage of the total apportionments for such fiscal year of Interstate maintenance, national highway system, bridge, congestion mitigation and air quality improvement, surface transportation, metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs shall equal the percentage listed for each State in subsection (b).

"(b) STATE PERCENTAGES.—The percentage for each State referred to in subsection (a) shall be determined in accordance with the following table:

"States:	Percentage
Alabama	2.0269

"States:	Percentage
Alaska	1.1915
Arizona	1.5581
Arkansas	1.3214
California	9.1962
Colorado	1.1673
Connecticut	1.5186
Delaware	0.4424
District of Columbia	0.3956
Florida	4.6176
Georgia	3.5104
Hawaii	0.5177
Idaho	0.7718
Illinois	3.3819
Indiana	2.3588
Iowa	1.2020
Kansas	1.1717
Kentucky	1.7365
Louisiana	1.5900
Maine	0.5263
Maryland	1.5087
Massachusetts	1.8638
Michigan	3.1535
Minnesota	1.4993
Mississippi	1.2186
Missouri	2.3615
Montana	0.9929
Nebraska	0.7768
Nevada	0.7248
New Hampshire	0.5163
New Jersey	2.5816
New Mexico	0.9884
New York	5.1628
North Carolina	2.8298
North Dakota	0.6553
Ohio	3.4257
Oklahoma	1.5419
Oregon	1.2183
Pennsylvania	4.9887
Rhode Island	0.5958
South Carolina	1.5910
South Dakota	0.7149
Tennessee	2.2646
Texas	7.2131
Utah	0.7831
Vermont	0.4573
Virginia	2.5627
Washington	1.7875
West Virginia	1.1319
Wisconsin	1.9916
Wyoming	0.6951

"(c) TREATMENT OF FUNDS.—

"(1) PROGRAMMATIC DISTRIBUTION.—The Secretary shall apportion 50 percent of the amounts made available under this section that exceed $2,800,000,000 so that the amount apportioned to each State under this paragraph for each program referred to in subsection (a) (other than metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs) is equal to the amount determined by multiplying the amount to be apportioned under this paragraph by the ratio that—

"(A) the amount of funds apportioned to each State for each program referred to in subsection (a) for a fiscal year; bears to

"(B) the total amount of funds apportioned to all States for such program for such fiscal year.

"(2) REMAINING DISTRIBUTION.—The Secretary shall apportion the remainder of funds made available under this section to the States in accordance with section 104(b)(3); except that requirements of paragraphs (1), (2), and (3) of section 133(d) shall not apply to amounts apportioned pursuant to this paragraph.

"(d) AUTHORIZATION.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this section for each of fiscal years 1998 through 2003.

"(e) SPECIAL RULE.—If in any of fiscal years 1999 through 2003, the amount authorized under subsection (d) is more than 30 percent higher than the amount authorized under subsection (d) in fiscal year 1998, the Secretary shall use the apportionment factors under sections 104 and 144 as in effect on the date of enactment of this section.

"(f) GUARANTEE OF 90.5 RETURN.—

"(1) IN GENERAL.—Before making any apportionment under this title for each of fiscal years 1999 through 2003, the Secretary, subject to paragraph (2), shall adjust the percentages in the table in subsection (b) to reflect the estimated percentage of estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data is available, to ensure that no State's return from such Trust Fund is less than 90.5 percent.

"(2) ELIGIBILITY THRESHOLD FOR INITIAL ADJUSTMENT.—The Secretary may make an adjustment under paragraph (1) for a State for a fiscal year only if the State's return from the Highway Trust Fund (other than the Mass Transit Account) for the preceding fiscal year was equal to or less than 90.5 percent.

"(3) CONFORMING ADJUSTMENTS.—After making any adjustments under paragraph (1) for a fiscal year, the Secretary shall adjust the remaining percentages in the table set forth in subsection (b) to ensure that the total of the percentages in the table do not exceed 100 percent for such fiscal year.

"(4) LIMITATION ON ADJUSTMENTS.—After making any adjustments under paragraph (3) for a fiscal year, the Secretary shall determine whether or not any State's return from the Highway Trust Fund (other than the Mass Transit Account) is less than 90.5 percent as a result of such adjustments and shall adjust the percentages in the table for such fiscal year accordingly. Adjustments of the percentages in the table under this paragraph may not result in the total of such percentages exceeding 100 percent.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking section 110 and inserting the following:

"§ 110. Revenue aligned budget authority

"(a) DETERMINATION OF AMOUNT.—On October 15 of fiscal year 1999, and each fiscal year thereafter, the Secretary shall allocate an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(I)(cc)).

"(b) GENERAL DISTRIBUTION.—The Secretary shall—

"(1) determine the ratio that—

"(A) the sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for each of the for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program) for which funds are allocated from such Trust Fund by the Secretary under this title and the Transportation Equity Act for the 21st Century for a fiscal year, bears to

"(B) the total of all sums authorized to be appropriated from such Trust Fund for such programs for such fiscal year;

"(2) multiply the ratio determined under paragraph (1) by the total amount of funds to be allocated under subsection (a) for such fiscal year;

"(3) allocate the amount determined under paragraph (2) among such programs in the ratio that—

"(A) the sums authorized to be appropriated from such Trust Fund for each of such programs for such fiscal year, bears to

"(B) the sums authorized to be appropriated from such Trust Fund for all such programs for such fiscal year; and

"(4) allocate the remainder of the funds to be allocated under subsection (a) for such fiscal year to the States in the ratio that—

"(A) the total of all funds authorized to be appropriated from such Trust Fund for Federal-aid highway and highway safety construction programs that are apportioned to each State for such fiscal year but for this section, bears to

"(B) the total of all funds authorized to be appropriated from such Trust Fund for such programs that are apportioned to all States for such fiscal year but for this section.

"(c) STATE PROGRAMMATIC DISTRIBUTION.—Of the funds to be apportioned to each State under subsection (b)(4) for a fiscal year, the Secretary shall ensure that such funds are apportioned for the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program, and the congestion mitigation air quality improvement program in the same ratio that each State is apportioned funds for such programs for such fiscal year but for this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this section for fiscal years beginning after September 30, 1998.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 110 and inserting the following:

"110. Revenue aligned budget authority.".

SEC. 1106. FEDERAL-AID SYSTEMS.

(a) ADMINISTRATION OF NATIONAL HIGHWAY SYSTEM AND INTERSTATE MAINTENANCE PROGRAM.—The Secretary shall administer the National Highway System program and the Interstate Maintenance program as a combined program for purposes of allowing States maximum flexibility. References in this Act and title 23, United States Code, shall not be affected by such consolidation.

(b) FEDERAL-AID SYSTEMS.—Section 103 of title 23, United States Code, is amended to read as follows:

"§ 103. Federal-aid systems

"(a) IN GENERAL.—For the purposes of this title, the Federal-aid systems are the Interstate System and the National Highway System.

"(b) NATIONAL HIGHWAY SYSTEM.—

"(1) DESCRIPTION.—The National Highway System consists of the highway routes and connections to transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled 'Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals' and dated May 24, 1996. The system shall—

"(A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations;

"(B) meet national defense requirements; and

"(C) serve interstate and interregional travel.

"(2) COMPONENTS.—The National Highway System described in paragraph (1) consists of the following:

"(A) The Interstate System described in subsection (c).

"(B) Other urban and rural principal arterial routes.

"(C) Other connector highways (including toll facilities) that provide motor vehicle access between arterial routes on the National Highway

System and a major intermodal transportation facility.

"(D) A strategic highway network consisting of a network of highways that are important to the United States strategic defense policy and that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime. The highways may be highways on or off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

"(E) Major strategic highway network connectors consisting of highways that provide motor vehicle access between major military installations and highways that are part of the strategic highway network. The highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

"(3) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 178,250 miles.

"(4) MODIFICATIONS TO NHS.—

"(A) IN GENERAL.—The Secretary may make any modification, including any modification consisting of a connector to a major intermodal terminal, to the National Highway System that is proposed by a State or that is proposed by a State and revised by the Secretary if the Secretary determines that the modification—

"(i) meets the criteria established for the National Highway System under this title; and

"(ii) enhances the national transportation characteristics of the National Highway System.

"(B) COOPERATION.—

"(i) IN GENERAL.—In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.

"(ii) URBANIZED AREAS.—In an urbanized area, the local officials shall act through the metropolitan planning organization designated for the area under section 134.

"(5) CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall add to the National Highway System any congressional high priority corridor or any segment of such a corridor established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031 et seq.) that was not identified on the National Highway System described in paragraph (1).

"(6) ELIGIBLE PROJECTS FOR NHS.—Subject to approval by the Secretary, funds apportioned to a State under section 104(b)(1) for the National Highway System may be obligated for any of the following:

"(A) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of the National Highway System.

"(B) Operational improvements for segments of the National Highway System.

"(C) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System, and construction of a transit project eligible for assistance under chapter 53 of title 49, if—

"(i) the highway or transit project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;

"(ii) the construction or improvements will improve the level of service on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

"(iii) the construction or improvements are more cost-effective than an improvement to the fully access-controlled highway described in clause (i).

"(D) Highway safety improvements for segments of the National Highway System.

"(E) Transportation planning in accordance with sections 134 and 135.

"(F) Highway research and planning in accordance with chapter 5.

"(G) Highway-related technology transfer activities.

"(H) Capital and operating costs for traffic monitoring, management, and control facilities and programs.

"(I) Fringe and corridor parking facilities.

"(J) Carpool and vanpool projects.

"(K) Bicycle transportation and pedestrian walkways in accordance with section 217.

"(L) Development, establishment, and implementation of management systems under section 303.

"(M) In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetland mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetland mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetland, and development of statewide and regional natural habitat and wetland conservation and mitigation plans, including any such banks, efforts, and plans authorized under the Water Resources Development Act of 1990 (Public Law 101–640) (including crediting provisions). Contributions to the mitigation efforts described in the preceding sentence may take place concurrent with or in advance of project construction; except that contributions in advance of project construction may occur only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

"(N) Publicly-owned intracity or intercity bus terminals.

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for assistance under section 133, any airport, and any seaport.

"(c) INTERSTATE SYSTEM.—

"(1) DESCRIPTION.—

"(A) IN GENERAL.—The Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico) consists of highways designed, located, and selected in accordance with this paragraph.

"(B) DESIGN.—

"(i) IN GENERAL.—Except as provided in clause (ii), highways on the Interstate System shall be designed in accordance with the standards of section 109(b).

"(ii) EXCEPTION.—Highways on the Interstate System in Alaska and Puerto Rico shall be designed in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway.

"(C) LOCATION.—Highways on the Interstate System shall be located so as—

"(i) to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers;

"(ii) to serve the national defense; and

"(iii) to the maximum extent practicable, to connect at suitable border points with routes of continental importance in Canada and Mexico.

"(D) SELECTION OF ROUTES.—To the maximum extent practicable, each route of the Interstate System shall be selected by joint action of the State transportation departments of the State in which the route is located and the adjoining States, in cooperation with local and regional officials, and subject to the approval of the Secretary.

"(2) MAXIMUM MILEAGE.—The mileage of highways on the Interstate System shall not exceed 43,000 miles, exclusive of designations under paragraph (4).

"(3) MODIFICATIONS.—The Secretary may approve or require modifications to the Interstate System in a manner consistent with the policies and procedures established under this subsection.

"(4) INTERSTATE SYSTEM DESIGNATIONS.—

"(A) ADDITIONS.—If the Secretary determines that a highway on the National Highway System meets all standards of a highway on the Interstate System and that the highway is a logical addition or connection to the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a route on the Interstate System.

"(B) DESIGNATIONS AS FUTURE INTERSTATE SYSTEM ROUTES.—

"(i) IN GENERAL.—If the Secretary determines that a highway on the National Highway System would be a logical addition or connection to the Interstate System and would qualify for designation as a route on the Interstate System under subparagraph (A) if the highway met all standards of a highway on the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a future Interstate System route.

"(ii) WRITTEN AGREEMENT OF STATES.—A designation under clause (i) shall be made only upon the written agreement of the State or States described in such clause that the highway will be constructed to meet all standards of a highway on the Interstate System by the date that is 12 years after the date of the agreement.

"(iii) REMOVAL OF DESIGNATION.—

"(I) IN GENERAL.—If the State or States described in clause (i) have not substantially completed the construction of a highway designated under this subparagraph within the time provided for in the agreement between the Secretary and the State or States under clause (ii), the Secretary shall remove the designation of the highway as a future Interstate System route.

"(II) EFFECT OF REMOVAL.—Removal of the designation of a highway under subclause (I) shall not preclude the Secretary from designating the highway as a route on the Interstate System under subparagraph (A) or under any other provision of law providing for addition to the Interstate System.

"(iv) PROHIBITION ON REFERRAL AS INTERSTATE SYSTEM ROUTE.—No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision of a State, shall refer to any highway designated as a future Interstate System route under this subparagraph, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as the highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a route on the Interstate System.

"(C) FINANCIAL RESPONSIBILITY.—Except as provided in this title, the designation of a highway under this paragraph shall create no additional Federal financial responsibility with respect to the highway.

"(d) TRANSFER OF INTERSTATE CONSTRUCTION FUNDS.—

"(1) INTERSTATE CONSTRUCTION FUNDS NOT IN SURPLUS.—

"(A) IN GENERAL.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century), if the amount does not exceed the Federal share of the costs of construction of segments of the Interstate System in the State included in the most recent Interstate System cost estimate.

"(B) EFFECT OF TRANSFER.—Upon transfer of an amount under subparagraph (A), the construction on which the amount is based, as included in the most recent Interstate System cost estimate, shall not be eligible for funding under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) or 118(c).

"(2) SURPLUS INTERSTATE CONSTRUCTION FUNDS.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of surplus funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century), if the State has fully financed all work eligible under the most recent Interstate System cost estimate.

"(3) APPLICABILITY OF CERTAIN LAWS.—Funds transferred under this subsection shall be subject to the laws (including regulations, policies, and procedures) relating to the apportionment to which the funds are transferred.".

(b) UNOBLIGATED BALANCES OF INTERSTATE SUBSTITUTE FUNDS.—Unobligated balances of funds apportioned to a State under section 103(e)(4)(H) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), shall be available for obligation by the State under the law (including regulations, policies, and procedures) relating to the obligation and expenditure of the funds in effect on that date.

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 115(a) of title 23, United States Code, is amended—

(i) in the subsection heading by striking "SUBSTITUTE,"; and

(ii) in paragraph (1)(A)(i) by striking "103(e)(4)(H),";

(B) Section 118 of such title is amended—

(i) by striking subsection (d); and

(ii) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(C) Section 129(b) of such title is amended in the first sentence by striking "which has been" and all that follows through "and has not" and inserting "which is a public road and has not".

(2)(A) Section 139 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.

(B) Section 127(f) of such title is amended by striking "section 139(a)" and inserting "section 103(c)(4)(A)".

(C) Section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597) is amended by striking subparagraph (B) and inserting the following:

"(B) TREATMENT OF SEGMENTS.—Subject to subparagraph (C), segments designated as parts of the Interstate System under this paragraph shall be treated in the same manner as segments designated under section 103(c)(4)(A) of title 23, United States Code.".

(d) INTERMODAL FREIGHT CONNECTORS STUDY.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) review the condition of and improvements made, since the designation of the National Highway System, to connectors on the National Highway System that serve seaports, airports, and other intermodal freight transportation facilities; and

(B) report to Congress on the results of such review.

(2) REVIEW.—In preparing the report, the Secretary shall review the connectors and identify projects carried out on those connectors that 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 and make any appropriate recommendations as part of the Secretary's report to Congress under this subsection.

SEC. 1107. INTERSTATE MAINTENANCE PROGRAM.

(a) IN GENERAL.—Section 119 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) PROJECTS.—The Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing—

"(A) routes on the Interstate System designated under section 103(c)(1) and, in Alaska and Puerto Rico, under section 103(c)(4)(A);

"(B) routes on the Interstate System designated before the date of enactment of the Transportation Equity Act for the 21st Century under subsections (a) and (b) of section 139 (as in effect on the day before the date of enactment of such Act); and

"(C) any segments that become part of the Interstate System under section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991.

"(2) TOLL ROADS.—The Secretary may approve a project pursuant to this subsection on a toll road only if such road is subject to a Secretarial agreement provided for in section 129 or continued in effect by section 1012(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1939) and not voided by the Secretary under section 120(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 159).

"(3) FUNDING.—Sums authorized to be appropriated to carry out this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(4).";

(2) by striking subsections (b), (c), and (e); and

(3) by redesignating subsections (d), (f), and (g) as subsections (b), (c), and (d), respectively.

(b) SET-ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—Section 118(c) of such title is amended to read as follows:

"(c) SET-ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—

"(1) IN GENERAL.—Before any apportionment is made under section 104(b)(4), the Secretary shall set aside $50,000,000 in fiscal year 1998 and $100,000,000 in each of fiscal years 1999 through 2003 for obligation by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) and any toll road on the Interstate System not subject to an agreement under section 119(e) (as in effect on December 17, 1991).

"(2) SELECTION CRITERIA.—The amounts set aside under paragraph (1) shall be made available by the Secretary to any State applying for such funds if the Secretary determines that—

"(A) the State has obligated or demonstrates that it will obligate in the fiscal year all of its apportionments under section 104(b)(4) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System that has been submitted by the State to the Secretary for approval; and

"(B) the applicant is willing and able to—

"(i) obligate the funds within 1 year of the date the funds are made available;

"(ii) apply the funds to a ready-to-commence project; and

"(iii) in the case of construction work, begin work within 90 days after obligation.

"(3) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In selecting projects to fund under paragraph (1), the Secretary shall give priority consideration to any project the cost of which exceeds $10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

"(4) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this subsection shall remain available until expended.".

(c) INTERSTATE NEEDS.—

(1) STUDY.—The Secretary shall conduct, in cooperation with States and affected metropolitan planning organizations, a study to 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;

(B) the resources necessary to maintain and improve the Interstate System; and

(C) the means to ensure that the Nation's surface transportation program can—

(i) address the needs identified in subparagraph (A); and

(ii) allow for States to address any extraordinary needs.

(2) REPORT.—Not later than January 1, 2000, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 1108. SURFACE TRANSPORTATION PROGRAM.

(a) ELIGIBILITY OF PROJECTS.—Section 133(b) of title 23, United States Code, is amended—

(1) in paragraph (1) by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions";

(2) in paragraph (2) by striking "and publicly owned intracity or intercity bus terminals and facilities" and inserting ", including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus";

(3) in paragraph (3)—

(A) by striking "and bicycle" and inserting "bicycle"; and

(B) by inserting before the period at the end the following: ", and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)";

(4) in paragraph (4) by inserting "infrastructure" after "safety";

(5) in paragraph (9) by striking "section 108(f)(1)(A) (other than clauses (xii) and (xvi)) of the Clean Air Act" and inserting "section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))";

(6) in paragraph (11)—

(A) in the first sentence—

(i) by inserting "natural habitat and" after "participation in" each place it appears;

(ii) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(iii) by inserting "natural habitat and" before "wetlands conservation"; and

(B) by adding at the end the following: "With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).."; and

(7) by adding at the end the following:

"(13) Infrastructure-based intelligent transportation systems capital improvements.

"(14) 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 transportation facilities, which projects shall be carried out when the 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.".

(b) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 133 of such title is amended—

(1) in subsection (d)(3)(D) by striking "any State" and all that follows through the period at the end and inserting "Hawaii and Alaska"; and

(2) in subsection (e)—

(A) in paragraph (3)(B)(i) by striking "if the Secretary" and all that follows through "activities"; and

(B) in paragraph (5) by adding at the end the following:

"(C) COST SHARING.—

"(i) REQUIRED AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects to carry out transportation enhancement activities in a State for a fiscal year shall be not less than the non-Federal share authorized for the State under section 120(b).

"(ii) INNOVATIVE FINANCING.—Subject to clause (i), notwithstanding section 120—

"(I) funds from other Federal agencies and the value of other contributions (as determined by the Secretary) may be credited toward the non-Federal share of the costs of a project to carry out a transportation enhancement activity;

"(II) the non-Federal share for such a project may be calculated on a project, multiple-project, or program basis; and

"(III) the Federal share of the cost of an individual project to which subclause (I) or (II) applies may be up to 100 percent.".

(c) PROGRAM APPROVAL.—Section 133(e) of such title is amended by striking paragraph (2) and inserting the following:

"(2) PROGRAM APPROVAL.—

"(A) SUBMISSION OF PROJECT AGREEMENT.—For each fiscal year, each State shall submit a project agreement that—

"(i) certifies that the State will meet all the requirements of this section; and

"(ii) notifies the Secretary of the amount of obligations needed to carry out the program under this section.

"(B) REQUEST FOR ADJUSTMENTS OF AMOUNTS.—Each State shall request from the Secretary such adjustments to the amount of obligations referred to in subparagraph (A)(ii) as the State determines to be necessary.

"(C) EFFECT OF APPROVAL BY THE SECRETARY.—Approval by the Secretary of a project agreement under subparagraph (A) shall be deemed a contractual obligation of the United States to pay surface transportation program funds made available under this title.".

(d) PAYMENTS.—Section 133(e)(3)(A) of such title is amended by striking the second sentence.

(e) SURFACE TRANSPORTATION PROGRAM OBLIGATIONS IN URBAN AREAS.—Section 133 of such title is amended to read as follows:

"(f) OBLIGATION AUTHORITY.—

"(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the period of fiscal years 1998 through 2000 and the period of fiscal years 2001 through 2003 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

"(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during the period; and

"(B) the ratio that—

"(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

"(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

"(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).".

(f) DIVISION OF STP FUNDS FOR AREAS OF LESS THAN 5,000 POPULATION.—

(1) SPECIAL RULE.—Notwithstanding section 133(c) of title 23, United States Code, and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated under section 133(d)(3)(B) of such title for each of fiscal years 1998 through 2003 may be obligated on roads functionally classified as minor collectors.

(2) SUSPENSION.—The Secretary may suspend the application of paragraph (1) if the Secretary determines that paragraph (1) is being used excessively.

(g) 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 activities under chapter 1 of title 23, United States Code.

SEC. 1109. HIGHWAY BRIDGE PROGRAM.

(a) APPORTIONMENT FORMULA.—Section 144(e) of title 23, United States Code, is amended in the fourth sentence by inserting before the period at the end the following: ", and, if a State transfers funds apportioned to the State 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) of such title 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.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for fiscal year 1998, all but $25,000,000 shall be apportioned as provided in subsection (e) of this section. Such $25,000,000 shall be available only for projects for the seismic retrofit of a bridge described in subsection (l).

"(C) FISCAL YEARS 1999 THROUGH 2003.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of fiscal years 1999 through 2003, all but $100,000,000 shall be apportioned as provided in subsection (e). Such $100,000,000 shall be available at the discretion of the Secretary; except that not to exceed $25,000,000 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 designated by paragraph (1) of this subsection) and aligning such subparagraph (A) with subparagraphs (B) and (C) of such section (as added by paragraph (2) of this subsection).

(c) OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of such title 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 of title 23, United States Code, is amended—

(1) in subsection (d) by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or other 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 other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures".

(e) CONFORMING AMENDMENT.—Section 144(n) of such title is amended by striking "system" and inserting "highway".

SEC. 1110. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 149(a) of title 23, United States Code, is amended by inserting after "establish" the following: "and implement".

(b) CURRENTLY ELIGIBLE PROJECTS.—Section 149(b) of such title is amended—

(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,";

(2) in paragraph (1)(A) by striking "clauses (xii) and"; and inserting "clause";

(3) in paragraph (1)(A)(ii) by striking "an area" and all that follows through the semicolon and inserting "a maintenance area;";

(4) by striking "or" at the end of paragraph (3);

(5) by striking "standard." at the end of paragraph (4) and inserting "standard; or"; and

(6) by inserting after paragraph (4) the following:

"(5) if the program or project improves traffic flow, including projects to improve signalization, construct high occupancy vehicle lanes,

improve intersections, and implement intelligent transportation system strategies and such other projects that are eligible for assistance under this section on the day before the date of enactment of this paragraph.".

(c) STATES RECEIVING MINIMUM APPORTIONMENT.—Section 149 of such title is amended by striking subsection (c) and inserting the following:

"(c) STATES RECEIVING MINIMUM APPORTIONMENT.—

"(1) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have, and never has had, a nonattainment area designated under the Clean Air Act (42 U.S.C. 7401 et seq.), the State may use funds apportioned to the State under section 104(b)(2) for any project eligible under the surface transportation program under section 133.

"(2) STATES WITH A NONATTAINMENT AREA.—If a State has a nonattainment area or maintenance area and receives funds under section 104(b)(2)(D) above the amount of funds that the State would have received based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2), the State may use that portion of the funds not based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2) for any project in the State eligible under section 133.".

(d) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—Section 149 of such title 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 project expense;

"(C) carrying out of administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

"(D) any other form of participation approved by the Secretary.

"(3) ALLOCATION TO 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 emerging technologies that reduce emissions of air pollutants from motor vehicles, and other capital investments associated with the project;

"(B) shall include only the incremental cost of an alternative fueled vehicle, as 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.".

(2) DETERMINATION BY THE SECRETARY.—For the purposes of section 149(c) of title 23, United States Code, the Secretary shall determine in accordance with the procedures specified in section 149(b) of such title whether water-phased hydrocarbon fuel emulsion technologies that consist of a hydrocarbon base and water in an amount not less than 20 percent by volume that reduce emissions of hydrocarbon, particulate matter, carbon monoxide, or nitrogen oxide from motor vehicles.

(e) STUDY OF CMAQ PROGRAM.—

(1) IN GENERAL.—The Secretary and the Administrator of the Environmental Protection Agency shall enter into arrangements with the National Academy of Sciences to complete, by not later than January 1, 2001, a study of the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code. The study shall, at a minimum—

(A) evaluate the air quality impacts of emissions from motor vehicles;

(B) evaluate the negative effects of traffic congestion, including the economic effects of time lost due to congestion;

(C) determine the amount of funds obligated under the program and make a comprehensive analysis of the types of projects funded under the program;

(D) evaluate the emissions reductions attributable to projects of various types that have been funded under the program;

(E) assess the effectiveness, including the quantitative and non-quantitative benefits, of projects funded under the program and include, in the assessment, an estimate of the cost per ton of pollution reduction;

(F) assess the cost effectiveness of projects funded under the program with respect to congestion mitigation;

(G) compare—

(i) the costs of achieving the air pollutant emissions reductions achieved under the program; to

(ii) the costs that would be incurred if similar reductions were achieved by other measures, including pollution controls on stationary sources;

(H) include recommendations on improvements, including other types of projects, that will increase the overall effectiveness of the program;

(I) include recommendations on expanding the scope of the program to address traffic-related pollutants that, as of the date of the study, are not addressed by the program.

(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) of title 23, United States Code, for each of fiscal years 1999 and 2000, 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. 1111. FEDERAL SHARE.

(a) STATE-DETERMINED LOWER FEDERAL SHARE.—Section 120 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Except" and inserting the following:

"(1) IN GENERAL.—Except";

(B) by adding at the end the following:

"(2) STATE-DETERMINED LOWER FEDERAL SHARE.—In the case of any project subject to paragraph (1), a State may determine a lower Federal share than the Federal share determined under such paragraph."; and

(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) of such subsection (as added by subparagraph (B) of this paragraph); and

(2) in subsection (b) by adding at the end the following: "In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection.".

(b) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The first sentence of section 120(c) of such title is amended by inserting "or transit vehicles" after "emergency vehicles".

(c) CREDIT FOR NON-FEDERAL SHARE.—Section 120 of such title is amended by adding at the end the following:

"(j) CREDIT FOR NON-FEDERAL SHARE.—

"(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any funds made available to carry out this title (other than the emergency relief program authorized by 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) CONDITION ON RECEIPT OF CREDIT.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreement as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures in such fiscal year at or above the average level of such expenditures for the preceding 3 fiscal years; except that if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 130 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years, the agreement shall ensure that the State will maintain its non-Federal transportation capital expenditures in the fiscal year of the credit at or above the average level of such expenditures for the other 2 fiscal years.

"(C) TRANSPORTATION CAPITAL EXPENDITURES DEFINED.—In subparagraph (B), the term 'non-Federal transportation capital expenditures' includes any payments made by the State for issuance of transportation-related bonds.

"(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 or laws (including regulations) as a result of providing the non-Federal share 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 to a non-Federal share under this subsection, such credit shall be applied equally to all charter States.".

(d) CONFORMING AMENDMENTS.—Section 130(a) of such title is amended—

(1) in the first sentence by striking "Except as provided in subsection (d) of section 120 of this title" and inserting "Subject to section 120"; and

(2) in the second sentence by striking "except as provided in subsection (d) of section 120 of this title" and inserting "subject to section 120".

SEC. 1112. 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) DEFINITIONS.—In this section, the following definitions apply:

"(1) MOTORIZED RECREATION.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

"(2) RECREATIONAL TRAIL.—The term 'recreational trail' means a thoroughfare or track across land or snow, used for recreational purposes such as—

"(A) pedestrian activities, including wheelchair use;

"(B) skating or skateboarding;

"(C) equestrian activities, including carriage driving;

"(D) nonmotorized snow trail activities, including skiing;

"(E) bicycling or use of other human-powered vehicles;

"(F) aquatic or water activities; and

"(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

"(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails.

"(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

"(1) the Governor of the State shall designate the State agency or agencies that will be responsible for administering apportionments made to the State under this section; and

"(2) the State shall establish a State recreational trail advisory committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year.

"(d) USE OF APPORTIONED FUNDS.—

"(1) IN GENERAL.—Funds apportioned to a State to carry out this section shall be obligated for recreational trails and related projects that—

"(A) have been planned and developed under the laws, policies, and administrative procedures of the State; and

"(B) are identified in, or further a specific goal of, a recreational trail plan, or 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.), that is in effect.

"(2) PERMISSIBLE USES.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

"(A) maintenance and restoration of existing recreational trails;

"(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

"(C) purchase and lease of recreational trail construction and maintenance equipment;

"(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

"(i) permissible under other law;

"(ii) necessary and required by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) and that is in effect;

"(iii) approved by the administering agency of the State designated under subsection (c)(1); and

"(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (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 of 1976 (43 U.S.C. 1701 et seq.);

"(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

"(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section; and

"(G) operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year.

"(3) USE OF APPORTIONMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments made to a State for a fiscal year to carry out this section—

"(i) 40 percent shall be used for recreational trail or related projects that facilitate diverse recreational trail use within a recreational trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

"(ii) 30 percent shall be used for uses relating to motorized recreation; and

"(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

"(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres shall be exempt from the requirements of clauses (ii) and (iii) of subparagraph (A).

"(C) WAIVER AUTHORITY.—A State recreational trail advisory committee established under subsection (c)(2), may waive, in whole or in part, the requirements of clauses (ii) and (iii) of subparagraph (A) if the State recreational trail advisory committee determines and notifies the Secretary that the State does not have sufficient projects to meet the requirements of clauses (ii) and (iii) of subparagraph (A).

"(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

"(4) GRANTS.—

"(A) IN GENERAL.—A State may use funds apportioned to the State to carry out this section to make grants to private organizations, municipal, county, State, and Federal government entities, and other government entities as approved by the State after considering guidance from the State recreational trail advisory committee established under 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 of the grants comply with the conditions of the program for the use of grant funds.

"(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of recreational trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

"(f) FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

"(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

"(A) the share attributable to the Secretary of Transportation may not exceed 80 percent of the cost of a project under this section; and

"(B) the share attributable to the Secretary and the Federal agency may not exceed 95 percent of the cost of a project under this section.

"(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share of the cost of the project may include amounts made available by the Federal Government under any Federal program that are—

"(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

"(B) expended on a project that is eligible for assistance under this section.

"(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project for a fiscal year under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for the fiscal year does not exceed 80 percent.

"(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

"(g) USES NOT PERMITTED.—A State may not obligate funds apportioned to carry out this section for—

"(1) condemnation of any kind of interest in property;

"(2) construction of any recreational trail on National Forest System land for any motorized use unless—

"(A) the land has been designated for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

"(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

"(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

"(A) has been designated for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

"(B) the construction is otherwise consistent with the management direction in the approved management plan; or

"(4) upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by nonmotorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.

"(h) PROJECT ADMINISTRATION.—

"(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

"(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project

eligible for assistance under this section. 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 (f).

"(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

"(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

"(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds apportioned to the State to carry out this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)(3)).

"(4) COOPERATION BY PRIVATE PERSONS.—

"(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

"(B) PUBLIC ACCESS.—Any use of the apportionments to a State to carry out this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

"(i) CONTRACT AUTHORITY.—Funds authorized to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting 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. 1113. EMERGENCY RELIEF.

(a) FEDERAL SHARE.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking "highway system" and inserting "highway".

(b) ELIGIBILITY AND FUNDING.—Section 125 of such title is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(2) by striking subsection (a) and inserting the following:

"(a) GENERAL ELIGIBILITY.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

"(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

"(2) catastrophic failure from any external cause.

"(b) RESTRICTION ON ELIGIBILITY.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

"(c) FUNDING.—Subject to the following limitations, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

"(1) Not more than $100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section; except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

"(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized. Funds obligated under this paragraph shall be reimbursed from such appropriation or replenishment.";

(3) in subsection (d) (as so redesignated)—

(A) in the first sentence by striking "reconstruction of highways" and all that follows through "in accordance" and inserting "reconstruction of highways on Federal-aid highways in accordance";

(B) by striking "subsection (c)" both places it appears and inserting "subsection (e)";

(C) in the second sentence by striking "authorized" and all that follows through the period and inserting "authorized on Federal-aid highways."; and

(D) in the last sentence by striking "Disaster Relief and Emergency Assistance Act (Public Law 93–288)" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)"; and

(4) in subsection (e) (as so redesignated) by striking "on any of the Federal-aid highway systems" and inserting "Federal-aid highways".

(c) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

(d) TECHNICAL AMENDMENTS.—Section 120(e) of such title is amended—

(1) by striking "(c)" and inserting "(b)"; and

(2) by striking "90" and inserting "180".

SEC. 1114. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

"§ 143. Highway use tax evasion projects

"(a) STATE DEFINED.—In this section, the term 'State' means the 50 States and the District of Columbia.

"(b) PROJECTS.—

"(1) IN GENERAL.—The Secretary shall carry out highway use tax evasion projects in accordance with this subsection.

"(2) ALLOCATION OF FUNDS.—Funds made available to carry out this section may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

"(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

"(4) LIMITATION ON USE OF FUNDS.—Funds made available to carry out this section shall be used only—

"(A) to expand efforts to enhance motor fuel tax enforcement;

"(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

"(C) to supplement motor fuel tax examinations and criminal investigations;

"(D) to develop automated data processing tools to monitor motor fuel production and sales;

"(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

"(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

"(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

"(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

"(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

"(7) PERIOD OF AVAILABILITY.—Funds authorized to carry out this section shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(8) USE OF SURFACE TRANSPORTATION PROGRAM FUNDING.—In addition to funds made available to carry out this section, a State may, expend up to ¼ of 1 percent of the funds apportioned to the State for a fiscal year under section 104(b)(3) on initiatives to halt the evasion of payment of motor fuel taxes.

"(c) EXCISE FUEL REPORTING SYSTEM.—

"(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (in this subsection referred to as the 'system').

"(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall develop and maintain the system through contracts;

"(B) the system shall be under the control of the Internal Revenue Service; and

"(C) the system shall be made available for use by appropriate State and Federal revenue,

tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

"(3) FUNDING.—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.".

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of such title is amended by striking the item relating to section 143 and inserting the following:

"143. Highway use tax evasion projects.".

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g) by striking "section 1040 of this Act" and inserting "section 143 of title 23, United States Code,"; and

(B) by striking subsection (h).

SEC. 1115. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

"(j) USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

"(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds authorized to be appropriated to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.".

(b) ALLOCATIONS.—Section 202(d) of such title is amended—

(1) by inserting "INDIAN RESERVATION ROADS.—" after "(d)";

(2) by inserting "(1) FOR FISCAL YEARS ENDING BEFORE OCTOBER 1, 1999.—" before "On October";

(3) by inserting after "each fiscal year" the following: "ending before October 1, 1999";

(4) 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.

"(3) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads to pay for the costs of programs, services, functions, and activities, or portions thereof, that are specifically or functionally related to the cost of planning, research, engineering, and construction of any highway, road, bridge, parkway, or transit facility that provides access to or is located within the reservation or community of an Indian tribe shall be made available, upon request of the Indian tribal government, to the Indian tribal government for contracts and agreements for such planning, research, engineering, and construction in accordance with the Indian Self-Determination and Education Assistance Act.

"(B) EXCLUSION OF AGENCY PARTICIPATION.—Funds for programs, functions, services, or activities, or portions thereof, including supportive administrative functions that are otherwise contractible to which subparagraph (A) apply, shall be paid in accordance with subparagraph (A) without regard to the organizational level at which the Department of Interior that has previously carried out such programs, functions, services, or activities.

"(4) RESERVATION OF FUNDS.—

"(A) NATIONWIDE PRIORITY PROGRAM.—The Secretary shall establish a nationwide priority program for improving deficient Indian reservation road bridges.

"(B) RESERVATION.—Of the amounts authorized to be appropriated for Indian reservation roads for each fiscal year, the Secretary, in cooperation with the Secretary of the Interior, shall reserve not less than $13,000,000 for projects to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures for deficient Indian reservation road bridges, including multiple-pipe culverts.

"(C) ELIGIBLE BRIDGES.—To be eligible to receive funding under this subsection, a bridge described in subparagraph (A) must—

"(i) have an opening of 20 feet or more;

"(ii) be on an Indian reservation road;

"(iii) be unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; and

"(iv) be recorded in the national bridge inventory administered by the Secretary under subsection (b).

"(D) APPROVAL REQUIREMENT.—Funds to carry out Indian reservation road bridge projects under this subsection shall be made available only on approval of plans, specifications, and estimates by the Secretary."; and

(5) by indenting paragraph (1) (as designated by paragraph (2) of this paragraph) and aligning paragraph (1) with paragraphs (2), (3), and (4) (as added by paragraph (4) of this paragraph).

(c) AVAILABILITY OF FUNDS.—Section 203 of such title is amended by adding at the end the following: "Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary 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 to pay the Federal share of the cost of the project.".

(d) PLANNING AND AGENCY COORDINATION.—Section 204 of such title is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

"(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

"(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

"(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

"(A) shall be developed in cooperation with States and metropolitan planning organizations; and

"(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

"(5) INCLUSION IN STATE 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 on the transportation improvement program.

"(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.";

(2) in subsection (b) by striking the first 3 sentences and inserting the following: "Funds available for 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 management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.";

(3) in the first sentence of subsection (e) by striking "Secretary of the Interior" and inserting "Secretary of the appropriate Federal land management agency";

(4) in subsection (h) by adding at the end the following:

"(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.";

(5) by striking subsection (i) and inserting the following:

"(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

"(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section."; and

(6) in subsection (j) by striking the second sentence and inserting the following: "The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).".

(e) REFUGE ROADS.—

(1) AUTHORIZATIONS.—Section 201 of such title is amended in the first sentence by inserting "refuge roads," before "public lands highways,".

(2) ALLOCATIONS.—Section 202 of such title is amended by adding at the end the following:

"(e) REFUGE ROADS.—On October 1 of each fiscal year, the Secretary shall allocate the sums made available for that fiscal year for refuge roads according to the relative needs of the various refuges in the National Wildlife Refuge System, and taking into consideration—

"(1) the comprehensive conservation plan for each refuge;

"(2) the need for access as identified through land use planning; and

"(3) the impact of land use planning on existing transportation facilities.".

(3) AVAILABILITY OF FUNDS.—Section 203 of such title is amended in the first and fourth sentences—

(A) by striking "for," and inserting "for"; and

(B) by inserting "refuge roads," after "parkways," each place it appears.

(4) USE OF FUNDING.—Section 204 of such title is amended by adding at the end the following:

"(k) REFUGE ROADS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, funds made available for refuge roads shall be used by the Secretary and the Secretary of the Interior only to pay the cost of—

"(A) maintenance and improvements of refuge roads;

"(B) maintenance and improvements of eligible projects described in paragraphs (2), (5), (6) of subsection (h) that are located in or adjacent to wildlife refuges; and

"(C) administrative costs associated with such maintenance and improvements.

"(2) CONTRACTS.—In carrying out paragraph (1), the Secretary and the Secretary of the Interior, as appropriate, may enter into contracts with a State or civil subdivision of a State or Indian tribe as is determined advisable.

"(3) COMPLIANCE WITH OTHER LAW.—Funds made available for refuge roads shall be used only for projects that are in compliance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).".

SEC. 1116. WOODROW WILSON MEMORIAL BRIDGE.

(a) DEFINITIONS.—Section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 628) is amended—

(1) in paragraph (3) by striking ", including approaches thereto"; and

(2) in paragraph (5) by striking "to be determined under section 407. Such" and all that follows through the period at the end and inserting the following: "as described in the record of decision executed by the Secretary in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The term includes ongoing short-term rehabilitation and repairs to the Bridge.".

(b) OWNERSHIP OF BRIDGE.—

(1) CONVEYANCE BY THE SECRETARY.—Section 407(a)(1) of such Act (109 Stat. 630) is amended by inserting "or any Capital Region jurisdiction" after "Authority" each place it appears.

(2) AGREEMENT.—Section 407 of such Act (109 Stat. 630) is amended by striking subsection (c) and inserting the following:

"(c) AGREEMENT.—

"(1) IN GENERAL.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed by the Secretary and the Authority or any Capital Region jurisdiction that accepts ownership of the new bridge.

"(2) TERMS OF THE AGREEMENT.—The agreement shall—

"(A) identify whether the Authority or a Capital Region jurisdiction will accept ownership of the new bridge;

"(B) contain a financial plan satisfactory to the Secretary, which shall be prepared before the execution of the agreement, that specifies—

"(i) the total cost of the Project, including any cost-saving measures;

"(ii) a schedule for implementation of the Project, including whether any expedited design and construction techniques will be used; and

"(iii) the sources of funding that will be used to cover any costs of the Project not funded from funds made available under section 412;

"(C) require that—

"(i) the Project include not more than 12 traffic lanes, including 8 general purpose lanes, 2 merging/diverging lanes, and 2 high occupancy vehicle, express bus, or rail transit lanes;

"(ii) the design, construction, and operation of the Project reflect the requirements of clause (i);

"(iii) all provisions described in the environmental impact statement for the Project or the record of decision for the Project (including in the attachments to the statement and record) for mitigation of environmental and other impacts of the Project be implemented; and

"(iv) the Authority and the Capital Region jurisdictions develop a process to integrate affected local governments, on an ongoing basis, in the process of carrying out the engineering, design, and construction phases of the project, including planning for implementing the provisions described in clause (iii); and

"(D) contain such other terms and conditions as the Secretary determines to be appropriate.".

(c) FEDERAL CONTRIBUTION.—Such Act (109 Stat. 627) is amended by adding at the end the following:

"SEC. 412. FEDERAL CONTRIBUTION.

"(a) FUNDING.—

"(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for fiscal year 1998, $75,000,000 for fiscal year 1999, $150,000,000 for fiscal year 2000, $200,000,000 for fiscal year 2001, $225,000,000 for fiscal year 2002, and $225,000,000 for fiscal year 2003 to pay the costs of planning, preliminary engineering and design, final engineering, acquisition of rights-of-way, and construction of the Project; except that the costs associated with the Bridge shall be given priority over other eligible costs, other than design costs, of the Project.

"(2) CONTRACT AUTHORITY.—Funds authorized by this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that—

"(A) the funds shall remain available until expended;

"(B) the Federal share of the cost of the Bridge component of the Project shall not exceed 100 percent; and

"(C) the Federal share of the cost of any other component of the Project shall not exceed 80 percent.

"(b) USE OF APPORTIONED FUNDS.—Nothing in this title limits the authority of any Capital Region jurisdiction to use funds apportioned to the jurisdiction under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, in accordance with the requirements for such funds, to pay any costs of the Project.

"(c) AVAILABILITY OF APPORTIONED FUNDS.—None of the funds made available under this section shall be available for construction before the execution of the agreement described in section 407(c), except that the Secretary may fund the maintenance and rehabilitation of the Bridge, the design of the Project, and right-of-way acquisition, including early acquisition of construction staging areas.".

(d) CONFORMING AMENDMENT.—Section 405(b)(1) of such Act (109 Stat. 629) is amended by striking "the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to".

SEC. 1117. 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 under section 201 of the Appalachian Regional Development Act of 1965 prepared by the Appalachian Regional Commission. 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 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) CORRIDOR O.—There is hereby designated as an addition to Corridor O in Pennsylvania on the Appalachian development highway system a segment from Port Matilda to Interstate Route 80 along United States Route 322, and the segment of Corridor O from the Pennsylvania State line to the improved segment in Bedford, Pennsylvania, shall be subtracted from Corridor O. Such designated addition shall not affect estimates of the cost to complete such system and such subtracted segment may be included on a map of such system for purposes of continuity only.

SEC. 1118. NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a program to make allocations to States and metropolitan planning organizations for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. A State or metropolitan planning organization may apply to the Secretary for allocations under this section.

(b) ELIGIBILITY OF CORRIDORS.—The Secretary may make allocations under this section with respect to—

(1) high priority corridors identified in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991; and

(2) any other significant regional or multistate highway corridor not described in whole or in part in paragraph (1) selected by the Secretary after consideration of—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(C) the extent to which international truck-borne commodities move through each State;

(D) the reduction in commercial and other travel time through a major international gateway or affected port of entry expected as a result of the proposed project including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding including State, local, and private matching funds;

(F) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the Nation's economy; and

(G) 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) Multistate and intrastate coordination for corridors described in subsection (b).

(5) After review by the Secretary of a development and management plan for the corridor or a usable component thereof under subsection (b)—

(A) environmental review; and

(B) construction.

(d) CORRIDOR DEVELOPMENT AND MANAGEMENT PLAN.—A State or metropolitan planning organization receiving an allocation under this section shall develop, and submit to the Secretary for review, a development and management plan for the corridor or a usable component thereof 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 encourage all States having jurisdiction over any portion of such corridor to participate in the development of such plan.

(e) APPLICABILITY OF TITLE 23.—Funds made available by section 1101 of this Act to carry out this section and section 1119 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) COORDINATION OF PLANNING.—Planning with respect to a corridor under this section shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(g) STATE DEFINED.—In this section, the term "State" has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1119. COORDINATED BORDER INFRASTRUCTURE PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary shall establish and implement a coordinated border infrastructure program under which the Secretary may make allocations to border States and metropolitan planning organizations for areas within the boundaries of 1 or more border States 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 to States and metropolitan planning organizations 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;

(5) international coordination of planning, programming, and border operation with Canada and Mexico relating to expediting cross border vehicle and cargo movements; and

(6) activities of Federal inspection agencies.

(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) improvements in vehicle and highway safety and cargo security in and through the gateway or affected port of entry concerned;

(7) the degree of demonstrated coordination with Federal inspection agencies;

(8) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(9) demonstrated local commitment to implement and sustain continuing comprehensive border or affected port of entry planning processes and improvement programs; and

(10) such other factors as the Secretary determines are appropriate to promote border transportation efficiency and safety.

(d) CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than $10,000,000 of the amounts made available by section 1101 to carry out this section and section 1118 to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(e) 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.

Subtitle B—General Provisions

SEC. 1201. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended to read as follows:

"(a) DEFINITIONS.—In this title, 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 individuals with disabilities, 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 incurrence of all costs 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 that 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 of 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 that 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 that 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 that 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 HIGHWAY.—The term 'Federal-aid highway' means a highway eligible for assistance under this chapter other than a highway classified as a local road or rural minor collector.

"(6) FEDERAL-AID SYSTEM.—The term 'Federal-aid system' means any of the Federal-aid highway systems described in section 103.

"(7) FEDERAL LANDS HIGHWAY.—The term 'Federal lands highway' means a forest highway, public lands highway, park road, parkway, refuge road, and Indian reservation road that is a public road.

"(8) FOREST DEVELOPMENT ROADS AND TRAILS.—The term 'forest development roads and trails' means forest roads and trails 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 that 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—

"(A) a road, street, and parkway;

"(B) a right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure, sign, guardrail, and protective structure, in connection with a highway; and

"(C) a portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State transportation 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) INDIAN RESERVATION ROAD.—The term 'Indian reservation road' means a public road that is located within or provides access to an Indian reservation or Indian trust land or restricted Indian land that 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.

"(13) INTERSTATE SYSTEM.—The term 'Interstate System' means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(c).

"(14) 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 safe and efficient utilization of the highway.

"(15) MAINTENANCE AREA.—The term 'maintenance area' means an area that was designated as a nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

"(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'—

"(A) means (i) 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 (ii) such other capital improvements to public roads as the Secretary may designate, by regulation; and

"(B) 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 transportation department and the Secretary as required by section 106.

"(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 and trails that the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under the control of the Secretary of the Interior.

"(25) PUBLIC LANDS HIGHWAY.—The term 'public lands highway' means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or 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 LANDS HIGHWAYS.—The term 'public lands highways' means those main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, which are on the Federal-aid systems.

"(27) 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.

"(28) REFUGE ROAD.—The term 'refuge road' means a public road that provides access to or within a unit of the National Wildlife Refuge System and for which title and maintenance responsibility is vested in the United States Government.

"(29) RURAL AREAS.—The term 'rural areas' means all areas of a State not included in urban areas.

"(30) SAFETY IMPROVEMENT PROJECT.—The term 'safety improvement project' means a project that 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 locations with high accident potential.

"(31) SECRETARY.—The term 'Secretary' means Secretary of Transportation.

"(32) STATE.—The term 'State' means any of the 50 States, the District of Columbia, or Puerto Rico.

"(33) 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 transportation department.

"(34) STATE TRANSPORTATION DEPARTMENT.—The term 'State transportation department' means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

"(35) 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 relates 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 (including the provision of tourist and welcome center facilities), landscaping and other scenic beautification, 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 establishment of transportation museums.

"(36) 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 encompass, at a minimum, 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.

"(37) 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. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census.".

SEC. 1202. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

(a) IN GENERAL.—Section 217 of title 23, United States Code, 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.—

"(1) IN GENERAL.—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.

"(2) SAFETY CONSIDERATIONS.—Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Safety considerations shall include the installation, where appropriate, 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)—

(A) by striking "when State and local regulations permit,"; and

(B) by striking "and" at the end;

(6) in subsection (h)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following:

"(4) when State or local regulations permit, electric bicycles; and"; and

(7) by striking subsection (j) and inserting the following:

"(j) DEFINITIONS.—In this section, the following definitions apply:

"(1) BICYCLE TRANSPORTATION FACILITY.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists and a traffic control device, shelter, or parking facility 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 motorized.".

(b) DESIGN GUIDANCE.—

(1) IN GENERAL.—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.

(2) ISSUES TO BE ADDRESSED.—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.

(3) RECOMMENDATIONS.—The guidance shall include recommendations on amending and updating the policies of the American Association of State Highway and Transportation Officials relating to highway and street design standards to accommodate bicyclists and pedestrians.

(4) TIME PERIOD FOR DEVELOPMENT.—The guidance shall be developed within 18 months after the date of enactment of this Act.

(c) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—Section 109(n) of such title 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 reasonable alternate route or such a route exists.".

(d) RAILWAY-HIGHWAY CROSSINGS.—Section 130 of such title 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.".

(e) NATIONAL BICYCLE SAFETY EDUCATION CURRICULUM.—

(1) DEVELOPMENT.—The Secretary is authorized to develop a national bicycle safety education curriculum that may include courses relating to on-road training.

(2) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall transmit to Congress a copy of the curriculum.

(3) FUNDING.—From amounts made available under section 210, the Secretary may use not to exceed $500,000 for fiscal year 1999 to carry out this subsection.

SEC. 1203. METROPOLITAN PLANNING.

(a) GENERAL REQUIREMENTS.—Section 134(a) of title 23, United States Code, is amended to read as follows:

"(a) GENERAL REQUIREMENTS.—

"(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

"(2) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objective stated in paragraph (1), metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

"(3) CONTENTS.—The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

"(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.".

(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—Section 134(b) of such title is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

"(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census); or

"(B) in accordance with procedures established by applicable State or local law.

"(2) STRUCTURE.—Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

"(A) local elected officials;

"(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991); and

"(C) appropriate State officials.".

(2) CONTINUING DESIGNATION.—Section 134(b)(4) of such title is amended to read as follows:

"(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).".

(3) REDESIGNATION.—Section 134(b)(5)(A) of such title is amended—

(A) by striking "among" and inserting "between"; and

(B) by striking "which together" and inserting "that together".

(4) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—Section 134(b)(6) of such title is amended to read as follows:

"(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.".

(c) METROPOLITAN PLANNING AREA BOUNDARIES.—Section 134(c) of such title is amended—

(1) in the subsection heading by inserting "PLANNING" before "AREA";

(2) in the first sentence—

(A) by striking "For the purposes" and inserting the following:

"(1) IN GENERAL.—For the purposes"; and

(B) by inserting "planning" before "area";

(3) by striking the second sentence and all that follows and inserting the following:

"(2) INCLUDED AREA.—Each metropolitan planning area—

"(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

"(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

"(3) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (b)(5).

"(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

"(A) shall be established in the manner described in subsection (b)(1);

"(B) shall encompass the areas described in paragraph (2)(A);

"(C) may encompass the areas described in paragraph (2)(B); and

"(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide."; and

(4) by aligning paragraph (1) (as designated by paragraph (2)(A) of this subsection) with paragraphs (2) through (4) (as inserted by paragraph (3) of this subsection).

(d) COORDINATION IN MULTISTATE AREAS.—Section 134(d) of such title is amended to read as follows:

"(d) COORDINATION IN MULTISTATE AREAS.—

"(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

"(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

"(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

"(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

"(3) LAKE TAHOE REGION.—

"(A) DEFINITION.—In this paragraph, the term 'Lake Tahoe region' has the meaning given the term 'region' in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

"(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

"(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

"(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

"(C) INTERSTATE COMPACT.—

"(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

"(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

"(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

"(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

"(ii) may, in accordance with chapter 2, be funded using funds allocated under section 202.

"(4) RECIPIENTS OF OTHER ASSISTANCE.—The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the design and delivery of transportation services within the metropolitan planning area that are provided—

"(A) by recipients of assistance under chapter 53 of title 49; and

"(B) by governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services.".

(e) COORDINATION OF MPOS.—Section 134(e) of such title is amended—

(1) in the subsection heading by striking "MPO'S" and inserting "MPOS";

(2) by striking "If" and inserting the following:

"(1) NONATTAINMENT AREAS.—If";

(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 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project."; and

(4) by aligning paragraph (1) (as designated by paragraph (2) of this subsection) with paragraph (2) (as added by paragraph (3) of this subsection).

(f) SCOPE OF PLANNING PROCESS.—Section 134(f) of such title is amended to read as follows:

"(f) SCOPE OF PLANNING PROCESS.—

"(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section shall provide for consideration of projects and strategies that will—

"(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 motorized and nonmotorized users;

"(C) increase the accessibility and mobility options available to people and for freight;

"(D) protect and enhance the environment, promote energy conservation, and improve 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 management and operation; and

"(G) emphasize the preservation of the existing transportation system.

"(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.".

(g) LONG-RANGE TRANSPORTATION PLAN.—Section 134(g) of such title is amended—

(1) in paragraph (2) by striking ", at a minimum" and inserting "contain, at a minimum, the following";

(2) in paragraph (2)(A) by striking "Identify" and inserting "An identification of"; and

(3) by striking paragraph (2)(B) and inserting the following:

"(B) A financial plan that demonstrates how the adopted long-range 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 long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.";

(4) in paragraph (4)—

(A) by inserting after "employees," the following: "freight shippers, providers of freight transportation services,"; and

(B) by inserting after "private providers of transportation," the following: "representatives of users of public transit,";

(5) by adding at the end the following:

"(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(B), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B).";

(6) in the subsection heading by striking "LONG RANGE PLAN" and inserting "LONG-RANGE TRANSPORTATION PLAN";

(7) in the headings for paragraphs (2) and (5) by striking "LONG RANGE PLAN" and inserting "LONG-RANGE TRANSPORTATION PLAN"; and

(8) by striking "long range plan" each place it appears and inserting "long-range transportation plan".

(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 134(h) of such title is amended to read as follows:

"(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—In cooperation with the State and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area for which the organization is designated.

"(B) OPPORTUNITY FOR COMMENT.—In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(C) FUNDING ESTIMATES.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

"(D) UPDATING AND APPROVAL.—The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) CONTENTS.—The transportation improvement program shall include—

"(A) a priority list of proposed federally supported projects and strategies to be carried out within each 3-year period after the initial adoption of the transportation improvement program; and

"(B) a financial plan that—

"(i) demonstrates how the transportation improvement program can be implemented;

"(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

"(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

"(iv) may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available.

"(3) INCLUDED PROJECTS.—

"(A) PROJECTS UNDER THIS CHAPTER AND CHAPTER 53 OF TITLE 49.—A transportation improvement program developed under this subsection for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under this chapter and chapter 53 of title 49.

"(B) PROJECTS UNDER CHAPTER 2.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any affected public transit operator, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(5) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the transportation improvement program development required under paragraph (1), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

"(i) by—

"(I) in the case of projects under this chapter, the State; and

"(II) in the case of projects under chapter 53 of title 49, the designated transit funding recipients; and

"(ii) in cooperation with the metropolitan planning organization.

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

"(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

"(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

"(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved transportation improvement program.

"(7) PUBLICATION.—

"(A) PUBLICATION OF TRANSPORTATION IMPROVEMENT PROGRAMS.—A transportation improvement program involving Government participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

"(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the transportation improvement program.".

(i) TRANSPORTATION MANAGEMENT AREAS.—

(1) REQUIRED DESIGNATIONS.—Section 134(i)(1) of such title is amended to read as follows:

"(1) DESIGNATION.—

"(A) REQUIRED DESIGNATIONS.—The Secretary shall designate as a transportation management area each urbanized area with a population of over 200,000 individuals.

"(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.".

(2) SELECTION OF PROJECTS.—Section 134(i)(4) of such title is amended to read as follows:

"(4) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a transportation management area under this title (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) or under chapter 53 of title 49 shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the Interstate maintenance program shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.".

(3) CERTIFICATION.—Section 134(i)(5) of such title is amended to read as follows:

"(5) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) ensure that the metropolitan planning process in each transportation management area is being carried out in accordance with applicable provisions of Federal law; and

"(ii) subject to subparagraph (B), certify, not less often than once every 3 years, that the requirements of this paragraph are met with respect to the transportation management area.

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

"(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

"(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor.

"(C) EFFECT OF FAILURE TO CERTIFY.—

"(i) WITHHOLDING OF FUNDS.—If a metropolitan planning process is not certified, the Secretary may withhold up to 20 percent of the apportioned funds attributable to the transportation management area under this title and chapter 53 of title 49.

"(ii) RESTORATION OF WITHHELD FUNDS.—The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

"(iii) FEASIBILITY OF PRIVATE ENTERPRISE PARTICIPATION.—The Secretary shall not withhold certification under this paragraph based on the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.

"(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.".

(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—Section 134(j) of such title is amended to read as follows:

"(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated long-range transportation plan and transportation improvement program for the metropolitan area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

"(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or programs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).".

(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—Section 134(l) of such title is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).".

(l) FUNDING.—Section 134(n) of such title is amended to read as follows:

"(n) FUNDING.—

"(1) IN GENERAL.—Funds set aside under section 104(f) of this title to carry out sections 5303 through 5305 of title 49 shall be available to carry out this section.

"(2) UNUSED FUNDS.—Any funds that are not used to carry out this section may be made available by the metropolitan planning organization to the State to fund activities under section 135.".

(m) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 134 of such title is amended by adding at the end the following:

"(o) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

(n) TECHNICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134 and inserting the following:

"134. Metropolitan planning.".

SEC. 1204. STATEWIDE PLANNING.

(a) GENERAL REQUIREMENTS.—Section 135(a) of title 23, United States Code, is amended to read as follows:

"(a) GENERAL REQUIREMENTS.—

"(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

"(2) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134 of this title and sections 5303 through 5305 of title 49, each State shall develop transportation plans and programs for all areas of the State.

"(3) CONTENTS.—The plans and programs for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

"(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.".

(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—Section 135(b) of such title is amended by inserting after "of this title" the following: "and sections 5303 through 5305 of title 49".

(c) SCOPE OF PLANNING PROCESS.—Section 135(c) of such title is amended to read as follows:

"(c) SCOPE OF PLANNING PROCESS.—

"(1) IN GENERAL.—Each State shall carry out a transportation planning process that provides for consideration of projects and strategies that will—

"(A) support the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

"(C) increase the accessibility and mobility options available to people and for freight;

"(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

"(E) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

"(F) promote efficient system management and operation; and

"(G) emphasize the preservation of the existing transportation system.

"(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.".

(d) ADDITIONAL REQUIREMENTS.—Section 135(d) of such title is amended to read as follows:

"(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

"(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

"(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

"(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.".

(e) LONG-RANGE TRANSPORTATION PLAN.—Section 135(e) of such title is amended to read as follows:

"(e) LONG-RANGE TRANSPORTATION PLAN.—

"(1) DEVELOPMENT.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

"(2) CONSULTATION WITH GOVERNMENTS.—

"(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the long-range transportation plan shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5303 of title 49.

"(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area, the long-range transportation plan shall be developed in consultation with affected local officials with responsibility for transportation.

"(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the long-range transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the long-range transportation plan, the State shall—

"(A) provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, representatives of users of public transit, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

"(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

"(4) FINANCIAL PLAN.—The long-range transportation plan may include a financial plan that demonstrates how the adopted long-range 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.

"(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (4), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (4).".

(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—Section 135(f) of such title is amended to read as follows:

"(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—Each State shall develop a transportation improvement program for all areas of the State.

"(B) CONSULTATION WITH GOVERNMENTS.—

"(i) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5303 of title 49.

"(ii) NONMETROPOLITAN AREAS.—

"(I) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected local officials with responsibility for transportation.

"(II) REVIEW.—Not later than 1 year after the date of enactment of this subclause, the State shall submit to the Secretary the details of the consultative planning process developed by the State for nonmetropolitan areas under subclause (I). The Secretary shall not review or approve such process.

"(iii) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(C) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(2) INCLUDED PROJECTS.—

"(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be—

"(i) consistent with the long-range transportation plan developed under this section for the State;

"(ii) identical to the project as described in an approved metropolitan transportation improvement program; and

"(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under such Act.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(E) FINANCIAL PLAN.—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program 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.

"(F) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

"(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (E), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E).

"(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E) for inclusion in an approved transportation improvement program.

"(G) PRIORITIES.—The program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by this title.

"(3) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—

"(A) IN GENERAL.—Projects carried out in areas with populations of less than 50,000 individuals (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) shall be selected, from the approved statewide transportation improvement program, by the State in cooperation with the affected local officials.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out in areas described in subparagraph (A) on the National Highway System and projects carried out in such areas under the bridge program or the Interstate maintenance program shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected local officials.

"(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section, section 134, and sections 5303 through 5305 of title 49, approved not less frequently than biennially by the Secretary.

"(5) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project in the program.".

(g) FUNDING.—Section 134(g) of such title is amended by striking "section 307(c)(1)" and inserting "section 505(a)".

(h) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 135 of such title is amended by adding at the end the following:

"(i) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

(i) 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 each State, local officials in rural areas in the State, and regional planning and development organizations in the State.

(2) REPORT.—Not later than 2 years after the date of 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. 1205. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

(a) CONTRACTING PROCEDURES.—Section 112(b)(2) of title 23, United States Code, is amended in clauses (i) and (ii) of subparagraph (B) by striking ", except to" each place it appears and all that follows through the period at the end and inserting a period.

(b) SELECTION PROCESS.—Section 112 of title 23, United States Code, is 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 for a project, including environmental impact statements, as well as subsequent engineering and design work on the project if the State conducts a review that assesses the objectivity of the environmental assessment, environmental analysis, or environmental impact statement prior to its submission to the Secretary.".

SEC. 1206. ACCESS OF MOTORCYCLES.

Section 102 of title 23, United States Code, 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 enact or enforce a law that applies only to motorcycles and the principal purpose of which is to 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. Nothing in this subsection shall affect the authority of a State or political subdivision of a State to regulate motorcycles for safety.".

SEC. 1207. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) FERRY OPERATING AND LEASING AMENDMENTS.—Section 129(c)(3) of title 23, United States Code, is amended by striking "owned." and inserting "owned or operated or majority publicly owned if the Secretary determines with respect to a majority publicly owned ferry or ferry terminal facility that such ferry boat or ferry terminal facility provides substantial public benefits."; and

(b) REAUTHORIZATION.—Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) is amended—

(1) in the second sentence of subsection (c) by striking "Such sums" and inserting "Sums made available to carry out this section";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

"(d) SET-ASIDE FOR PROJECTS ON NHS.—

"(1) IN GENERAL.—$20,000,000 of the amount made available to carry out this section for each of fiscal years 1999 through 2003 shall be obligated for the construction or refurbishment of ferry boats and ferry terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System.

"(2) ALASKA.—$10,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Alaska.".

"(3) NEW JERSEY.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of New Jersey.".

"(4) WASHINGTON.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Washington.".

(c) 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 construction or operations;

(B) to identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes; and

(C) to identify the potential for use of high-speed ferry services and alternative-fueled ferry services.

(2) REPORT.—The Secretary shall submit a report on the results of the study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 1208. TRAINING.

(a) TRAINING POSITIONS FOR WELFARE RECIPIENTS.—Section 140(a) of title 23, United States Code, 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 or preclude workers that are participating in an apprenticeship, skill improvement, or other upgrading program registered with the Department of Labor or the appropriate State agency from being referred to, or hired on, projects funded under this title without regard to the length of time of their participation in such program.".

(b) HIGHWAY TRAINING.—Section 140(b) of such title 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 second sentence by striking "104(b)" and inserting "104(b)(3)".

(c) SUPPORTIVE SERVICES.—Section 140(c) of such title is amended by striking "104(a)" and inserting "104(b)(3)".

SEC. 1209. USE OF HOV LANES BY INHERENTLY LOW-EMISSION VEHICLES.

Section 102(a) of title 23, United States Code, is amended—

(1) by striking "A State" and inserting the following:

"(1) IN GENERAL.—A State";

(2) by adding at the end the following:

"(2) EXCEPTION FOR INHERENTLY LOW-EMISSION VEHICLES.—Notwithstanding paragraph (1), before September 30, 2003, a State may permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicle is certified as an Inherently Low-Emission Vehicle pursuant to title 40, Code of Federal Regulations, and is labeled in accordance with, section 88.312–93(c) of such title. Such permission may be revoked by the State should the State determine it necessary."; and

(3) by aligning the remainder of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 1210. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish an advanced travel forecasting procedures program—

(1) to provide for completion of the advanced transportation model developed under the Transportation Analysis Simulation System (referred to in this section as "TRANSIMS"); and

(2) to provide support for early deployment of the advanced transportation modeling computer software and graphics package developed under TRANSIMS and the program established under this section to States, local governments, and metropolitan planning organizations with responsibility for travel modeling.

(b) ELIGIBLE ACTIVITIES.—The Secretary shall use funds made available under this section to—

(1) provide funding for completion of core development of the advanced transportation model;

(2) develop user-friendly advanced transportation modeling computer software and graphics packages;

(3) provide training and technical assistance with respect to the implementation and application of the advanced transportation model to States, local governments, and metropolitan planning organizations with responsibility for travel modeling; and

(4) allocate funds to not more than 12 entities described in paragraph (3), representing a diversity of populations and geographic regions, for a pilot program to enable transportation management areas designated under section 134(i) of title 23, United States Code, to convert from the use of travel forecasting procedures in use by the areas as of the date of enactment of this Act to the use of the advanced transportation model.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $4,000,000 for fiscal year 1998, $3,000,000 for fiscal year 1999, $6,500,000 for fiscal year 2000, $5,000,000 for fiscal year 2001, $4,000,000 for fiscal year 2002, and $2,500,000 for fiscal year 2003.

(2) ALLOCATION OF FUNDS.—

(A) FISCAL YEARS 1998 AND 1999.—For each of fiscal years 1998 and 1999, 100 percent of the funds made available under paragraph (1) shall be allocated to activities in described in paragraphs (1), (2), and (3) of subsection (b).

(B) FISCAL YEARS 2000 THROUGH 2003.—For each of fiscal years 2000 through 2003, not more than 50 percent of the funds made available under paragraph (1) may be allocated to activities described in subsection (b)(4).

(3) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of—

(A) any activity described in paragraph (1), (2), or (3) of subsection (b) shall not exceed 100 percent; and

(B) any activity described in subsection (b)(4) shall not exceed 80 percent.

SEC. 1211. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS.

(a) PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.—Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 593 et seq.) is amended by adding at the end the following:

"(3) PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.—In furtherance of the redevelopment of the James A. Farley Post Office in New York, New York, into an intermodal transportation facility and commercial center, the Secretary, the Administrator of the Federal Railroad Administration, or their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.".

(b) UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.—Subtitle B of title I of the National Visitor Center Facilities Act of 1968 (40 U.S.C. 811 et seq.) is amended by adding at the end the following:

"SEC. 120. UNION STATION REDEVELOPMENT CORPORATION.

"To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Administrator of the Federal Railroad Administration, or their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation.

(c) SAFETY BELT USE LAW REQUIREMENTS.—Section 355 of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended—

*(1) in the section heading by striking "**and MAINE**";*

(2) in subsection (a)—

(A) by striking "States of New Hampshire and Maine shall each" and inserting "State of New Hampshire shall"; and

(B) in paragraph (1) by striking "and 1996" and inserting "through 2000"; and

(3) by striking "or Maine" each place it appears.

(d) METRIC CONVERSION AT STATE OPTION.—Section 205(c)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577) is amended by striking "Before September 30, 2000, the" and inserting "The".

(e) RIGHT-OF-WAY REVOLVING FUND.—

(1) TERMINATION.—Section 108 of title 23, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) TRANSITION PROVISION.—

(A) IN GENERAL.—Funds advanced to a State by the Secretary from the right-of-way revolving fund established by section 108(c) of title 23, United States Code, prior to the date of enactment of this Act shall remain available to the State for use on the projects for which the funds were advanced for a period of 20 years from the date on which the funds were advanced.

(B) CREDIT TO HIGHWAY TRUST FUND.—With respect to a project for which funds have been advanced from the right-of-way revolving fund, upon the termination of the 20-year period referred to in subparagraph (A), when actual construction is commenced, or upon approval by the Secretary of the plans, specifications, and estimates for the actual construction of the project on the right-of-way, whichever occurs first—

(i) the Highway Trust Fund (other than the Mass Transit Account) shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of title 23, United States Code, out of any Federal-aid highway funds apportioned to the State in which the project is located and available for obligation for projects of the type funded; and

(ii) the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the Highway Trust Fund (other than the Mass Transit Account).

(g) PILOT TOLL COLLECTION PROGRAM.—Section 129 of title 23, United States Code, is amended by striking subsection (d).

(h) CONGRESSIONAL BRIDGE COMMISSIONS.—Public Law 87–441 (76 Stat. 59) is repealed.

(i) 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) 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 Camden 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.";

(C) in paragraph (9) by inserting after "New York" the following: ", including United States Route 322 between United States Route 220 and I–80";

(D) in paragraph (18)—

(i) by striking "(18) Corridor from Indianapolis," and inserting the following:

"(18) Corridor from Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along Interstate Route 69 through Indianapolis,"; and

(ii) by striking "and to include" and inserting the following: "as follows:

"(A) In Michigan, the corridor shall be from Sarnia, Ontario, Canada, southwesterly along Interstate Route 94 to the Ambassador Bridge interchange in Detroit, Michigan.

"(B) In Michigan and Illinois, the corridor shall be from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along Interstate Route 94 to Chicago, Illinois.

"(C) 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) include a connection between the Corridor in the vicinity of Monticello, Arkansas, to Pine Bluff, Arkansas.

"(D) 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";

(E) in paragraph (21) by striking "United States Route 17 in the vicinity of Salamanca, New York" and inserting "Interstate Route 80";

(F) by inserting ", including I–29 between Kansas City and the Canadian border" before the period at the end of paragraph (23); and

(G) 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 and West Virginia.

"(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 and Southwest Passage, California. The Alameda Corridor East is 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 Bernardino. 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.

"(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.

"(40) The Greensboro Corridor from Danville, Virginia, to Greensboro, North Carolina, along United States Route 29.

"(41) The Falls-to-Falls Corridor—United States Route 53 from International Falls on the Minnesota/Canada border to Chippewa Falls, Wisconsin.

"(42) The portion of Corridor V of the Appalachian development highway system from Interstate Route 55 near Batesville, Mississippi, to the intersection with Corridor X of the Appalachian development highway system near Fulton, Mississippi, and the portion of Corridor X of the Appalachian development highway system from near Fulton, Mississippi, to the intersection with Interstate Route 65 near Birmingham, Alabama.

"(43) The United States Route 95 Corridor from the Canadian border at Eastport, Idaho, to the Oregon State border.".

(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), in subsection (c)(37), in subsection (c)(40), and in subsection (c)(42)".

(3) ROUTES.—Section 1105(e)(5) of such Act is further amended—

(A) in subparagraph (A) by inserting "(except with respect to Georgetown County)" before "(iii)";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) 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.";

(D) by striking the last sentence of subparagraph (A) and inserting it as the first sentence of subparagraph (B)(i) (as inserted by subparagraph (C) of this paragraph); and

(E) in subparagraph (D) (as redesignated by subparagraph (B) of this paragraph), by striking "(C)" and inserting "(D)".

(j) WINTER HOME HEATING OIL DELIVERY.—Section 346 of the National Highway System Designation Act of 1995 (109 Stat. 615–616) is amended—

(1) in subsection (a) by striking "season in the 6-month period beginning on November 1, 1996" and inserting "seasons in the 18-month period beginning on November 1, 1998"; and

(2) by adding at the end the following:

"(g) STUDY.—Not later than 1 year after the completion of the pilot program, the Secretary shall submit to Congress a report on the results of the program, including an assessment of any impact on public safety.".

(k) FUTURE CORRIDOR SEGMENT.—

(1) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing an Interstate quality road for a route that runs in south/west direction generally along United States Route 61 and crosses the Mississippi River in the vicinity of Memphis, Tennessee, to Highway 79 and generally follows Highway 79 to Pine Bluff, Arkansas.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $500,000 for fiscal year 1999 to carry out the study.

(3) 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 such funds shall remain available until expended.

(l) BATON ROUGE, LOUISIANA.—

(1) REDUCTION IN SCOPE OF PROJECT.—Section 149(a) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181–198) is amended in paragraph (47)(B)—

(A) by inserting "and" after the semicolon at the end of clause (i);

(B) by striking "; and" at the end of clause (ii) and inserting a period; and

(C) by striking clause (iii).

(2) APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, the project described in section 149(a)(47)(B) of such Act shall be subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.

(m) 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.

(n) SUBSTITUTE PROJECT.—Section 1045 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1994) is amended in subsection (a)—

(1) by striking "(a) APPROVAL OF PROJECT.—Notwithstanding" and inserting the following:

"(a) APPROVAL OF PROJECT.—

"(1) Notwithstanding"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1) and subsection (c) of this section, upon the request of the Governor of the State of Wisconsin, submitted by October 1, 2000, the Secretary shall approve 1 or more substitute projects in lieu of the substitute project approved by the Secretary under paragraph (1) and subsection (c) of this section.".

SEC. 1212. MISCELLANEOUS.

(a) STATE TRANSPORTATION DEPARTMENT.—

(1) IN GENERAL.—Section 302 of title 23, United States Code, is amended—

(A) in subsection (a) by striking the second sentence; and

(B) by striking subsection (b) and inserting the following:

"(b) EFFECT OF COMPLIANCE.—Compliance with subsection (a) shall have no effect on the eligibility of costs.".

(2) CHANGE IN TERM DEFINED.—

(A) IN GENERAL.—Title 23, United States Code, is amended—

(i) by striking "State highway department" each place it appears and inserting "State transportation department"; and

(ii) by striking "State highway departments" each place it appears and inserting "State transportation departments".

(B) CONFORMING AMENDMENTS.—

(i) The analysis for chapter 3 of title 23, United States Code, is amended in the item relating to section 302 by striking "highway" and inserting "transportation".

*(ii) Section 302 of title 23, United States Code, is amended in the section heading by striking "**highway**" and inserting "**transportation**".*

(iii) Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by striking "State highway department" and inserting "State transportation department".

(iv) Section 138(c) of the Surface Transportation Assistance Act of 1978 (40 U.S.C. App. (note to section 201 of the Appalachian Regional Development Act of 1965); 92 Stat. 2710) is amended in the first sentence—

(I) by striking "Federal-aid primary system" and inserting "National Highway System"; and

(II) by striking "State highway department" and inserting "State transportation department".

(b) INFRASTRUCTURE AWARENESS PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to fund the production, in cooperation with a not-for-profit national public television station and the National Academy of Engineering, of a documentary about infrastructure that shall demonstrate how public works and infrastructure projects stimulate job growth and the economy and contribute to the general welfare of the Nation.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal share of the cost of production of the documentary shall be 60 percent. The non-Federal share shall be provided from private sources and shall include amounts expended by such sources for the production before the date of enactment of this Act.

(B) CALCULATION.—The calculation of the Federal and non-Federal shares under this

paragraph shall be made over the term for which sums are authorized to be appropriated under paragraph (3).

(3) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $888,000 for fiscal year 1998, and $1,000,000 for each of fiscal years 1999 and 2000. Such funds shall remain available until expended.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this paragraph 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.

(c) MASS TRANSPORTATION BUSES.—Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended by striking "the date on which" and all that follows through "1995" and inserting "October 1, 2003".

(d) VEHICLE WEIGHT LIMITATIONS.

(1) IN GENERAL.—Section 127(a) of title 23, United States Code, is amended—

(A) 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."; and

(B) 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. With respect to Interstate Route 95 in the State of New Hampshire, State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection. 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, laws (including regulations) of the State of Maine concerning vehicle weight limitations that were in effect on October 1, 1995, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.".

(2) STUDIES.—

(A) COLORADO.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Colorado shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(A), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(B) LOUISIANA.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Louisiana shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(C) MAINE.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Maine shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(D) NEW HAMPSHIRE.—

(i) IN GENERAL.—In consultation with the Secretary, the State of New Hampshire shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(E) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this paragraph 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 such funds shall remain available until expended.

(k) DRIVER TRAINING AND SAFETY CENTER.—

(1) IN GENERAL.—The Secretary shall make grants to establish a driver training and safety center at Connellsville, Pennsylvania.

(2) PURPOSE.—The purpose of the facility shall be to train and enhance the driving skills of motor vehicle and emergency vehicle operators.

(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 section $2,500,000 for each of fiscal years 1999 through 2001.

(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 funds shall remain available until expended.

(l) OHIO RIVER WELCOME CENTER.—

(1) IN GENERAL.—The Secretary shall make grants to establish a welcome center in Point Pleasant, West Virginia.

(2) ACCESS.—The center shall be accessible by motor vehicle, bicycle, pedestrian walkway, and river transportation.

(3) FACILITIES.—The center shall include a comfort station, picnic and sitting plaza, a small amphitheater, a deep river port, a marina, and a walking trail.

(4) 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 section $412,900 for fiscal year 1999, $1,362,500 for fiscal year 2000, and $699,500 for fiscal year 2001.

(5) 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 activities carried out using the funds shall be 50 percent and the funds shall remain available until expended.

(m) PROJECT FLEXIBILITY FOR MINNESOTA.—Notwithstanding any other provision of law, funds allocated for a project in the State of Minnesota under section 117 of title 23, United States Code, may be obligated for any other project in the State for which funds are so allocated; except that the total amount of funds authorized for any project for which funds are so allocated shall not be reduced.

(n) BALTIMORE WASHINGTON PARKWAY.—Notwithstanding any other provision of law, the Federal share of the cost of a project for which funds are allocated under section 117 of title 23, United States Code, for renovation and construction of the Baltimore Washington Parkway in Prince Georges County, Maryland, shall be 100 percent.

(o) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

(A) to operate a national bicycle and pedestrian clearinghouse;

(B) to develop information and educational programs; and

(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

(D) 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 $500,000 for each of fiscal years 1998 through 2003.

(E) 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 funds shall remain available until expended.

(p) 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) AUTHORIZATION OF APPROPRIATIONS.—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.

(q) 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) AUTHORIZATION OF APPROPRIATIONS.—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 through 2003 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 such funds shall remain available until expended and the Federal share of the cost of establishment and operation of the facility under this subsection shall be 80 percent.

(r) HIGH PRIORITY LAS VEGAS INTERMODAL CENTER.—

(1) IN GENERAL.—The Secretary shall provide $2,000,000 for fiscal year 1999 and $2,500,000 for fiscal year 2000 for the High Priority Las Vegas Intermodal Center in Las Vegas, Nevada.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(s) SEISMIC DESIGN.—

(1) IN GENERAL.—The Secretary shall provide—

(A) $8,000,000 for fiscal year 1999 for seismic design and engineering of the Mississippi/Arkansas Great River Bridge;

(B) $8,000,000 for fiscal year 1999 to the State of Missouri for seismic design and deployment; and

(C) $7,000,000 for fiscal year 1999 to the State of Arkansas for seismic design and deployment.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(t) BILOXI HARBOR, MISSISSIPPI.—The portion of the project for navigation, Biloxi Harbor, Mississippi, authorized by the River and Harbor Act of 1960 (74 Stat. 481), for the Bernard Bayou Channel beginning near the Air Force Oil Terminal at approximately navigation mile 2.6 and extending downstream to the North-South ½ of Section 30, Township 7 South, Range 10 West, Harrison County, Mississippi, just west of Kremer Boat Yards, is not authorized after the date of enactment of this Act.

(u) CLARIFICATION.—Notwithstanding any other provision of law, the State of Pennsylvania is authorized to proceed with engineering, final design, and construction of Corridor O of the Appalachian development highway system between Bald Eagle and Interstate Route 80. All records of decision relating to Corridor O issued prior to the date of enactment of this Act shall remain in effect.

(v) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act shall be construed to prevent the operation of motorized vehicles to transport boats across the portages between the Moose Lake Chain and Basswood Lake, Minnesota, and between Vermilion Lake and Trout Lake, Minnesota.

(w) MISCELLANEOUS PROJECTS.—

(1) REPLACEMENT OF ROSLYN VIADUCT.—

(A) PROJECT.—The Secretary is authorized to carry out a project for replacement of a segment of the Roslyn elevated highway (NY25A) on Long Island, New York.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $51,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(2) DESIGN AND ENGINEERING FOR MILLER HIGHWAY.—

(A) PROJECT.—The Secretary is authorized to carry out a project for design and engineering of the Miller Highway on the west side of Manhattan, New York.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $15,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(3) WILLIAMSVILLE TOLL BARRIER.—

(A) PROJECT.—The Secretary is authorized to carry out a project to relocate a toll barrier complex to relieve traffic congestion in the Buffalo, New York, area.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $20,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(x) ST. GEORGES, DELAWARE.—The Secretary of the Army shall transfer all right, title, and interest of the United States in the highway bridge on United States Route 13 in the vicinity of St. Georges, Delaware, to the State of Delaware if the transfer is necessary to facilitate retransfer to a private entity for the purpose of demonstrating the effectiveness and efficiency of the use of large-scale composites technology for bridge rehabilitation. In evaluating the level of service for all Federal crossings over the Chesapeake and Delaware Canal in Delaware, the total vehicle trips per day on this transferred bridge shall be attributed to the remaining Federal crossing at St. Georges, Delaware (the SR1 Bridge). If the transfer is completed within 180 days after the date of enactment of this Act, the Secretary shall provide $10,000,000 to the State for the State to use in rehabilitating the bridge.

(y) MOUNT PARAN INTERCHANGE PROJECT FOR INTERSTATE ROUTE 75.—Notwithstanding any other provision of law, none of the funds made available under this Act or title 23, United States Code, shall be used to carry out a project to construct or improve the Mount Paran interchange on Interstate Route 75 in Georgia unless the Atlanta Regional Commission approves the project after the date of enactment of this Act.

(z) NITTANY PARKWAY.—The Secretary shall designate 31 miles of Pennsylvania State Route 26 between Huntingdon, Pennsylvania, and State College, Pennsylvania, as the Nittany Parkway.

SEC. 1213. STUDIES AND REPORTS.

(a) HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—

(1) METHODOLOGY.—

(A) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (in this subsection referred to as the "model").

(B) REQUIRED ELEMENT.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the evaluation.

(2) STATE INVESTMENT PLANS.—

(A) STUDY.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the model can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) REQUIRED ELEMENTS.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, before the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

(b) INTERNATIONAL ROUGHNESS INDEX.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) REQUIRED ELEMENTS.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

(c) USE OF UNIFORMED POLICE OFFICERS ON FEDERAL-AID HIGHWAY CONSTRUCTION PROJECTS.—

(1) STUDY.—In consultation with the States, State transportation departments, and law enforcement organizations, the Secretary shall conduct a study on the extent and effectiveness of use by States of uniformed police officers on Federal-aid highway construction projects.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study, including any legislative and administrative recommendations of the Secretary.

(d) SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE.—

(1) ASSESSMENT.—The Secretary shall conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico (in this subsection referred to as the "border").

(2) CONSULTATION.—In carrying out the assessment, the Secretary shall consult with—

(A) the Secretary of State;

(B) the Attorney General;

(C) the Secretary of the Treasury;

(D) the Commandant of the Coast Guard;

(E) the Administrator of General Services;

(F) the American Commissioner on the International Boundary Commission, United States and Mexico;

(G) State agencies responsible for transportation and law enforcement in border States; and

(H) municipal governments and transportation authorities in sister cities in the border area.

(3) REQUIREMENTS.—In carrying out the assessment, the Secretary shall—

(A) assess the flow of commercial and private traffic through designated ports of entry on the border;

(B) assess the adequacy of transportation infrastructure in the border area, including highways, bridges, railway lines, and border inspection facilities;

(C) assess the adequacy of law enforcement and narcotics abatement activities in the border area, as the activities relate to commercial and private traffic and infrastructure;

(D) assess future demands on transportation infrastructure in the border area; and

(E) make recommendations to facilitate legitimate cross-border traffic in the border area, while maintaining the integrity of the border.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the assessment conducted under this subsection, including any related legislative and administrative recommendations.

(e) STUDY 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 its 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 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 incurred by the contractors 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 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.

(f) SPECIALIZED HAULING VEHICLES.—

(1) STUDY.—The Secretary shall conduct a study to examine the impact of the truck weight standards on specialized hauling vehicles. The study shall include, at a minimum, an analysis of the economic, safety, and infrastructure impacts of the standards.

(2) REPORT.—Not later than 2 years after the date of 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.

(g) STUDY 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 examine, at a minimum—

(A) the practices of all 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 all States for erecting and maintaining such signs, including the time required for erecting such signs; and

(D) whether States contract out the erection and maintenance of such signs.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including any recommendations and, if appropriate modifications to the Manual.

(h) VEHICLE WEIGHT ENFORCEMENT.—

(1) STUDY.—The Secretary shall conduct a study of State laws (including regulations) relating to penalties for violation of State commercial motor vehicle weight laws.

(2) 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, and 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.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study with any legislative recommendations of the Secretary.

(i) COMMERCIAL MOTOR VEHICLE STUDY.—

(1) IN GENERAL.—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 apply on the date of enactment of this Act. In conducting the study, the Board shall review law, regulations, studies (including Transportation Research Board Special Report 225), and practices and develop recommendations regarding any revisions to law and regulations that the Board determines appropriate.

(2) FACTORS TO CONSIDER AND EVALUATE.—In developing recommendations under paragraph (1), the Board shall consider and evaluate the impact of the recommendations described in paragraph (1) on the economy, the environment, safety, and service to communities.

(3) CONSULTATION.—In carrying out the study, the Board shall consult with 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.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Board shall transmit to Congress and the Secretary a report on the results of the study conducted under this subsection.

(5) RECOMMENDATIONS.—Not later than 180 days after the date of receipt of the report under paragraph (4), the Secretary may transmit to Congress a report containing comments or recommendations of the Secretary regarding the Board's report.

(6) 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 1999 and 2000 to carry out this subsection.

(7) 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 the study under this subsection shall be 100 percent and such funds shall remain available until expended.

(j) TRAFFIC ANALYSIS.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the State of Oklahoma to carry out a traffic analysis to determine the feasibility of a trade processing center in McClain County, Oklahoma.

(2) AUTHORIZATION.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,000,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(k) STUDY OF INTERSTATE HIGH SPEED GROUND TRANSPORTATION.—

(1) STUDY.—The Secretary shall conduct a study to assess the feasibility of providing high speed rail passenger service from Atlanta,Georgia, to Charleston, South Carolina. The study shall also assess the potential impact of rail service on the tourism industry.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Environment and Public Works of the Senate a report on the results of the study, together with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 1214. FEDERAL ACTIVITIES.

(a) 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 with an assessment of the impacts (including environmental, aesthetic, economic, and historical 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) to carry out this subsection $500,000 for fiscal year 1998.

(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.

(b) 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 is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $1,000,000 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.

(c) NEW RIVER VISITOR CENTER.—

(1) IN GENERAL.—The Secretary shall allocate to the Secretary of the Interior amounts made available by this subsection for the planning, design, and construction of a visitor center, and such other related facilities as may be necessary, to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources of the New River Gorge National River 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 I-64 Sandstone intersection.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,300,000 for fiscal year 1998, $1,200,000 for fiscal year 1999, and $9,900,000 for fiscal year 2000.

(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 such funds shall remain available until expended.

(d) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—

(1) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under paragraph (5) for the fiscal year shall be made available by the Secretary, in equal amounts, to each State that has within the boundaries of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

(2) AVAILABILITY TO ELIGIBLE COUNTIES.—

(A) IN GENERAL.—Each fiscal year, each county that is located in a State to which funds are made available under paragraph (1), and that has in the county a public road described in subparagraph (B), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this subsection to be used by the county to maintain such roads.

(B) ROADS.—A public road referred to in subparagraph (A) is a public road that—

(i) is within, adjacent to, or provides access to an Indian reservation described in paragraph (1);

(ii) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(iii) is maintained by the county in which the public road is located.

(C) ALLOCATION AMONG ELIGIBLE COUNTIES.—

(i) IN GENERAL.—Except as provided in clause (ii), each State that receives funds under paragraph (1) shall provide directly to each county that applies for funds the amount that the county requests in the application.

(ii) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this subsection by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

(3) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary shall ensure that funding made available under this subsection supplements (and does not supplant)—

(A) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

(B) any funding provided by a State to a county for road maintenance programs in the county.

(4) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this subsection that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b) of title 23, United States Code.

(5) FUNDING.—

(A) IN GENERAL.—There is authorized to be appropriated from 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.

(B) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(e) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—

(1) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

(2) FUNDING.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2002, the Secretary may set aside not to exceed $18,800,000 from amounts to be apportioned under section 104(b)(4) of title 23, United States Code, to carry out this section.

(B) AVAILABILITY.—Funds made available under subparagraph (1) shall remain available until expended.

(f) SACHUEST POINT NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide $200,000 for fiscal year 1999 to the United State Fish and Wildlife Service to resurface the entrance road to Sachuest Point National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $200,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(g) RUNWAY REMOVAL AT NINIGRET NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide $300,000 for fiscal year 1999 to the United States Fish and Wildlife Service to remove asphalt runways at Ninigret National Wildlife Refuge and $500,000,000 shall be available to the State of Rhode Island for Improvements to the T.F. Green Intermodal Facility in Rhode Island for each of fiscal years 1999 through 2003.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,300,000 for fiscal year 1999 and $5,000,000 for each of fiscal years 2000 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(h) MIDDLETOWN VISITOR CENTER.—

(1) IN GENERAL.—The Secretary shall provide $500,000 for fiscal year 1999 to the United States Fish and Wildlife Service for the Middletown visitor center at Sachuest Point National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $500,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(i) ENTRANCE PAVING AT NINIGRET NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide $750,000 for fiscal year 1999 to the United States Fish and Wildlife Service to pave the entrance road to the Ninigret National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $750,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(j) EDUCATION CENTER.—

(1) IN GENERAL.—The Secretary shall provide $1,000,000 for each of fiscal years 1999 through 2003 to the United States Fish and Wildlife Service for the education visitor center at the Rhode Island National Wildlife Refuge complex.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,000,000 for each of fiscal years 1999 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(k) RICHMOND NATIONAL BATTLEFIELD PARK.—

(1) IN GENERAL.—The Secretary shall provide $1,000,000 for fiscal year 1999 to the National Park Service to revitalize the Tredegar Iron Works to serve as a visitor center for Richmond National Battlefield Park.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,000,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(l) ACCESS TO CORPS OF ENGINEERS.—

(1) IN GENERAL.—The Secretary shall provide $800,000 for each of fiscal years 1999 through 2003 to the Corps of Engineers to be made available to the State of Missouri for resurfacing and maintenance of city and county roads that provide access to Corps of Engineers reservoirs.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $800,000 for each of fiscal years 1999 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(m) CIVIL WAR BATTLEFIELD PLAN.—

(1) IN GENERAL.—The Secretary shall provide $250,000 for each of fiscal years 1999 and 2000 to the Department of the Interior to be made available to the Shenandoah Valley Battlefield National Historic District Commission for developing a plan for the interpretation and protection of 10 Civil War battlefields in the Shenandoah Valley.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $250,000 for each of fiscal years 1999 and 2000.

(3) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(n) DOT HEADQUARTERS FACILITY.—Before taking any action that leads to Government ownership of the Department of Transportation headquarters facility, through construction or purchase, the Administrator of General Services shall first seek approval of the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(o) FORT PECK, MONTANA.—

(1) FORT PECK, MONTANA, VISITORS CENTER.—The Secretary shall provide funds for the environmental review, planning, design, and construction of a historical and cultural visitors center and museum at Fort Peck, Montana.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $3,000,000 for each of fiscal years 1999 and 2000.

(3) 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 such funds shall remain available until expended.

(p) BRIDGES ON NATCHEZ TRACE PARKWAY, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall allocate to the State of Mississippi amounts available by this subsection to be used for replacement and widening of the box bridges on the Natchez Trace Parkway at Old Canton Road and at Rice Road in Madison County, Mississippi.

(2) 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 $5,000,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(q) LOLO PASS VISITOR CENTER.—

(1) GRANTS.—The Secretary shall make grants for the Lolo Pass Visitor Center in the State of Idaho.

(2) 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 $2,943,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(r) PUERTO RICO HIGHWAY PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate funds authorized by section 1101(a)(15) for each of fiscal years 1998 through 2003 to the Commonwealth of Puerto Rico to carry out a highway program in such Commonwealth.

(2) APPLICABILITY OF TITLE 23.—Amounts made available by section 1101(a)(15) 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. Such amounts shall be subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.

SEC. 1215. DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES.

(a) 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) AUTHORIZATION OF APPROPRIATIONS.—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.

(b) 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 that 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.

(c) COAL HERITAGE TRAIL.—

(1) IN GENERAL.—The Secretary shall make grants to the State of West Virginia for the Coal Heritage Scenic Byway for the purposes set forth in section 204(h) of title 23, United States Code.

(2) 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 section $2,000,000 for each of fiscal years 1999 through 2001.

(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 funds shall remain available until expended.

(d) TRAFFIC CALMING MEASURES.—

(1) IN GENERAL.—The Secretary shall provide $5,000,000 for fiscal year 1999 and $2,000,000 for each of fiscal years 2000 through 2003 to implement traffic calming measures in Fauquier and Loudoun Counties, Virginia.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(e) PEDESTRIAN BRIDGE.—

(1) IN GENERAL.—The Secretary shall provide $1,000,000 for fiscal year 1999 for a pedestrian bridge over United States Route 29 at Emmet Street in Charlottesville, Virginia.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(f) INTERPRETIVE CENTER.—

(1) IN GENERAL.—The Secretary shall provide $600,000 for fiscal year 1999 for construction of the Virginia Blue Ridge Parkway interpretive center located on the Roanoke River Gorge in Virginia.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(g) CHAIN OF ROCKS BRIDGE.—

(1) IN GENERAL.—The Secretary shall provide $2,000,000 for fiscal year 1999 for the renovation and preservation of the Missouri Route 66 Chain of Rocks Bridge.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(h) NOISE BARRIERS, DEKALB COUNTY, GEORGIA.—Notwithstanding any other provision of law, the Secretary shall approve the construction of Type II noise barriers beginning on the west side of Interstate Route 285 extending from Northlake Parkway to Henderson Mill Road in Dekalb County, Georgia, from funds apportioned under sections 104(b)(1) and 104(b)(3) of title 23, United States Code.

SEC. 1216. INNOVATIVE SURFACE TRANSPORTATION FINANCING METHODS.

(a) VALUE PRICING PILOT PROGRAM.—

(1) IN GENERAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(A) in the subsection heading by striking "CONGESTION" and inserting "VALUE";

(B) in paragraph (1)—

(i) by striking "congestion" each place it appears and inserting "value"; and

(ii) by striking "projects" each place it appears and inserting "programs"; and

(C) in paragraph (5)—

(i) by striking "projects" and inserting "programs"; and

(ii) by striking "traffic, volume" and inserting "traffic volume".

(2) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of such Act is amended in the second sentence by striking "5" and inserting "15".

(3) ELIGIBILITY OF PREIMPLEMENTATION COSTS.— Section 1012(b)(2) of such Act is amended in the second sentence—

(A) by inserting after "Secretary shall fund" the following: "all preimplementation costs and project design, and"; and

(B) by inserting after "Secretary may not fund" the following: "the preimplementation or implementation costs of".

(4) TOLLING.—Section 1012(b)(4) of such Act is amended by striking "a pilot program under this section, but not on more than 3 of such programs" and inserting "any value pricing pilot program under this subsection".

(5) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of such Act is amended by striking paragraph (6) and inserting the following:

"(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.".

(6) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Section 1012(b) of such Act is amended by adding at the end the following:

"(7) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Any value pricing pilot program under this subsection shall include, if appropriate, 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.".

(7) FUNDING.—Section 1012(b) of such Act (as amended by paragraph (6)) is amended by adding at the end the following:

"(8) FUNDING.—

"(A) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,000,000 for each of fiscal years 1998 through 2003.

"(B) AVAILABILITY.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(C) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection for fiscal year 1998 and fiscal years thereafter but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

"(i) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

"(ii) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of such title; and

"(iii) shall be available for any purpose eligible for funding under section 133 of such title.

"(D) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the 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 paragraph shall be determined in accordance with this subsection.".

(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.—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 the 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 the 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 that will be responsible for implementation and administration of the pilot program;

(iv) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the facility, while retaining legal and administrative control of the portion of the Interstate route; and

(v) 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 that—

(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; and

(E) the State has given preference to the use of a 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—

(i) debt service;

(ii) reasonable return on investment of any private person financing the project; and

(iii) 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)(4) 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 subsection 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 meaning such term has under section 101 of title 23, United States Code.

SEC. 1217. ELIGIBILITY.

(a) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

(b) AMBASSADOR BRIDGE ACCESS, DETROIT, MICHIGAN.—

(1) IN GENERAL.—Notwithstanding section 129 of title 23, United States Code, or any other provision of law, improvements to access roads 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 paragraphs (1) and (3) of section 104(b) of such title.

(2) USE OF FUNDS.—Funds described in paragraph (1) shall not be used for any improvement to, or construction of, the bridge itself.

(c) CUYAHOGA RIVER BRIDGE, OHIO.—Notwithstanding 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)(3) of such title.

(d) CONNECTICUT.—In fiscal year 1998, the State of Connecticut may transfer any funds remaining available for obligation under section 104(b)(4) 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 1102(c)(6) of this Act, the Secretary shall make available to the State of Connecticut sufficient obligation authority under section 1102(c) of this Act to obligate funds available for transfer under this subsection.

(e) INTERNATIONAL BRIDGE, SAULT STE. MARIE, MICHIGAN.—The International Bridge Authority, or its successor organization, shall be permitted to continue collecting tolls for maintenance of, operation of, capital improvements to, and future expansions to the International Bridge, Sault Ste. Marie, Michigan, and its approaches, plaza areas, and associated structures.

(f) 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.

(g) CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.—

(1) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in paragraph (2), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(2) AGREEMENTS.—The agreements referred to in paragraph (1) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in paragraph (1).

(h) WELCOME CENTER PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall permit the State of Georgia to conduct a pilot project to acquire, construct, operate, and maintain a demonstration safety rest area and information center along Interstate Route 75 in Cobb County, Georgia, in accordance with paragraph (2).

(2) INFORMATION CENTER AND SYSTEM.—The center may provide goods and information that is of interest to the traveling public, including commercial advertising and media displays, if such advertising and displays are—

(A) exhibited solely within any facility constructed in the rest area; and

(B) not legible from the main traveled way.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the pilot project.

(i) 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.

(j) TOLLS ON PENNSYLVANIA TURNPIKE.—Notwithstanding any other provision of law, no tolls shall be collected during the 6-year period beginning on the date of enactment of this Act on the Pennsylvania Turnpike for travel either entering Bedford and exiting Breezewood, Pennsylvania, or entering Breezewood and exiting Bedford.

(k) VICKSBURG AND JACKSON, MISSISSIPPI.—Notwithstanding any other provision of this Act, funds authorized by this Act (including amendments made by this Act) for transportation projects in the State of Mississippi may be used for the purpose of constructing, reconstructing, or rehabilitating rail lines in the vicinity of Vicksburg and Jackson, Mississippi.

SEC. 1218. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 321 the following:

"§ 322. Magnetic levitation transportation technology deployment program

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs'—

"(A) means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station; and

"(B) includes the costs of preconstruction planning activities.

"(2) FULL PROJECT COSTS.—The term 'full project costs' means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

"(3) MAGLEV.—The term 'MAGLEV' means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour or under 50 miles per hour.

"(4) PARTNERSHIP POTENTIAL.—The term 'partnership potential' has the meaning given the term in the commercial feasibility study of high-speed ground transportation conducted under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1978).

"(b) FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall make available financial assistance to pay the Federal share of full project costs of eligible projects selected under this section. Financial assistance made available under this section and projects assisted with the assistance shall be subject to section 5333(a) of title 49, United States Code.

"(2) FEDERAL SHARE.—The Federal share of full project costs under paragraph (1) shall be not more than ⅔.

"(3) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects selected under this section.

"(c) SOLICITATION OF APPLICATIONS FOR ASSISTANCE.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall solicit applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.

"(d) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

"(1) involve a segment or segments of a high-speed or low-speed ground transportation corridor that exhibit partnership potential;

"(2) require an amount of Federal funds for project financing that will not exceed the sum of—

"(A) the amounts made available under subsection (h)(1)(A); and

"(B) the amounts made available by States under subsection (h)(4);

"(3) result in an operating transportation facility that provides a revenue producing service;

"(4) be undertaken through a public and private partnership, with at least ½ of full project costs paid using non-Federal funds;

"(5) satisfy applicable statewide and metropolitan planning requirements;

"(6) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States;

"(7) to the extent that non-United States MAGLEV technology is used within the United States, be carried out as a technology transfer project; and

"(8) be carried out using materials at least 70 percent of which are manufactured in the United States.

"(e) PROJECT SELECTION CRITERIA.—Prior to soliciting applications, the Secretary shall establish criteria for selecting which eligible projects under subsection (d) will receive financial assistance under subsection (b). The criteria shall include the extent to which—

"(1) a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of MAGLEV technology throughout the United States;

"(2) timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

"(3) States, regions, and localities financially contribute to the project;

"(4) implementation of the project will create new jobs in traditional and emerging industries;

"(5) the project will augment MAGLEV networks identified as having partnership potential;

"(6) financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment;

"(7) financial assistance would foster the timely implementation of a project; and

"(8) life-cycle costs in design and engineering are considered and enhanced.

"(f) PROJECT SELECTION.—

"(1) PRECONSTRUCTION PLANNING ACTIVITIES.—Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 or more eligible projects to receive financial assistance for preconstruction planning activities, including—

"(A) preparation of such feasibility studies, major investment studies, and environmental impact statements and assessments as are required under State law;

"(B) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

"(C) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

"(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of preconstruction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities.

"(g) JOINT VENTURES.—A project undertaken by a joint venture of United States and non-United States persons (including a project involving the deployment of non-United States MAGLEV technology in the United States) shall be eligible for financial assistance under this section if the project is eligible under subsection (d) and selected under subsection (f).

"(h) FUNDING.—

"(1) IN GENERAL.—

"(A) CONTRACT AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for fiscal year 1999, $20,000,000 for fiscal year 2000, and $25,000,000 for fiscal year 2001.

"(ii) CONTRACT AUTHORITY.—Funds authorized by this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

"(II) the availability of the funds shall be determined in accordance with paragraph (2).

"(B) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $200,000,000 for each of fiscal years 2000 and 2001, $250,000,000 for fiscal year 2002, and $300,000,000 for fiscal year 2003.

"(ii) AVAILABILITY.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.

"(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.

"(3) OTHER FEDERAL FUNDS.—Notwithstanding any other provision of law, funds made available to a State to carry out the surface transportation program under section 133 and the congestion mitigation and air quality improvement program under section 149 may be used by the State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

"(4) OTHER ASSISTANCE.—Notwithstanding any other provision of law, an eligible project selected under this section shall be eligible for other forms of financial assistance provided under this title and the Transportation Equity Act for the 21st Century, including loans, loan guarantees, and lines of credit.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 321 the following:

"322. Magnetic levitation transportation technology deployment program.".

SEC. 1219. NATIONAL SCENIC BYWAYS PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code is amended by adding at the end the following:

"§ 162. National scenic byways program

"(a) DESIGNATION OF ROADS.—

"(1) IN GENERAL.—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 the roads as National Scenic Byways or All-American Roads.

"(2) CRITERIA.—The Secretary shall designate roads to be recognized under the national scenic

byways program in accordance with criteria developed by the Secretary.

"(3) NOMINATION.—To be considered for the designation, a road must be nominated by a State or a Federal land management agency and must first be designated as a State scenic byway or, in the case of a road on Federal land, as a Federal land management agency byway.

"(b) GRANTS AND TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall make grants 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 byway program.

"(2) PRIORITIES.—In making grants, the Secretary shall give priority to—

"(A) each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;

"(B) each eligible project along a State-designated scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or All-American Road; and

"(C) each eligible project that is associated with the development of a State scenic byway program.

"(c) ELIGIBLE PROJECTS.—The following are projects that are eligible for Federal assistance under this section:

"(1) An activity related to the planning, design, or development of a State scenic byway program.

"(2) Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.

"(3) Safety improvements to a State scenic byway, National Scenic Byway, or All-American Road to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, National Scenic Byway, or All-American Road.

"(4) Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facility.

"(5) An improvement to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

"(6) Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.

"(7) Development and provision of tourist information to the public, including interpretive information about a scenic byway.

"(8) Development and implementation of a scenic byway marketing program.

"(d) LIMITATION.—The Secretary shall not make a grant under this section for any project that would not protect the scenic, historical, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

"(e) SAVINGS CLAUSE.—The Secretary shall not withhold any grant or impose any requirement on a State as a condition of providing a grant or technical assistance for any scenic byway unless the requirement is consistent with the authority provided in this chapter.

"(f) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byway project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following:

"162. National scenic byways program.".

SEC. 1220. ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES.

(a) IN GENERAL.—

(1) ELIMINATION.—The Secretary shall eliminate any programmatic decisionmaking responsibility of the regional offices of the Federal Highway Administration for the Federal-aid highway program as part of the Administration's efforts to restructure its field organization.

(2) ACTIVITIES.—In carrying out paragraph (1), the Secretary shall eliminate regional offices, create technical resource centers, and, to the maximum extent practicable, delegate authority to State offices of the Federal Highway Administration.

(b) PREFERENCE.—In locating the technical resource centers, the Secretary shall give preference to cities that house, on the date of enactment of this Act, the Federal Highway Administration regional offices and are in locations that minimize the travel distance between the technical resource centers and the Federal Highway Administration division offices that will be served by the new technical resource centers.

(c) 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 to carry out this section not later than September 30, 1998, and thereafter provide periodic progress reports on carrying out this section to such Committees.

(d) IMPLEMENTATION.—The Secretary shall begin implementation of the plan transmitted under subsection (c) not later than December 31, 1998.

SEC. 1221. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.

(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a comprehensive initiative to investigate and address the relationships between transportation and community and system preservation and identify private sector-based initiatives.

(b) RESEARCH.—

(1) IN GENERAL.—In cooperation with appropriate Federal agencies, State, regional, and local governments, and other entities eligible for assistance under subsection (d), the Secretary shall carry out a comprehensive research program to investigate the relationships between transportation, community preservation, and the environment and the role of the private sector in shaping such relationships.

(2) REQUIRED ELEMENTS.—The program shall provide for monitoring and analysis of projects carried out with funds made available to carry out subsections (c) and (d).

(c) PLANNING.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to plan, develop, and implement strategies to integrate transportation and community and system preservation plans and practices.

(2) PURPOSES.—The purposes of the allocations shall be—

(A) to improve the efficiency of the transportation system;

(B) to reduce the impacts of transportation on the environment;

(C) to reduce the need for costly future investments in public infrastructure;

(D) to provide efficient access to jobs, services, and centers of trade; and

(E) to examine development patterns and identify strategies to encourage private sector development patterns which achieve the goals identified in subparagraphs (A) through (D).

(3) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) propose projects for funding that address the purposes described in paragraph (2); and

(B) demonstrate a commitment of non-Federal resources to the proposed projects.

(4) ADDITIONAL CRITERIA.—In addition, the Secretary shall give consideration to applicants that demonstrate a commitment to public and private involvement, including involvement of nontraditional partners in the project team.

(d) ALLOCATION OF FUNDS FOR IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to carry out projects to address transportation efficiency and community and system preservation.

(2) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) have instituted preservation or development plans and programs that—

(i) meet the requirements of title 23 and chapter 53 of title 49, United States Code; and

(ii)(I) are coordinated with State and local adopted preservation or development plans;

(II) are intended to promote cost-effective and strategic investments in transportation infrastructure that minimize adverse impacts on the environment; or

(III) are intended to promote innovative private sector strategies.

(B) have instituted other policies to integrate transportation and community and system preservation practices, such as—

(i) spending policies that direct funds to high-growth areas;

(ii) urban growth boundaries to guide metropolitan expansion;

(iii) "green corridors" programs that provide access to major highway corridors for areas targeted for efficient and compact development; or

(iv) other similar programs or policies as determined by the Secretary;

(C) have preservation or development policies that include a mechanism for reducing potential impacts of transportation activities on the environment;

(D) examine ways to encourage private sector investments that address the purposes of this section; and

(E) propose projects for funding that address the purposes described in subsection (c)(2).

(3) EQUITABLE DISTRIBUTION.—In allocating funds to carry out this subsection, the Secretary shall ensure the equitable distribution of funds to a diversity of populations and geographic regions.

(4) USE OF ALLOCATED FUNDS.—

(A) IN GENERAL.—An allocation of funds made available to carry out this subsection shall be used by the recipient to implement the projects proposed in the application to the Secretary.

(B) TYPES OF PROJECTS.—The allocation of funds shall be available for obligation for—

(i) any project eligible for funding under title 23 or chapter 53 of title 49, United States Code; or

(ii) any other activity relating to transportation and community and system preservation that the Secretary determines to be appropriate,

including corridor preservation activities that are necessary to implement—

(I) transit-oriented development plans;

(II) traffic calming measures; or

(III) other coordinated transportation and community and system preservation practices.

(e) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $20,000,000 for fiscal year 1999 and $25,000,000 for each of fiscal years 2000 through 2003.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 1222. ADDITIONS TO APPALACHIAN REGION.

(a) IN GENERAL.—Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama—

(A) by inserting "Hale," after "Franklin,"; and

(B) by inserting "Macon," after "Limestone,";

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting "Elbert," after "Douglas,"; and

(B) by inserting "Hart," after "Haralson,";

(3) in the undesignated paragraph relating to Mississippi by striking "and Winston" and inserting "Winston, and Yalobusha"; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting "Montgomery," after "Lee,"; and

(B) by inserting "Rockbridge," after "Pulaski,".

(b) TECHNICAL AMENDMENT.—Section 405 of such Act is amended by striking "section 201" and inserting "sections 201 and 403". This amendment ensures that section 403 is still in effect.

SEC. 1223. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement, the International Paralympic movement, and the Special Olympics International movement by hosting international quadrennial Olympic and Paralympic events, and Special Olympics International events, in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC, PARALYMPIC, AND SPECIAL OLYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out sections 118(c) and 144(g)(1) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event, if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event or a Special Olympics International event; and

(2) the project is otherwise eligible for assistance under sections 118(c) and 144(g)(1) of such title.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event, under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) FUNDING.—Notwithstanding section 5001(a), from funds made available under such section, the Secretary may provide assistance for the development of an Olympic, a Paralympic, and a Special Olympic transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event or a Special Olympics International event.

(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC, PARALYMPIC, AND SPECIAL OLYMPIC EVENTS.—

(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event or a Special Olympics International event.

(2) FEDERAL SHARE.—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

(f) ELIGIBLE GOVERNMENTS.—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

Subtitle C—Program Streamlining and Flexibility

SEC. 1301. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION.

(a) ADVANCE ACQUISITION OF REAL PROPERTY.—Section 108 of title 23, United States Code, is amended by striking the section heading and subsection (a) and inserting the following:

"§ 108. Advance acquisition of real property

"(a) IN GENERAL.—

"(1) AVAILABILITY OF FUNDS.—For the purpose of facilitating the timely and economical acquisition of real property for a transportation improvement eligible for funding under this title, the Secretary, upon the request of a State, may make available, for the acquisition of real property, such funds apportioned to the State as may be expended on the transportation improvement, under such rules and regulations as the Secretary may issue.

"(2) CONSTRUCTION.—The agreement between the Secretary and the State for the reimbursement of the cost of the real property shall provide for the actual construction of the transportation improvement within a period not to exceed 20 years following the fiscal year for which the request is made, unless the Secretary determines that a longer period is reasonable.".

(b) CREDIT FOR ACQUIRED LANDS.—Section 323(b) of such title is amended—

(1) in the subsection heading, by striking "DONATED" and inserting "ACQUIRED";

(2) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the State share of the cost of a project with respect to which Federal assistance is provided from the Highway Trust Fund (other than the Mass Transit Account) may be credited in an amount equal to the fair market value of any land that—

"(A) is lawfully obtained by the State or a unit of local government in the State;

"(B) is incorporated into the project;

"(C) is not land described in section 138; and

"(D) the Secretary determines will not influence the environmental assessment of the project, including—

"(i) the decision as to the need to construct the project;

"(ii) the consideration of alternatives; and

"(iii) the selection of a specific location.

"(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of land incorporated into a project and credited under paragraph (1) shall be established in the manner determined by the Secretary, except that—

"(A) the fair market value shall not include any increase or decrease in the value of donated property caused by the project; and

"(B) the fair market value of donated land shall be established as of the earlier of—

"(i) the date on which the donation becomes effective; or

"(ii) the date on which equitable title to the land vests in the State.";

(3) in paragraph (3) by striking "agency of a Federal, State, or local government" and inserting "agency of the Federal Government"; and

(4) in paragraph (4) by striking "to which the donation is applied".

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of such title is amended by adding at the end the following:

"(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, or material in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, or material.".

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of such title is amended by striking the section heading and inserting the following:

"§ 323. Donations and credits".

(2) The analysis for chapter 1 of such title is amended by striking the item relating to section 108 and inserting the following:

"108. Advance acquisition of real property.".

(3) The analysis for chapter 3 of such title is amended by striking the item relating to section 323 and inserting the following:

"323. Donations and credits.".

SEC. 1302. PAYMENTS TO STATES FOR CONSTRUCTION.

Section 121 of title 23, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—The Secretary, from time to time as the work progresses, may make payments to a State for costs of construction incurred by the State on a project. Such payments may also be made for the value of the materials—

"(1) that have been stockpiled in the vicinity of the construction in conformity to plans and specifications for the projects; and

"(2) that are not in the vicinity of the construction if the Secretary determines that because of required fabrication at an off-site location the material cannot be stockpiled in such vicinity.

"(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 the State of the unpaid balance of the Federal share payable for such project.";

(2) by striking subsections (c) and (d); and

(3) by redesignating subsection (e) as subsection (c).

SEC. 1303. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY.

(a) IN GENERAL.—Section 156 of title 23, United States Code, is amended to read as follows:

"§ 156. Proceeds from the sale or lease of real property

"(a) MINIMUM CHARGE.—Subject to section 142(f), a State shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewal (other than for utility use and occupancy or for a transportation project eligible for assistance under this title) of real property acquired with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account).

"(b) EXCEPTIONS.—The Secretary may grant an exception to the requirement of subsection (a) for a social, environmental, or economic purpose.

"(c) USE OF FEDERAL SHARE OF INCOME.—The Federal share of net income from the revenues obtained by a State under subsection (a) shall be used by the State for projects eligible under this title.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 156 and inserting the following:

"156. Proceeds from the sale or lease of real property.".

SEC. 1304. ENGINEERING COST REIMBURSEMENT.

Section 102(b) of title 23, United States Code, is amended in the first sentence by inserting after "10 years" the following: "(or such longer period as the State requests and the Secretary determines to be reasonable)".

SEC. 1305. PROJECT APPROVAL AND OVERSIGHT.

(a) IN GENERAL.—Section 106 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 106. Project approval and oversight";

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by striking subsections (a) through (d) and inserting the following:

"(a) IN GENERAL.—

"(1) SUBMISSION OF PLANS, SPECIFICATIONS, AND ESTIMATES.—Except as otherwise provided in this section, each State transportation 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 on 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 transportation 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 the Federal share of the cost of the project.

"(4) GUIDANCE.—In taking action under this subsection, the Secretary shall be guided by section 109.

"(b) PROJECT AGREEMENT.—

"(1) PROVISION OF STATE FUNDS.—The project agreement shall make provision for State funds required to pay the State's non-Federal share of the cost of construction of the project and to pay for maintenance of the project after completion of construction.

"(2) REPRESENTATIONS OF STATE.—If a part of the project is to be constructed at the expense of, or in cooperation with, political subdivisions of the State, the Secretary may rely on representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials for ensuring that the non-Federal contribution will be provided under paragraph (1).

"(c) ASSUMPTION BY STATES OF RESPONSIBILITIES OF THE SECRETARY.—

"(1) NON-INTERSTATE NHS PROJECTS.—For projects under this title that are on the National Highway System but not on the Interstate System, the State may assume the responsibilities of the Secretary 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.

"(2) NON-NHS PROJECTS.—For projects under this title that are not on the National Highway System, the State shall assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspection of projects, unless the State determines that such assumption is not appropriate.

"(3) AGREEMENT.—The Secretary and the State shall enter into an agreement relating to the extent to which the State assumes the responsibilities of the Secretary under this subsection.

"(4) LIMITATION ON AUTHORITY OF SECRETARY.—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.

"(d) RESPONSIBILITIES OF THE SECRETARY.—Nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under—

"(1) section 113 or 114; or

"(2) any Federal law other than this title (including section 5333 of title 49).

"(e) VALUE ENGINEERING ANALYSIS.—For such projects as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering analysis or other cost reduction analysis.".

(b) FINANCIAL PLAN.—Section 106 of such title (as amended by subsection (a)(2)), is amended by adding at the end the following:

"(h) FINANCIAL PLAN.—A recipient of Federal financial assistance for a project under this title with an estimated total cost of $1,000,000,000 or more shall submit to the Secretary an annual financial plan for the project. The 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.".

(c) LIFE CYCLE COST ANALYSIS.—Section 106 of such title (as amended by subsection (a)(2)), is amended by striking subsection (f) and inserting the following:

"(f) LIFE-CYCLE COST ANALYSIS.—

"(1) USE OF LIFE-CYCLE COST ANALYSIS.—The Secretary shall develop recommendations for the States to conduct life-cycle cost analyses. The recommendations shall be based on the principles contained in section 2 of Executive Order No. 12893 and shall be developed in consultation with the American Association of State Highway and Transportation Officials. The Secretary shall not require a State to conduct a life-cycle cost analysis for any project as a result of the recommendations required under this subsection.

"(2) LIFE-CYCLE COST ANALYSIS DEFINED.—In this subsection, the term 'life-cycle cost analysis' means a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, user costs, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.".

(d) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 106 and inserting the following:

"106. Project approval and oversight.".

SEC. 1306. STANDARDS.

(a) ELIMINATION OF GUIDELINES AND ANNUAL CERTIFICATION REQUIREMENTS.—Section 109 of title 23, United States Code, is amended—

(1) by striking subsection (m); and

(2) by redesignating subsections (n) through (q) as subsections (m) through (p), respectively.

(b) SAFETY STANDARDS.—Section 109 of such title (as amended by subsection (a)), is amended by adding at the end the following:

"(q) PHASE CONSTRUCTION.—Safety considerations for a project under this title may be met by phase construction consistent with the operative safety management system established in accordance with section 303 or in accordance with a statewide transportation improvement program approved by the Secretary.".

SEC. 1307. DESIGN-BUILD CONTRACTING.

(a) AUTHORITY.—Section 112(b) of title 23, United States Code, is amended—

(1) in the first sentence of paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) in paragraph (2)(A) by striking "Each" and inserting "Subject to paragraph (3), each"; and

(3) by adding at the end the following:

"(3) DESIGN-BUILD CONTRACTING.—

"(A) IN GENERAL.—A State transportation department or local transportation agency may award a design-build contract for a qualified project described in subparagraph (C) using any procurement process permitted by applicable State and local law.

"(B) LIMITATION ON FINAL DESIGN.—Final design under a design-build contract referred to in subparagraph (A) shall not commence before compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

"(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter for which—

"(i) the Secretary has approved the use of design-build contracting described in subparagraph (A) under criteria specified in regulations issued by the Secretary; and

"(ii) the total costs are estimated to exceed—

"(I) in the case of a project that involves installation of an intelligent transportation system, $5,000,000; and

"(II) in the case of any other project, $50,000,000.

"(D) DESIGN-BUILD CONTRACT DEFINED.—In this paragraph, the term 'design-build contract' means an agreement that provides for design and construction of a project by a contractor, regardless of whether the agreement is in the form of a design-build contract, a franchise agreement, or any other form of contract approved by the Secretary.".

(b) INAPPLICABILITY OF STANDARDIZED CONTRACT CLAUSE REQUIREMENT.—Section 112(e)(2) of such title is amended—

(1) by striking "Paragraph" and inserting the following:

"(A) STATE LAW.—Paragraph";

(2) by adding at the end the following:

"(B) DESIGN-BUILD CONTRACTS.—Paragraph (1) shall not apply to any design-build contract approved under subsection (b)(3).'; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this subsection) with subparagraph (B) of such section (as added by paragraph (2) of this subsection).

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than the effective date specified in subsection (e), after consultation with the American Association of State Highway and Transportation Officials and representatives from affected industries, the Secretary shall issue regulations to carry out the amendments made by this section.

(2) CONTENTS.—The regulations shall—

(A) identify the criteria to be used by the Secretary in approving the use by a State transportation department or local transportation agency of design-build contracting; and

(B) establish the procedures to be followed by a State transportation department or local transportation agency for obtaining the Secretary's approval of the use of design-build contracting by the department or agency.

(d) EFFECT ON EXPERIMENTAL PROGRAM.—Nothing in this section or the amendments made by this section affects the authority to carry out, or any project carried out under, any experimental program concerning design-build contracting that is being carried out by the Secretary as of the date of enactment of this Act.

(e) EFFECTIVE DATE FOR AMENDMENTS.—

(1) IN GENERAL.—The amendments made by this section take effect 3 years after the date of enactment of this Act.

(2) TRANSITION PROVISION.—

(A) IN GENERAL.—During the period before issuance of the regulations under subsection (c), the Secretary may approve, in accordance with an experimental program described in subsection (d), design-build contracts to be awarded using any process permitted by applicable State and local law; except that final design under any such contract shall not commence before compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(B) PREVIOUSLY AWARDED CONTRACTS.—The Secretary may approve design-build contracts awarded before the date of enactment of this Act.

(C) DESIGN-BUILD CONTRACT DEFINED.—In this paragraph, the term "design-build contract" means an agreement that provides for design and construction of a project by a contractor, regardless of whether the agreement is in the form of a design-build contract, a franchise agreement, or any other form of contract approved by the Secretary.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the effectiveness of design-build contracting procedures.

(2) CONTENTS.—The report shall contain—

(A) an assessment of the effect of design-build contracting on project quality, project cost, and timeliness of project delivery;

(B) recommendations on the appropriate level of design for design-build procurements;

(C) an assessment of the impact of design-build contracting on small businesses;

(D) assessment of the subjectivity used in design-build contracting; and

(E) such recommendations concerning design-build contracting procedures as the Secretary determines to be appropriate.

SEC. 1308. 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 the analyses required to be undertaken pursuant to the planning provisions of title 23, United States Code, and chapter 53 of title 49, United States Code, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for Federal-aid highway and transit projects. The scope of the applicability of such regulations shall be no broader than the scope of such section.

SEC. 1309. 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 (42 U.S.C. 4321 et seq.), 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.—

(A) IN GENERAL.—The coordinated environmental review process for each project shall ensure that, whenever practicable (as specified 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 project concerned shall be conducted concurrently and completed within a cooperatively determined time period. Such process for a project or class of project may be incorporated into a memorandum of understanding between the Department of Transportation and Federal agencies (and, where appropriate, State agencies).

(B) ESTABLISHMENT OF TIME PERIODS.—In establishing the time period referred to in subparagraph (A), 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 project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) FEDERAL 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 (42 U.S.C. 4321 et seq.); 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 (42 U.S.C. 4321 et seq.) 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 project; 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 the reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); 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 the time periods established by the Council on Environmental Quality under 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 that has been discovered that could not reasonably have been anticipated when the Federal 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, the Secretary may, after notice and consultation with such agency, close the record on the matter before the Secretary. If the Secretary finds, after timely compliance with this section, that an environmental issue related to the project that an affected Federal agency has jurisdiction over by operation of Federal law has not been resolved, the Secretary and the head of the Federal agency shall resolve the matter not later than 30 days after the date of the finding by the Secretary.

(d) 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 that are required to 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 established under 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 the State shall be subject to the review process.

(e) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—

(1) IN GENERAL.—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 coordinated environmental review process established under this section to affected Federal agencies to provide the resources necessary to meet any time limits established under this section.

(2) AMOUNTS.—Such requests under paragraph (1) shall be approved only—

(A) for the additional amounts that the Secretary determines are necessary for the affected Federal agencies to meet the time limits for environmental review; and

(B) if such time limits are less than the customary time necessary for such review.

(f) 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 affect the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(g) FEDERAL AGENCY DEFINED.—In this section, the term "Federal agency" means any Federal agency or any State agency carrying out affected responsibilities required by operation of Federal law.

SEC. 1310. UNIFORM TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, 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.—No funds may be transferred under this section that are subject to the last sentence of section 133(d)(1) or to section 104(f) or to section 133(d)(3). The maximum amount that a State may transfer under this section of the State's set-aside under section 133(d)(1) or 133(d)(2) for a fiscal year may not exceed 25 percent of (1) the amount of such set-aside, less (2) the amount of the State's set-aside under such section for fiscal year 1997.

"(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 that the State's apportionment under section 104(b)(2) for such fiscal year would have been had the program been funded at $1,350,000,000. 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 analysis for chapter 1 of such title is amended by inserting after the item relating to section 109 the following:

"110. Uniform transferability of Federal-aid highway funds.".

Subtitle D—Safety

SEC. 1401. HAZARD ELIMINATION PROGRAM.

Section 152 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a) Each" and inserting the following:

"(a) IN GENERAL.—

"(1) PROGRAM.—Each";

(B) by inserting ", bicyclists," after "motorists";

(C) by adding at the end the following:

"(2) HAZARDS.—In carrying out paragraph (1), a State may, at its discretion—

"(A) identify, through a survey, hazards to motorists, bicyclists, pedestrians, and users of highway facilities; and

"(B) develop and implement projects and programs to address the hazards."; and

(D) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) of such subsection (as added by subparagraph (C) of this paragraph);

(2) in subsection (b) by striking "highway safety improvement project" and inserting "safety improvement project, including a project described in subsection (a)";

(3) in subsection (c) by striking "on any public road (other than a highway on the Interstate System)." and inserting the following: "on—

"(1) any public road;

"(2) any public surface transportation facility or any publicly owned bicycle or pedestrian pathway or trail; or

"(3) any traffic calming measure.";

(4) in subsection (e)—

(A) by striking "apportioned to" in the first sentence and all that follows through "shall be" in the second sentence; and

(B) by striking "section 104(b)(1)" and inserting "section 104(b)"; and

(5) in subsections (f) and (g) by striking "highway safety improvement projects" each place it appears and inserting "safety improvement projects".

SEC. 1402. ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue 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) USES 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 restoration of 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) using 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 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study. The report shall include findings and recommendations for the use of the technologies referred to in paragraph (2) to provide positive separation on appropriate projects.

SEC. 1403. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking section 157 and inserting the following:

"§ 157. Safety incentive grants for use of seat belts

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line.

"(2) MULTIPURPOSE PASSENGER MOTOR VEHICLE.—The term 'multipurpose passenger motor vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed on a truck chassis or is constructed with special features for occasional off-road operation.

"(3) NATIONAL AVERAGE SEAT BELT USE RATE.—The term 'national average seat belt use rate' means, in the case of each of calendar years 1996 through 2001, the national average seat belt use rate for that year, as determined by the Secretary.

"(4) PASSENGER CAR.—The term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger motor 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) SAVINGS TO THE FEDERAL GOVERNMENT.—The term 'savings to the Federal Government' means the amount of Federal budget savings relating to Federal medical costs (including savings under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.)), as determined by the Secretary.

"(7) SEAT BELT.—The term 'seat belt' means—

"(A) with respect to an open-body passenger motor vehicle, including a convertible, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to any other passenger motor vehicle, an occupant restraint system consisting of integrated lap and shoulder belts.

"(8) STATE SEAT BELT USE RATE.—The term 'State seat belt use rate' means the rate of use of seat belts in passenger motor vehicles in a State, as measured and submitted to the Secretary—

"(A) for each of calendar years 1996 and 1997, by the State, as weighted by the Secretary to ensure national consistency in methods of measurement (as determined by the Secretary); and

"(B) for each of calendar years 1998 through 2001, by the State in a manner consistent with the criteria established by the Secretary under subsection (e).

"(b) DETERMINATIONS BY THE SECRETARY.—Not later than September 1, 1998, and September 1 of each calendar year thereafter through September 1, 2002, the Secretary shall determine—

"(1)(A) which States had, for each of the previous calendar years (in this subsection referred

to as the 'previous calendar year') and the year preceding the previous calendar year, a State seat belt use rate greater than the national average seat belt use rate for that year; and

"(B) in the case of each State described in subparagraph (A), the amount that is equal to the savings to the Federal Government due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year; and

"(2) in the case of each State that is not a State described in paragraph (1)(A)—

"(A) the base seat belt use rate of the State, which shall be equal to the highest State seat belt use rate for the State for any calendar year during the period of 1996 through the calendar year preceding the previous calendar year; and

"(B) the amount that is equal to the savings to the Federal Government due to any increase in the State seat belt use rate for the previous calendar year over the base seat belt use rate determined under subparagraph (A).

"(c) ALLOCATIONS.—

"(1) STATES WITH GREATER THAN THE NATIONAL AVERAGE SEAT BELT USE RATE.—Not later than October 1, 1998, and each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(1)(A) an amount equal to the amount determined for the State under subsection (b)(1)(B).

"(2) OTHER STATES.—Not later than October 1, 1998, and each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(2) an amount equal to the amount determined for the State under subsection (b)(2)(B).

"(d) USE OF AMOUNTS.—For each fiscal year, each State that is allocated an amount under this section shall use the amount for projects eligible for assistance under this title.

"(e) CRITERIA.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish criteria for the measurement of State seat belt use rates by States to ensure that the measurements are accurate and representative.

"(f) INNOVATIVE SEAT BELT PROJECT ALLOCATIONS.—

"(1) IN GENERAL.—The Secretary shall use amounts made available under subsection (g)(3) to make allocations to States to carry out innovative projects to promote increased seat belt use rates.

"(2) DETERMINATION OF ELIGIBILITY.—To be eligible to receive an allocation under this subsection for a fiscal year, a State shall—

"(A) develop a plan for innovative projects described in paragraph (1); and

"(B) submit the plan to the Secretary not later than March 1 of the fiscal year.

"(3) PLAN SELECTION.—

"(A) CRITERIA.—Not later than December 1, 1998, the Secretary shall establish criteria for the selection of State plans for allocations under this subsection.

"(B) SELECTION.—The Secretary shall select State plans for allocations under this subsection in accordance with the criteria established under subparagraph (A).

"(C) STATES.—In carrying out this paragraph, the Secretary shall ensure, to the maximum extent practicable, demographic and geographic diversity and a diversity of seat belt use rates among the States selected for allocations.

"(4) ALLOCATION.—Not later than October 1, 1999, and each October 1 thereafter through October 1, 2002, the Secretary shall allocate funds to the States whose plans were selected under paragraph (3).

"(5) AMOUNT OF ALLOCATIONS.—Subject to the availability of unallocated amounts under subsection (g)(3), the amount of each allocation to a State under this subsection shall be not less than $100,000 for each fiscal year that is covered by a State plan.

"(6) USE OF ALLOCATIONS.—An allocation to a State under this subsection shall be used to carry out the innovative seat belt projects described in the State plan for which the allocation is awarded.

"(7) FEDERAL SHARE.—The Federal share of the cost of an innovative seat belt project under this section shall be 100 percent.

"(8) PERIOD OF AVAILABILITY.—Amounts allocated to a State under this subsection shall remain available for obligation in the State for a period of 3 years after the last day of the fiscal year for which the amounts are allocated.

"(g) FUNDING.—

"(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $82,000,000 for fiscal year 1999, $92,000,000 for fiscal year 2000, $102,000,000 for fiscal year 2001, $112,000,000 for fiscal year 2002, and $112,000,000 for fiscal year 2003.

"(2) PROPORTIONATE ADJUSTMENT.—If the total amounts to be allocated under subsection (c) for any fiscal year would exceed the amounts authorized for the fiscal year under paragraph (1), the allocation to each State under subsection (c) shall be reduced proportionately.

"(3) USE OF UNALLOCATED FUNDS.—

"(A) FISCAL YEAR 1999.—To the extent that the amounts made available for fiscal year 1999 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for fiscal year 1999, the excess amounts—

"(i) shall be apportioned in accordance with section 104(b)(3);

"(ii) shall be considered to be sums made available for expenditure on the surface transportation program, except that the amounts shall not be subject to section 133(d); and

"(iii) shall be available for any purpose eligible for funding under section 133.

"(B) FISCAL YEARS 2000 THROUGH 2003.—To the extent that the amounts made available for any of fiscal years 2000 through 2003 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for the fiscal year, the excess amounts shall be used to make allocations under subsection (f).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157 and inserting the following:

"157. Safety incentive grants for use of seat belts.".

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) shall not affect any funds apportioned or allocated before the date of enactment of this Act.

SEC. 1404. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 163. Safety incentives to prevent operation of motor vehicles by intoxicated persons

"(a) GENERAL AUTHORITY.—The Secretary shall make a grant, in accordance with this section, to any State that has enacted and is enforcing a law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State shall be deemed to have committed a per se offense of driving while intoxicated (or an equivalent per se offense).

"(b) GRANTS.—For each fiscal year, funds authorized to carry out this section shall be apportioned to each State that has enacted and is enforcing a law meeting the requirements of subsection (a) in an amount determined by multiplying—

"(1) the amount authorized to carry out this section for the fiscal year; by

"(2) the ratio that the amount of funds apportioned to each such State under section 402 for such fiscal year bears to the total amount of funds apportioned to all such States under section 402 for such fiscal year.

"(c) USE OF GRANTS.—A State may obligate funds apportioned under subsection (b) for any project eligible for assistance under this title.

"(d) FEDERAL SHARE.—The Federal share of the cost of a project funded under this section shall be 100 percent.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $55,000,000 for fiscal year 1998, $65,000,000 for fiscal year 1999, $80,000,000 for fiscal year 2000, $90,000,000 for fiscal year 2001, $100,000,000 for fiscal year 2002, and $110,000,000 for fiscal year 2003.

"(2) AVAILABILITY OF FUNDS.—Notwithstanding section 118(b)(2), the funds authorized by this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"Sec. 163. Safety incentives to prevent operation of motor vehicles by intoxicated persons.".

Subtitle E—Finance

CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

SEC. 1501. SHORT TITLE.

This chapter may be cited as the "Transportation Infrastructure Finance and Innovation Act of 1998".

SEC. 1502. FINDINGS.

Congress finds that—

(1) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States;

(2) traditional public funding techniques such as grant programs are unable to keep pace with the infrastructure investment needs of the United States because of budgetary constraints at the Federal, State, and local levels of government;

(3) major transportation infrastructure facilities that address critical national needs, such as intermodal facilities, border crossings, and multistate trade corridors, are of a scale that exceeds the capacity of Federal and State assistance programs in effect on the date of enactment of this Act;

(4) new investment capital can be attracted to infrastructure projects that are capable of generating their own revenue streams through user charges or other dedicated funding sources; and

(5) a Federal credit program for projects of national significance can complement existing funding resources by filling market gaps, thereby leveraging substantial private co-investment.

SEC. 1503. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"SUBCHAPTER II—INFRASTRUCTURE FINANCE

"§ 181. Definitions

"In this subchapter, the following definitions apply:

"(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

"(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

"(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

"(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

"(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

"(3) INVESTMENT-GRADE RATING.—The term 'investment-grade rating' means a rating category of BBB minus, Baa3, or higher assigned by a rating agency to project obligations offered into the capital markets.

"(4) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

"(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

"(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

"(5) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

"(6) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

"(7) LOCAL SERVICER.—The term 'local servicer' means—

"(A) a State infrastructure bank established under this title; or

"(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

"(8) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

"(9) PROJECT.—The term 'project' means—

"(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49;

"(B) a project for an international bridge or tunnel for which an international entity authorized under Federal or State law is responsible.

"(C) a project for intercity passenger bus or rail facilities and vehicles, including facilities and vehicles owned by the National Railroad Passenger Corporation and components of magnetic levitation transportation systems; and

"(D) a project for publicly owned intermodal surface freight transfer facilities, other than seaports and airports, if the facilities are located on or adjacent to National Highway System routes or connections to the National Highway System.

"(10) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

"(11) RATING AGENCY.—The term 'rating agency' means a bond rating agency identified by the Securities and Exchange Commission as a Nationally Recognized Statistical Rating Organization.

"(12) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

"(13) STATE.—The term 'State' has the meaning given the term in section 101.

"(14) SUBSIDY AMOUNT.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

"(15) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means the opening of a project to vehicular or passenger traffic.

"§ 182. Determination of eligibility and project selection

"(a) ELIGIBILITY.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

"(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

"(A) shall be included in the State transportation plan required under section 135; and

"(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

"(2) APPLICATION.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

"(3) ELIGIBLE PROJECT COSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

"(i) $100,000,000; or

"(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.

"(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

"(4) DEDICATED REVENUE SOURCES.—Project financing shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources.

"(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

"(b) SELECTION AMONG ELIGIBLE PROJECTS.—

"(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

"(2) SELECTION CRITERIA.—

"(A) IN GENERAL.—The selection criteria shall include the following:

"(i) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

"(ii) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment.

"(iii) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

"(iv) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

"(v) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

"(vi) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

"(vii) The extent to which the project helps maintain or protect the environment.

"(viii) The extent to which assistance under this chapter would reduce the contribution of Federal grant assistance to the project.

"(B) PRELIMINARY RATING OPINION LETTER.—For purposes of subparagraph (A)(ii), the Secretary shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency indicating that the project's senior obligations have the potential to achieve an investment-grade rating.

"(c) FEDERAL REQUIREMENTS.—In addition to the requirements of this title for highway projects, chapter 53 of title 49 for transit projects, and section 5333(a) of title 49 for rail projects, the following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

"(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

"(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

"§ 183. Secured loans

"(a) IN GENERAL.—

"(1) AGREEMENTS.—Subject to paragraphs (2) through (4), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

"(A) to finance eligible project costs; or

"(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

"(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

"(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 182(b)(2)(B), shall determine an appropriate capital reserve subsidy amount for each secured loan, taking into account such letter.

"(4) INVESTMENT-GRADE RATING REQUIREMENT.—The funding of a secured loan under this section shall be contingent on the project's senior obligations receiving an investment-grade rating, except that—

"(A) the Secretary may fund an amount of the secured loan not to exceed the capital reserve subsidy amount determined under paragraph (3) prior to the obligations receiving an investment-grade rating; and

"(B) the Secretary may fund the remaining portion of the secured loan only after the obligations have received an investment-grade rating by at least 1 rating agency.

"(b) TERMS AND LIMITATIONS.—

"(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

"(3) PAYMENT.—The secured loan—

"(A) shall—

"(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

"(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

"(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

"(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

"(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

"(c) REPAYMENT.—

"(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

"(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

"(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

"(4) DEFERRED PAYMENTS.—

"(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary may, subject to subparagraph (C), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

"(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

"(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

"(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

"(C) CRITERIA.—

"(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting criteria established by the Secretary.

"(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

"(5) PREPAYMENT.—

"(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

"(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

"(d) SALE OF SECURED LOANS.—

"(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

"(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

"(e) LOAN GUARANTEES.—

"(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

"(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

"§ 184. Lines of credit

"(a) IN GENERAL.—

"(1) AGREEMENTS.—Subject to paragraphs (2) through (4), the Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

"(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

"(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 182(b)(2)(B), shall determine an appropriate capital reserve subsidy amount for each line of credit, taking into account such letter.

"(4) INVESTMENT-GRADE RATING REQUIREMENT.—The funding of a line of credit under this section shall be contingent on the project's senior obligations receiving an investment-grade rating from at least 1 rating agency.

"(b) TERMS AND LIMITATIONS.—

"(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNTS.—

"(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

"(B) 1-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

"(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

"(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

"(5) SECURITY.—The line of credit—

"(A) shall—

"(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

"(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

"(7) RIGHTS OF THIRD PARTY CREDITORS.—

"(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

"(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

"(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

"(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section also shall not receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

"(c) REPAYMENT.—

"(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

"(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

"(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

"§ 185. Project servicing

"(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

"(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

"(1) shall act as the agent for the Secretary; and

"(2) may receive a servicing fee, subject to approval by the Secretary.

"(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

"(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

"§ 186. State and local permits

"The provision of financial assistance under this subchapter with respect to a project shall not—

"(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

"(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

"(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

"§ 187. Regulations

"The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

"§ 188. Funding

"(a) FUNDING.—

"(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter—

"(A) $80,000,000 for fiscal year 1999;

"(B) $90,000,000 for fiscal year 2000;

"(C) $110,000,000 for fiscal year 2001;

"(D) $120,000,000 for fiscal year 2002; and

"(E) $130,000,000 for fiscal year 2003.

"(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

"(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

"(b) CONTRACT AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

"(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

"(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

"Fiscal year:	Maximum amount of credit:
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000
2003	$2,300,000,000.

"§ 189. Report to Congress

"Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

"(1) by continuing the program under the authority of the Secretary;

"(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

"(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.".

(b) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before "Sec." the following:

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(B) by adding at the end the following:

"SUBCHAPTER II—INFRASTRUCTURE FINANCE

"181. Definitions.
"182. Determination of eligibility and project selection.
"183. Secured loans.
"184. Lines of credit.
"185. Project servicing.
"186. State and local permits.
"187. Regulations.
"188. Funding.
"189. Report to Congress.";

and

(2) by inserting before section 101 the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

SEC. 1504. DUTIES OF THE SECRETARY.

Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7) by striking "and" at the end;

(2) in paragraph (8) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.".

CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

SEC. 1511. STATE INFRASTRUCTURE BANK PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) OTHER ASSISTANCE.—The term "other assistance" includes any use of funds in an infrastructure bank—

(A) to provide credit enhancements;

(B) to serve as a capital reserve for bond or debt instrument financing;

(C) to subsidize interest rates;

(D) to ensure the issuance of letters of credit and credit instruments;

(E) to finance purchase and lease agreements with respect to transit projects;

(F) to provide bond or debt financing instrument security; and

(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which the assistance is being provided.

(2) STATE.—The term "State" has the meaning given the term under section 401 of title 23, United States Code.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—

(A) PURPOSE OF AGREEMENTS.—Subject to this section, the Secretary may enter into cooperative agreements with the States of California, Florida, Missouri, and Rhode Island for the establishment of State infrastructure banks and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

(B) CONTENTS OF AGREEMENTS.—Each cooperative agreement shall specify procedures and guidelines for establishing, operating, and providing assistance from the infrastructure bank.

(2) INTERSTATE COMPACTS.—If 2 or more States enter into a cooperative agreement under paragraph (1) with the Secretary for the establishment of a multistate infrastructure bank, Congress grants consent to those States to enter into an interstate compact establishing the bank in accordance with this section.

(c) FUNDING.—

(1) CONTRIBUTION.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (h)(1), a State that enters into a cooperative agreement under this section to contribute to the infrastructure bank established by the State not to exceed—

(A)(i) the total amount of funds apportioned to the State under each of paragraphs (1), (3), and (4) of section 104(b) and section 144 of title 23, United States Code, excluding funds set aside under paragraphs (1) and (2) of section 133(d) of such title; and

(ii) the total amount of funds allocated to the State under section 105 of such title;

(B) the total amount of funds made available to the State or other Federal transit grant recipient for capital projects (as defined in section 5302 of title 49, United States Code) under sections 5307, 5309, and 5311 of such title; and

(C) the total amount of funds made available to the State under subtitle V of title 49, United States Code.

(2) CAPITALIZATION GRANT.—For the purposes of this section, Federal funds contributed to the infrastructure bank under this subsection shall constitute a capitalization grant for the infrastructure bank.

(3) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds that are apportioned or allocated to a State under section 104(b)(3) of title 23, United States Code, and attributed to urbanized areas of a State with a population of over 200,000 individuals under section 133(d)(2) of such title may be used to provide assistance from an infrastructure bank under this section with respect to a project only if the metropolitan planning organization designated for the area concurs, in writing, with the provision of the assistance.

(d) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—

(1) IN GENERAL.—An infrastructure bank established under this section may make loans or provide other assistance to a public or private entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section.

(2) SUBORDINATION OF LOANS.—The amount of any loan or other assistance provided for the project may be subordinated to any other debt financing for the project.

(3) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds contributed to an infrastructure bank under this section shall not be made in the form of a grant.

(e) QUALIFYING PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), funds in an infrastructure bank established under this section may be used only to provide assistance with respect to projects eligible for assistance under title 23, United States Code, for capital projects (as defined in section 5302 of title 49, United States Code), or for any other project related to surface transportation that the Secretary determines to be appropriate.

(2) INTERSTATE FUNDS.—Funds contributed to an infrastructure bank from funds apportioned to a State under section 104(b)(4) of title 23, United States Code, may be used only to provide assistance with respect to projects eligible for assistance under such paragraph.

(3) RAIL PROGRAM FUNDS.—Funds contributed to an infrastructure bank from funds made available to a State under subtitle V of title 49 United States Code, shall be used in a manner consistent with any project description specified under the law making the funds available to the State.

(f) INFRASTRUCTURE BANK REQUIREMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), in order to establish an infrastructure bank under this section, each State establishing such a bank shall—

(A) contribute, at a minimum, to the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and contributed to the bank under subsection (c), except that if the State has a higher Federal share payable under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;

(B) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances and its ability to pay claims under credit enhancement programs of the bank;

(C) ensure that investment income generated by funds contributed to the bank will be—

(i) credited to the bank;

(ii) available for use in providing loans and other assistance to projects eligible for assistance from the bank; and

(iii) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(D) ensure that any loan from the bank will bear interest at or below market rates, as determined by the State, to make the project that is the subject of the loan feasible;

(E) ensure that repayment of the loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

(F) ensure that the term for repaying any loan will not exceed the lesser of—

(i) 35 years after the date of the first payment on the loan under subparagraph (E); or

(ii) the useful life of the investment; and

(G) require the bank to make a biennial report to the Secretary and to make such other reports as the Secretary may require in guidelines.

(2) WAIVERS BY THE SECRETARY.—The Secretary may waive a requirement of any of subparagraphs (C) through (G) of paragraph (1) with respect to an infrastructure bank if the Secretary determines that the waiver is consistent with the objectives of this section.

(g) LIMITATION ON REPAYMENTS.—Notwithstanding any other provision of law, the repayment of a loan or other assistance provided from an infrastructure bank under this section may not be credited toward the non-Federal share of the cost of any project.

(h) SECRETARIAL REQUIREMENTS.—In administering this section, the Secretary shall—

(1) ensure that Federal disbursements shall be at an annual rate of not more than 20 percent of the amount designated by the State for State infrastructure bank capitalization under subsection (c)(1), except that the Secretary may disburse funds to a State in an amount needed to finance a specific project; and

(2) revise cooperative agreements entered into with States under section 350 of the National Highway System Designation Act of 1995 (Public Law 104–59) to comply with this section.

(i) APPLICABILITY OF FEDERAL LAW.—

(1) IN GENERAL.—The requirements of titles 23 and 49, United States Code, that would otherwise apply to funds made available under such title and projects assisted with those funds shall apply to—

(A) funds made available under such title and contributed to an infrastructure bank established under this section, including the non-Federal contribution required under subsection (f); and

(B) projects assisted by the bank through the use of the funds;

except to the extent that the Secretary determines that any requirement of such title (other than sections 113 and 114 of title 23 and section 5333 of title 49), is not consistent with the objectives of this section.

(2) REPAYMENTS.—The requirements of titles 23 and 49, United States Code, shall apply to repayments from non-Federal sources to an infrastructure bank from projects assisted by the bank. Such a repayment shall be considered to be Federal funds.

(j) UNITED STATES NOT OBLIGATED.—

(1) IN GENERAL.—The contribution of Federal funds to an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party. No third party shall have any right against the United States for payment solely by virtue of the contribution.

(2) STATEMENT.—Any security or debt financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

(k) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, United States Code, shall not apply to funds contributed under this section.

(l) PROGRAM ADMINISTRATION.—

(1) IN GENERAL.—A State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.

(2) NON-FEDERAL FUNDS.—The limitation described in paragraph (1) shall not apply to non-Federal funds.

Subtitle F—High Priority Projects

SEC. 1601. HIGH PRIORITY PROJECTS PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking section 117 and inserting the following:

"§ 117. High priority projects program

"(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—The Secretary is authorized to carry out high priority projects with funds made available to carry out the high priority projects program under this section. Of amounts made available to carry out this section, the Secretary, subject to subsection (b), shall make available to carry out each project described in section 1602 of the Transportation Equity Act for the 21st Century the amount listed for such project in such section. Any amounts made available to carry out such program that are not allocated for projects described in such section shall be available to the Secretary, subject to subsection (b), to carry out such other high priority projects as the Secretary determines appropriate.

"(b) ALLOCATION PERCENTAGES.—For each project to be carried out with funds made available to carry out the high priority projects program under this section—

"(1) 11 percent of such amount shall be available for obligation beginning in fiscal year 1998;

"(2) 15 percent of such amount shall be available for obligation beginning in fiscal year 1999;

"(3) 18 percent of such amount shall be available for obligation beginning in fiscal year 2000;

"(4) 18 percent of such amount shall be available for obligation beginning in fiscal year 2001;

"(5) 19 percent of such amount shall be available for obligation beginning in fiscal year 2002; and

"(6) 19 percent of such amount shall be available for obligation beginning in fiscal year 2003.

"(c) FEDERAL SHARE.—The Federal share payable on account of any project carried out with funds made available to carry out this section shall be 80 percent of the total cost thereof.

"(d) DELEGATION TO STATES.—Subject to the provisions of this title, the Secretary shall delegate responsibility for carrying out a project or projects, with funds made available to carry out this section, to the State in which such project or projects are located upon request of such State.

"(e) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for a project under this section—

"(1) has obligated all funds allocated under this section and section 1602 of the Transportation Equity Act for the 21st Century for such project; and

"(2) 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 section and section 1602 of the Transportation Equity Act for the 21st Century.

"(f) PERIOD OF AVAILABILITY.—Funds made available to carry out this section shall remain available until expended.

"(g) AVAILABILITY OF OBLIGATION LIMITATION.—Obligation authority attributable to funds made available to carry out this section shall only be available for the purposes of this section and shall remain available until obligated pursuant to section 1102(g) of the Transportation Equity Act for the 21st Century.

"(h) TREATMENT.—Funds allocated to a State in accordance with this section shall be treated as amounts in addition to the amounts a State is apportioned under sections 104, 105, and 144 for programmatic purposes.".

(b) PURPOSE OF PROJECTS.—Section 145 of such title is amended—

(1) by inserting "(a) PROTECTION OF STATE SOVEREIGNTY.—" before "The authorization"; and

(2) by adding at the end the following:

"(b) PURPOSE OF PROJECTS.—The projects described in section 1602 of the Transportation Equity Act for the 21st Century, sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027 et seq.), and section 149(a) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181 et seq.) are intended to establish eligibility for Federal-aid highway funds made available for such projects by section section 1101(a)(13) of the Transportation Equity Act for the 21st Century, 117 of title 23, United States Code, sections 1103 through 1108 of Intermodal Surface Transportation Efficiency Act of 1991, and subsections (b), (c), and (d) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, respectively, and are not intended to define the scope or limits of Federal action in a manner inconsistent with subsection (a).".

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 117 and inserting the following:

"117. High priority projects program.".

SEC. 1602. PROJECT AUTHORIZATIONS.

Subject to section 117 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 1101(a)(13) of the Transportation Equity Act for the 21st Century) for fiscal years 1998 through 2003 to carry out each such project:

No.	State	Project description	[Dollars in Millions]
1.	Georgia	I-75 advanced transportation management system in Cobb County	1.275
2.	Ohio	Relocate Washington Street/SR 149 within Bellaire city limits in Belmont County	2
3.	Virginia	Commuter and freight rail congestion and mitigation project over Quantico Creek	7.5
4.	Michigan	Construct bike path between Mount Clemens and New Baltimore	3.75
5.	California	Extend I-10 HOV lanes, Los Angeles	2.205
6.	Utah	Reconstruct US-89 and interchange at 200 North in Kaysville	5.25
7.	Ohio	Upgrade North Road between US 422 and East Market St., Trumbull Co	1.2
8.	Tennessee	Alternative transportation systems, Rutherford	5.1
9.	New York	Improve Long Ridge Road from Pound Ridge Road to Connecticut State line	1.4
10.	New York	I-87 Noise Abatement Program	7.5
11.	California	Upgrade access road to Mare Island	0.75
12.	Texas	Reconstruct FM 364 between Humble Road and I-10, Beaumont	3.6
13.	Washington	Construct pedestrian access and safety on Deception Pass Bridge, Deception Pass State Park, Washington	1
14.	Ohio	Conduct feasibility study for inclusion of US-22 as part of the Interstate System	0.1
15.	New York	Improve Route 9 in Dutchess County	1.14
16.	California	Reconstruct State Route 81 (Sierra Ave.) and I-10 Interchange in Fontana	7.5
17.	New York	Reconstruct Springfield Blvd. between the Long Island Rail main line south to Rockaway Blvd., Queens County	3
18.	Tennessee	Reconstruction of US-414 In Henderson County	3.75
19.	New Jersey	Upgrade Market St./Essex St. and Rochelle Ave./Main St. to facilitate access to Routes 17 and 80, Bergen Co	3.75
20.	Pennsylvania	US-209 Marshall's Creek Traffic Relief project in Monroe County	7.5
21.	Louisiana	Replace ferry in Plaquemines Parish	1.6125
22.	Arkansas	Construct access routes between interstate highway, industrial park and Slackwater Harbor, Little Rock	0.75
23.	Georgia	Reconstruct SR-26/US-60 from Bull River to Lazaretto Creek	2.6625
24.	California	Improve SR-91/Green River Road interchange	4.875
25.	Ohio	Construct new bridge over Muskingum River and highway approaches, Washington County	1.5
26.	Virginia	Widen Route 123 from Prince William County line to State Route 645 in Fairfax County, Virginia	7.5
27.	California	Improve the interchange at Cabo and Nason Street in Moreno Valley	4.5
28.	Nevada	Canamex Corridor Innovative Urban Renovation project in Henderson	5.25
29.	California	Construct bikeways, Santa Maria	0.384
30.	Louisiana	Expand Harding Road from Scenic Highway to the Mississippi River and construct an information center	2.7
31.	Florida	West Palm Beach Traffic Calming Project on US-1 and Flagur Drive	11.25
32.	Oregon	Construct bike path paralleling 42nd Street to link with existing bike path, Springfield	0.6
33.	Illinois	Construct elevated walkway between Centre Station and arena	0.9
34.	Pennsylvania	Construct Ardmore Streetscape project	0.45
35.	California	Construct San Diego and Arizona Eastern Intermodal Yard, San Ysidro	10
36.	New Jersey	Replace Clove Road bridge over tributary of Mill Brook and Clove Brook in Sussex County	0.75
37.	Oregon	Design and engineering for Newberg-Dundee Bypass	0.375
38.	Ohio	Upgrade US Rt. 33 between vicinity of Haydenville to Floodwood (Nelsonville Bypass)	3.75
39.	Connecticut	Revise interchange ramp on to Route 72 northbound from I-84 East in Plainville, Connecticut	2.8125
40.	Alaska	Construct Spruce Creek Bridge in Soldotna	0.2625
41.	New York	Undertake studies, planning, engineering, design and construction of a tunnel alternative to reconstruction of existing elevated expressway (Gowanus tunnel project)	18
42.	Virginia	Reconstruct SR 168 (Battlefield Blvd.) in Chesapeake	6
43.	Pennsylvania	Upgrade PA 228 (Crows Run Corridor)	5.4
44.	New York	Upgrade and improve Saratoga to Albany intermodal transportation corridor	12.2
45.	Pennsylvania	Widen Montgomery Alley and improve pedestrian and parking facilites in the vicinity of the Falling Spring, Chambersburg	2
46.	Nebraska	Corridor study for Plattsmouth Bridge area to US-75 and Horning Road	0.2625
47.	Pennsylvania	Construct SR 3019 over Great Trough Creek in Huntingdon County	0.375
48.	Pennsylvania	Improve PA 56 from I-99 to Somerset County Line in Bedford County	0.75
49.	Connecticut	Replace Windham Road bridge, Windham	1.5
50.	Tennessee	Upgrade Briley Parkway between I-40 and Opreyland	4.2
51.	Pennsylvania	Renovate Harrisburg Transportation Center in Dauphin County	1.875
52.	Oregon	Construct phase I: highway 99 to Biddle Road of the highway 62 corridor solutions project	15.625
53.	Washington	Construct traffic signals on US-2 at Olds Owens Road and 5th Street in Sultan, Washington	0.257
54.	New York	Upgrade Route 17 between Five Mile Point and Occanum, Broome Co	12.6
55.	Texas	Improve US 82, East-West Freeway between Memphis Avenue and University Avenue	12.3
56.	Tennessee	Construct Stones River Greenway, Davidson	8.2
57.	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	0.375
58.	Minnesota	Upgrade 10th Street South, St. Cloud	1.125
59.	Tennessee	Improve State Road 95 from Westover Drive to SR-62 in Roane and Anderson Counties	3.675
60.	California	Construct Ontario International Airport ground access program	10.5
61.	Iowa	Construct four-lane expressway between Des Moines and Marshalltown	7.5
62.	Texas	Upgrade FM225, Nacogdoches	3
63.	Ohio	Upgrade US Rt. 35 between vicinity of Chillicothe to Village of Richmond Dale	3.75
64.	Indiana	Upgrade 93rd Avenue in Merrillville	4.425
65.	California	Improve streets and construct bicycle path, Westlake Village	0.236
66.	Pennsylvania	Upgrade I-95 between Lehigh Ave. and Columbia Ave. and improvements to Girard Ave./I-95 interchange, Philadelphia	21.45
67.	Michigan	Construct I-96/Beck Wixom Road interchange	1.95
68.	Pennsylvania	Construct I-95/Route 332 interchange	1.5
69.	California	Improve streets and construct bicycle path, Calabasas	0.75
70.	New York	Construct Hutton Bridge Project	1
71.	Ohio	Restore Main and First Streets to two-way traffic, Miamisburg	0.3375
72.	Virginia	Widen I-64 Bland Boulevard interchange	25.8375
73.	Washington	Widen Cook Road in Skagit County, Washington	3.1
74.	New York	Construct interchange and connector road using ITS testbed capabilities at I-90 Exit 8	8.775
75.	New York	Construct Edgewater Road Dedicated Truck Route	9
76.	Illinois	Upgrade Illinois 336 between Illinois 61 to south of Loraine	3.825
77.	Michigan	Reconstruct Bagley Street and improve Genschaw Road, Alpena	0.45
78.	California	Construct Third Street South Bay Basin Bridge, San Francisco	9.375
79.	New Mexico	Improve I-25 at Raton Pass	9
80.	Pennsylvania	Construct Mon-Fayette Expressway between Union Town and Brownsville	20
81.	Michigan	Upgrade Hill Road corridor between I-75 to Dort Highway, Genesee Co	2.25
82.	Georgia	Improve GA-316 in Gwinnett County	30.675
83.	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	12
84.	Florida	Construct US-98/Thomas Drive interchange	8.25
85.	Illinois	Construct I-64/North Greenmount Rd. interchange, St. Clair Co	3.6
86.	South Carolina	Three River Greenway Project to and from Gervals Street in Columbia	3.75
87.	New York	Upgrade Chenango County Route 32 in Norwich	1.6
88.	Maine	Construct I-95/Stillwater Avenue interchange	1.5
89.	Massachusetts	Construct I-495/Route 2 interchange east of existing interchange to provide access to commuter rail station, Littleton	3.15
90.	Connecticut	Construct Seaview Avenue Corridor project	2.5
91.	Texas	Construct transportation improvements as part of redevelopment of Kelly AFB, San Antonio	3.75
92.	Texas	Conduct pipeline express study through Texas Transportation Institute (A&M University)	1.125
93.	Illinois	Undertake improvements to Campus Transportation System, Chicago	1.5
94.	Pennsylvania	Improve walking and biking trails between Easton and Lehigh Gorge State Park within the Delaware and Lehigh Canal National Heritage Corridor	2.1
95.	Michigan	Upgrade and make improvements to the Walton Corridor project including segments of Walton Blvd., Baldwin and Joslyn Roads, and Telegraph Road	10.5

No.	State	Project description	[Dollars in Millions]
96.	North Carolina	Construct Charlotte Western Outer Loop freeway, Mecklenburg Co	12
97.	Tennessee	Reconstruct US 79 between Milan and McKenzie	3
98.	Virginia	Undertake access improvements for Freemason Harbor Development Initiative, Norfolk	1.5
99.	Pennsylvania	Upgrade US Rt. 119 between Homer City and Blairsville	3.05
100.	Minnesota	Construct pedestrian bridge over TH 169 in Elk River	0.53025
101.	Georgia	Construct Athens to Atlanta Transportation Corridor	6
102.	Alabama	Initiate construction on controlled access highway between the Eastern edge of Madison County and Mississippi State line	3
103.	Texas	Construct improvements along US 69 including frontage roads, Jefferson Co	5.76
104.	New York	Rehabilitate Broadway Bridge, New York City	1.5
105.	Ohio	Reconstruct Morgan County 37 in Morgan County	0.4
106.	California	Improve Mission Boulevard in San Bernardino, California	0.5
107.	Indiana	Widen 116th Street in Carmel	1.125
108.	Illinois	Undertake traffic mitigation and circulation enhancements, 57th and Lake Shore Drive	2
109.	Georgia	Construct Rome to Memphis Highway in Floyd and Bartow Counties	0.584
110.	Ohio	Construct highway-rail grade separations on Snow Road in Brook Park	4.75
111.	Kentucky	Construct highway-rail grade separations along the City Lead in Paducah	0.825
112.	Illinois	Resurface S. Chicago Ave. From 71st to 95th Streets, Chicago	0.795
113.	Minnesota	Upgrade TH 13 between TH 77 and I-494	1.5
114.	Kentucky	Redevelop and improve ground access to Louisville Waterfront District in Louisville, Kentucky	2.84
115.	South Dakota	Construct US-16 Hell Canyon Bridge and approaches in Custer County	0.441
116.	Georgia	Resurface Davis Drive, Green Street, and North Houston Road in Warner Robins	0.3
117.	Pennsylvania	Construct highway-transit transfer facility in Lemoyne	1.5
118.	Georgia	Upgrade I-75 between the Crisp/Dooly Co. line to the Florida State line	8.25
119.	New Jersey	Conduct Route 46 Corridor Improvement Project with the amount provided, $8,625,000 for the Route 46/Riverview Drive Interchange reconstruction project, $12,675,000 for the Route 46/Van Houton Avenue reconstruction project, and $3,075,000 for the Route 46/Union Blvd. interchange reconstruction project	24.375
120.	Mississippi	Construct segment 2 of the Jackson University Parkway in Jackson	0.6875
121.	New Jersey	Improve grade separations on the Garden State Parkway in Cape May County, New Jersey	10.5
122.	Pennsylvania	Construct access to site of former Philadelphia Naval Shipyard and Base, Philadelphia	1.5
123.	Idaho	Reconstruct US-95 from Bellgrove to Mica	9
124.	Illinois	Improve access to 93rd Street Station, Chicago	2.25
125.	Illinois	Rehabilitate WPA Streets in Chicago	4.7
126.	Minnesota	Construct grade crossing improvments, Morrison County	1.35
127.	Kentucky	Extend Hurstbourne Parkway from Bardstown Road to Fern Valley Road	4.56
128.	Texas	Upgrade SH 130 in Caldwell amd Williamson Counties	0.75
129.	Massachusetts	Construct bikeway between Blackstone and Worcester	6
130.	New York	Rehabilitate roads, Village of Great Neck	0.12
131.	Virginia	Widen I-81 in Roanoke and Botetourt Counties and in Rockbridge, Augusta and Rockingham Counties	4
132.	Illinois	Construct an interchange at I-90 and Illinois Route 173 in Rockford	5.625
133.	Illinois	Engineering for Peoria to Chicago expressway	5
134.	Pennsylvania	Construct access improvements between exits 56 and 57 off I-81 in Lackawanna	1.275
135.	California	Reconstruct Tennessee Valley Bridge, Marin Co	0.75
136.	Michigan	Improvements to Card Road between 21 mile road and 23 mile road in Macomb Co	0.975
137.	Illinois	Construct Veterans Parkway from Eastland Drive to Commerce Parkway in Bloomington	7.88
138.	New York	Conduct safety study and improve I-90 in Downtown Buffalo	0.4
139.	Minnesota	Upgrade CSAH 1 from CSAH 61 to 0.8 miles north	0.36
140.	Pennsylvania	Construct access road and parking facilities, Valley Forge National Historic Park, Valley Forge	3
141.	Illinois	Construct Orchard Road Bridge over the Fox River	5.25
142.	Missouri	Construct US-412 corridor from Kennett to Hayti, Missouri	6
143.	Michigan	Upgrade M-84 connector between Tittabawasee Rd. and M-13, Bay and Saginaw Counties	13.135
144.	Louisiana	Increase capacity of Lake Pontchartrain Causeway	1
145.	Tennessee	Improve the Elizabethon Connector from US-312 to US-19 East	6.3375
146.	Texas	Construct Austin to San Antonio Corridor	5.625
147.	Pennsylvania	Make safety improvements on PA Rt. 61 (Dusselfink Safety Project) between Rt. 183 in Cressona and SR 0215 in Mount Carbon	7
148.	Tennessee	Improve State Route 92 from I-40 to South of Jefferson City	3.4125
149.	Illinois	Planning, engineering and first phase construction of beltway connector, Decatur	2
150.	Indiana	Safety improvements to McKinley and Riverside Avenues in Muncie	6.825
151.	Georgia	Widen Georgia Route 6/US-278 in Polk County	5.666
152.	Arkansas	Widen 28th Street and related improvements in Van Buren, Arkansas	0.75
153.	Tennessee	Reconstruct Old Walland Highway bridge over Little River in Townsend	1.26
154.	Missouri	Construct Highway 36 Hannibal Bridge and approaches in Marion County	2.4
155.	Minnesota	Construct Cass County Public Trails Corridors	0.18
156.	Alabama	Construct Eastern Black Warrior River Bridge	13
157.	Michigan	Construct Monroe Rail Consolidation Project, Monroe	4.5
158.	Illinois	Rehabilitate 95th Street between 54th Place and 50th Avenue, Oak Lawn	0.6
159.	New York	Construct Hamilton Street interchange in Erwin, New York	12.375
160.	New York	Improve 6th and Columbia Street project in Elmira	0.525
161.	California	Enhance Fort Bragg and Willitis passenger stations	0.275
162.	New York	Capital improvements for the car float operations in Brooklyn, New York, for the New York City Economic Development Corp	14
163.	New Jersey	Construct New Jersey Exit 13A Flyover (extension of Kapowski Rd. to Trumbull St.)	2
164.	Pennsylvania	Relocate U.S. 22 around the Borough of Holidaysburg, PA, or other projects in the counties of Bedford, Blair, Centre, Franklin, Mifflin, Fulton and Clearfield, and Huntingdon as selected by the State of Pennsylvania	25
165.	Wyoming	Construct Jackson-Teton Pathway in Teton County	1.5
166.	Michigan	Construct improvements to 23 Mile Road between Mound Road and M-53, Macomb County	2.25
167.	Michigan	Early preliminary engineering/preliminary engineering to U.S. 131 B.R./ Industrial Connector, Kalamazoo, Michigan	1.5
168.	Illinois	Construct improvements to segment of Town Creek Road, Jackson Co	0.975
169.	Vermont	Replace Missisquoi Bay Bridge	12
170.	Massachusetts	Upgrade Sacramento Street underpass, Somerville	0.1875
171.	Oregon	Study and design I-5/Beltline Road interchange reconstruction	3
172.	Massachusetts	Construct accessibility improvments to Charles Street T Station, Boston	3
173.	California	Widen and improve I-5/State Route 126 interchange in Valencia	10.425
174.	Arkansas	Widen Highway 65/82 from Pine Bluff to the Mississippi State line	5.375
175.	Ohio	Rehabilitate Martin Luther King, Jr. Bridge, Toledo	1.5
176.	California	Upgrade I-880, Alameda	7.5
177.	Illinois	Right-of-way acquisition for segment of Alton Bypass between Illinois 143 to Illinois 140 near Alton	3
178.	Georgia	Conduct study of a multimodal transportation corridor along GA-400	17.25
179.	Illinois	Reconstruct Dixie Highway, Harvey	0.3705
180.	Tennessee	Construct State Route 131 from Gill Road to Bishop Road	1.8
181.	Washington	Construct Port of Kalama River Bridge	0.675
182.	Virginia	Upgrade Virginia Route 10, Surrey Co	0.75
183.	Iowa	Reconstruct US Highway 218 between 7th and 20th Streets inlcuding center turn lane from Hubenthal Place to Carbide Lane, Keokuk	2.5
184.	Oregon	Repair bridge over Rogue River, Gold Beach	10
185.	New Jersey	Construct pedestrian bridge in Washington Township	2.25
186.	Ohio	Construct Chesapeake Bypass, Lawrence Co	3.75
187.	California	Rehabilitate historic train depot in San Bernadino	2.625
188.	Michigan	Construct improvements to Linden Rd. between Maple Ave. and Pierson Rd., Genessee Co	0.9
189.	Alabama	Construct Crepe Myrtle Trail near Mobile, Alabama	1.2
190.	New York	Reconstruct Route 23/Route 205 intersection in Oneonta	0.85
191.	Rhode Island	Reconstruct interchanges on Rt. 116 between Rt. 146 and Ashton Viaduct, Lincoln	0.33375
192.	Michigan	Construct route improvements along Washington Ave. between Janes Ave. to Johnson St. and East Genesee Ave. between Saginaw River and Janes Ave., Saginaw	2.7
193.	California	Realign and improve California Route 79 in Riverside County	4.5
194.	Michigan	Construct Tawas Beach Road/US 23 interchange improvements, East Tawas	1.65
195.	Illinois	Rehabilitate Timber Bridge over Little Muddy River and approach roadway, Perry Co	0.105
196.	Texas	Construct East Loop, Brownsville	0.75
197.	Mississippi	Upgrade Cowan-Lorraine Rd. between I-10 and U.S. 90, Harrison Co	8.5
198.	California	Construct Alameda Corridor East project	9.5625
199.	Washington	Construct I-5 interchanges in Lewis County	4.9875

No.	State	Project description	[Dollars in Millions]
200.	Minnesota	Undertake improvements to Hennepin County Bikeway	3.9
201.	Illinois	Construct Alton Bypass from IL-40 to Fosterburg Road	1.875
202.	Louisiana	Construct Houma-Thibodaux to I-10 connector from Gramercy to Houma	2.325
203.	Illinois	Study for new bridge over Mississippi River with terminus points in St. Clair County and St. Louis, MO	1.05
204.	New York	Rehabilitate Queens Blvd./Sunnyside Yard Bridge, New York City	6
205.	North Carolina	Construct segment of I-74 between Maxton Bypass and NC 710, Robeson Co	1.5
206.	Alabama	Conduct engineering, acquire right-of-way and construct the Birmingham Northern Beltline in Jefferson County	17
207.	South Dakota	Replace Meridan Bridge	3.25
208.	Ohio	Upgrade Route 82, Strongsville	5.25
209.	Mississippi	Construct I-20 /Norrell Road interchange, Hinds County	3.75
210.	Wisconsin	Reconstruct U.S. Highway 151, Waupun to Fond du Lac	19.5
211.	Michigan	Improve Kent County Airport road access in Grand Rapids, Michigan by extending 36th Street, improving 48th Street and constructing the I-96/Whitneyville interchange	11.28
212.	Pennsylvania	Replace Dellville Bridge in Wheatfield	0.75
213.	California	Upgrade Ft. Irwin Road from I-15 to Fort Irwin	1.125
214.	New York	Reconstruct 127th Street viaduct, New York City	1.5
215.	Arkansas	Upgrade US Rt. 67, Newport to Missouri State line	1.5
216.	Louisiana	Extend Howard Avenue to Union Passenger Terminal, New Orleans	6
217.	Colorado	Complete the Powers Boulevard north extension in Colorado Springs	9
218.	Pennsylvania	Widen US-30 from US-222 to PA-340 and from PA-283 to PA-741	9
219.	Pennsylvania	Upgrade Route 219 between Meyersdale and Somerset	2.4
220.	Mississippi	Widen MS-15 from Laurel to Louiseville	7.5
221.	California	Construct bike paths, Thousand Oaks	0.625
222.	Texas	Investigate strategies to reduce congestion and facilitate access at the international border crossing in Roma	0.375
223.	Wisconsin	Upgrade Marshfield Blvd., Marshfield	3.75
224.	Wisconsin	Construct Abbotsford Bypass	4.5
225.	New York	Reconstruct Route 25/Route 27 intersection in St. Lawrence County	0.75
226.	California	Upgrade access to Sylmar/San Fernando Metrolink Station and Westfield Village, Los Angeles	0.375
227.	Tennessee	Construct park and ride intermodal centers for Nashville/Middle Tennessee Commuter Rail	8
228.	Illinois	Upgrade St. Marie Township Road, Jasper County	0.036
229.	Illinois	Resurface 95th St. between Western Ave. and Stony Island Blvd., Chicago	2.34
230.	New York	Construct new exit 46A on I-90 at Route 170 in North Chili	6
231.	Indiana	Upgrade 4 warning devices on north/south rail line from Terre Haute to Evansville	0.3
232.	California	Improve SR-70 from Marysville Bypass to Oroville Freeway	6.25
233.	Dist. of Col.	Implement Geographical Information System, Washington, D.C	7.5
234.	California	Construct connector between I-5 and SR 113 and reconstruct I-5 interchange with Road 102, Woodland	11.5
235.	Pennsylvania	Reconstruct State Route 2001 in Pike County	6.75
236.	California	Upgrade I-680 Corridor, Alameda Co	7.5
237.	Louisiana	Reconstruct I-10 and Ryan Street access ramps and frontage street improvements, Lake Charles	6
238.	Arkansas	Construct access route to Northwest Arkansas Regional Airport in Highfill, Arkansas	12
239.	Pennsylvania	Reconstruct structures and adjacent roadway, Etna and Aspenwall (design and right-of-way acquisition phases), Allegheny Co	2
240.	Alaska	Construct capital improvements to intermodal freight and passenger facilities servicing the Alaska Marine Highway and other related transportation modes in Seward provided that the state public authority which owns the current intermodal facilities carries out this project with the entire amount of funds provided	4.5
241.	Illinois	Construct improvements to Pleasant Hill Road, Carbondale	1.425
242.	Florida	Deploy magnetic lane marking system on I-4	0.375
243.	Texas	Extend Texas State Highway 154 between US 80W and State Highway 43S	4.675
244.	Minnesota	Upgrade CSAH 16 between TH 53 and CSAH 4	4.05
245.	Pennsylvania	Upgrade US Rt. 22, Chickory Mountain section	4.85
246.	Arkansas	Improve Arkansas State Highway 12 from US-71 at Rainbow Curve to Northwest Arkansas Regional Airport	0.375
247.	Massachusetts	Implement Cape and Islands Rural Roads Initiative, Cape Cod	0.375
248.	Massachusetts	Reconstruct roadways, Somerville	2.25
249.	Washington	Construct Washington Pass visitor facilities on North Cascades Highway	0.9
250.	Indiana	Construct Hazel Dell Parkway from 96th Street to 146th Street in Carmel	4.125
251.	Georgia	Upgrade Lithonia Industrial Boulevard, DeKalb Co	0.375
252.	Wisconsin	Upgrade STH 29 between IH 94 and Chippewa Falls	4.5
253.	Kansas	Construct Diamond interchange at Antioch and I-435	7.56
254.	California	Reconstruct I-215 and construct HOV lanes between 2nd Street and 9th Street, San Bernardino	2.0625
255.	Iowa	Relocate US 61 to bypass Fort Madison	2.25
256.	Illinois	Construct Richton Road, Crete	1.5
257.	Ohio	Upgrade US-30 from SR-235 in Hancock County to the Ontario bypass in Richland County	11.25
258.	Florida	Construct access road to St. Johns Ave. Industrial Park	0.75
259.	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, including a new interchange on S.R. 0029	10.5
260.	Louisiana	Construct State Highway 3241/State Highway 1088/I-12 interchange in St. Tammany Parish, Louisiana	8.5
261.	Illinois	Improve access to Rantoul Aviation Center in Rantoul	1.6
262.	Virginia	Improve Harrisonburg East Side roadways in Harrisonburg	0.5
263.	California	Upgrade Highway 99 between State Highway 70 and Lincoln Rd., Sutter Co	7.3
264.	Indiana	Extend East 56th Street in Lawrence	4.875
265.	New York	Construct the Mineola intermodal facility and Hicksville intermodal facility in Nassau county	10.5
266.	Texas	Upgrade IH-30 between Dallas and Ft. Worth	21.75
267.	Massachusetts	Construct improvements to North Main Street in Worcester	1.8
268.	Arkansas	Study and construct a multi-modal facility Russellville, Arkansas	0.75
269.	New York	Judd Road Connector in New Hartford and Whitestown, New York	30.3
270.	Oregon	Upgrade I-5, Salem	3
271.	California	Upgrade call boxes throughout Santa Barbara County	1.125
272.	Wisconsin	Upgrade US Rt. 10 between Waupaca to US Rt. 41	6
273.	Iowa	Reconstruct I-235 and improve the interchange for access to the MLKing Parkway	5.175
274.	Pennsylvania	Construct Steel Heritage Trail between Glenwood Bridge to Clairton via McKeesport	0.3
275.	Idaho	Construct critical interchanges and grade-crossings on US-20 between Idaho Falls and Chester	7.5
276.	Utah	Construct Cache Valley Highway in Logan	5.25
277.	Massachusetts	Upgrade Rt. 3 between Rt. 128/I-95 to Massachusetts and New Hampshire State Line	6.15
278.	Indiana	Construct Hoosier Heartland from Lafayette to Ft. Wayne	18.75
279.	New York	Conduct traffic calming study on National Scenic Byway Route 5 in Hamburg	0.3
280.	California	Construct I-5 rail grade crossings between I-605 and State Route 91, Los Angeles and Orange Counties	15.09
281.	Massachusetts	Undertake improvements to South Station Intermodal Station	2.25
282.	Massachusetts	Reconstruct Bates Bridge over Merrimack River	3
283.	Illinois	Upgrade Wood Street between Little Calumet River to 171st St., Dixmore, Harvey, Markham, Hazel Crest	0.7425
284.	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	6.15
285.	Illinois	Reconstruct Mt. Erie Blacktop in Mt. Erie	3.385
286.	Michigan	Repair 48th Avenue, Menominee	0.2025
287.	Texas	Reconstruct intermodal connectors on Highway 78 and Highway 544 in Wylie	5.5
288.	Georgia	Conduct a study of transportation alternatives in Northwest Georgia between Atlanta and Chattanooga	3.75
289.	Louisiana	Reconstruct Jefferson Lakefront bikepath in Jefferson Parish, Louisiana	1
290.	New York	Construct Midtown West Intermodal Ferry Terminal, New York City	3.5
291.	Maine	Construct I-295 connector, Portland	3.375
292.	Colorado	Construct I-25 truck lane from Lincoln Avenue to Castle Pines Parkway in Douglas County	2.25
293.	New Jersey	Widen Route 1 from Pierson Avenue to Inman Avenue in Middlesex County	5.25
294.	New York	Construct intermodal transportation hub in Patchogue	1.875
295.	New York	Improve Route 281 in Cortland	6.75
296.	California	Construct State Route 76 in Northern San Diego	7.5
297.	Illinois	Congestion mitigation for Illinois Route 31 and Illinois Route 62 intersection in Algonquin	9
298.	Pennsylvania	Improve South Central Business Park in Fulton County	0.75
299.	California	Willits Bypass, Highway 101 in Mendocino County, California	0.65
300.	Texas	Upgrade FM 1764 between FM 646 to State Highway 6	2.25
301.	Ohio	Construct Intermodal Industrial Park in Wellsville	3.04

No.	State	Project description	[Dollars in Millions]
302.	Texas	Construct US Expressway 77/83 interchange, Harlingen	5.625
303.	Georgia	Construct Harry S. Truman Parkway	2.6625
304.	Maryland	Upgrade I-95/I-495 interchange at Ritchie Marlboro Rd., Prince Georges	3.6
305.	New York	Construct CR-82 from Montauk Highway to Sunrise Highway in Suffolk County	0.435
306.	Pennsylvania	PA 26 over Piney Creek 2-bridges in Bedford County	0.6
307.	Illinois	Intersection improvements at 79th and Stoney Island Blvd., Chicago	1.305
308.	New York	Construct CR-85 from Foster Avenue to CR97 in Suffolk County	0.675
309.	New York	Construct Phase II of the City of Mount Vernon's New Haven Railroad Redevelopment project	2
310.	Alabama	Construct improvements to 41st Street between 1st Ave. South and Airport Highway, Birmingham	0.75
311.	Alaska	Improve roads in Kotzebue	1.7625
312.	Pennsylvania	Conduct preliminary engineering on the relocation of exits 4 and 5 on I-83 in York County	1.5
313.	North Carolina	Construct I-540 from east of NC Rt. 50 to east of US Rt. 1 in Wake Co	9.75
314.	Alabama	Construct enhancements along 12th Street between State Highway 11 and Baptist Princeton Hospital, Birmingham	0.6
315.	Pennsylvania	Conduct highway research, Drexel University	1
316.	Illinois	Improve IL-113 in Kankakee	5.55
317.	Texas	Upgrade JFK Causeway, Corpus Christi	2.25
318.	Pennsylvania	Construct Philadelphia Intermodal Gateway Project at 30th St. Station	6
319.	Wisconsin	Construct STH-26/US-41 Interchange in Oshkosh	2.25
320.	California	Improve and widen Forest Hill Road in Placer County	2.7
321.	Florida	ITS improvements on US-19 in Pasco County	1.5
322.	Nebraska	Conduct corridor study from Wayne to Vermillion-Newcastle bridge	0.4125
323.	Oregon	Construct right-of-way improvements to provide improved pedestrian access to MAX light rail, Gresham	1
324.	Virginia	Repair historic wooden bridges along portion of Virginia Creeper Trail maintained by Town of Abingdon	0.75
325.	Oregon	Reconstruct Lovejoy ramp, Portland	5
326.	Washington	Widen SR-99 between 148th Street and King County Line in Lynnwood	2.7
327.	Minnesota	Construct Trunk Highway 169 Causeway, Itasca Co	6.075
328.	Louisiana	Conduct a feasibility and design study of Louisiana Highway 30 between Louisiana Highway 44 and I-10	1.5
329.	Indiana	Reconstruct US Rt. 231 between junction of State Road 66 to Dubois Co. line	0.6
330.	Massachusetts	Construct Greenfield-Montague Bikeways, Franklin Co	0.675
331.	California	Improve highway access to Humboldt Bay and Harbor Port	0.275
332.	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	0.25
333.	Pennsylvania	Replace Grant Street Bridge, New Castle	1.8
334.	North Dakota	Upgrade U.S. Route 52 between Donnybrook and US Route 2	1.8
335.	Florida	Construct Wonderwood Connector from Mayport to Arlington, Duval County, Florida	27.725
336.	California	Construct pedestrian boardwalk between terminus of Pismo Promenade at Pismo Creek and Grande Avenue in Gover Beach	0.375
337.	Pennsylvania	Construct PA-283 North Union Street ramps in Dauhpin County	1.8375
338.	New Jersey	Upgrade Garden State Parkway Exit 142	22.5
339.	Minnesota	Extend County State Highway 61 extension into Two Harbors	0.6
340.	Minnesota	Reconstruct and replace I-494 Wakota Bridge from South St. Paul to Newport, and approaches	9.75
341.	Texas	Reconstruct and widen I-35 between North of Georgetown at Loop 418 to US Rt. 190	6
342.	Georgia	Undertake major arterial enhancements in DeKalb Co. with the amount provided as follows: $5,250,000 for Candler Rd., $5,625,000 for Memorial Drive and $675,000 for Bufford Highway	11.55
343.	Illinois	Consolidate rail tracks and eliminate grade crossings as part of Gateway Intermodal Terminal access project	1.125
344.	Ohio	Replace I-280 bridge over Maumee River, Toledo area	18
345.	Pennsylvania	Eliminate 16 at-grade rail crossings through Erie	8
346.	Arkansas	Construct Geyer Springs RR grade separation, Little Rock	0.75
347.	Wisconsin	Construct Chippewa Falls Bypass	4.5
348.	Kentucky	Correct rock hazard on US 127 in Russell County	0.02625
349.	Kentucky	Widen US-27 from Norwood to Eubank	22.5
350.	Virginia	Conduct Williamsburg 2007 transportation study	0.325
351.	Virginia	Construct I-95/State Route 627 interchange in Stafford County	3.8375
352.	Tennessee	Construct Foothills Parkway from Walland to Weans Valley	8.625
353.	Oregon	Upgrade Murray Blvd. inlcuding overpass bridge, Millikan to Terman	3.75
354.	California	Construct San Francisco Regional Intermodal Terminal	9.375
355.	New Hampshire	Construct the Broad Street Parkway in Nashua	12.511
356.	New Hampshire	Construct Conway bypass from Madison to Bartlett	5.325
357.	California	Seismic retrofit of Golden Gate Bridge	0.75
358.	Pennsylvania	Realign Route 501 in Lebanon County	1.2
359.	Maryland	Upgrade US 29 interchange with Randolph Road, Montgomery Co	9
360.	Utah	Construct I-15 interchange at Atkinville	6
361.	Illinois	Resurface Cicero Ave. between 127th St. and 143rd St., Chicago	0.4575
362.	Pennsylvania	Improve Lewistown Narrows US 322 in Mifflin and Juniata County	40
363.	Florida	Enhance access to Gateway Marketplace through improvements to access roads, Jacksonville	0.9
364.	Indiana	Upgrade 14 warning devices on east/west rail line from Gary to Auburn	1.05
365.	Tennessee	Construct I-40/SR 155 interchange, Davidson	4.2
366.	Tennessee	Construct Crosstown Greenway/Bikeway, Springfield	3.2
367.	Maine	Studies and planning for reconstruction of East-West Highway	3
368.	Florida	Construct Port of Palm Beach road access improvements, Palm Beach County, Florida	15.75
369.	New Jersey	Reconstruct Essex Street Bridge, Bergen Co	1.875
370.	Missouri	Relocate and reconstruct Route 21 between Schenk Rd. to Town of DeSoto	30
371.	New York	Improve Route 31 from Baldwinsville to County Route 57	8.8125
372.	Virginia	Upgrade Rt. 600 to facilitate access between I-81 and Mount Rogers National Recreation Area	5
373.	California	Construct I-380 connector between Sneath Lane and San Bruno Ave., San Bruno	2.1
374.	Florida	Construct South Connector Road and Airport Road interchange in Jacksonville, Florida	6.75
375.	Pennsylvania	Resurface current 219 bypass at Bradford	4.875
376.	Kentucky	Construct Route 259-101 from Brownsville to I-65	0.75
377.	California	Construct interchanges for I-10 in Coachella Valley, Riverside County	2.25
378.	New Mexico	Improve 84/285 between Espanola and Hernandez	4.5
379.	Pennsylvania	Upgrade 2 sections of US-6 in Tioga County	1.125
380.	Wisconsin	Improve Janesville transportation	3
381.	Arkansas	Construct Baseline Road RR grade separation, Little Rock	3.75
382.	Virginia	Replace Shore Drive Bridge over Petty Lake, Norfolk	3
383.	Arizona	Replace US-93 Hoover Dam Bridge	10
384.	Michigan	Operational improvements on M-24 from I-75 to the northern Oakland Co. border	0.5
385.	Illinois	Reconstruct US-30, Will County	6.75
386.	Minnesota	Construct Trunk Highway 610/10 from Trunk Highway 169 in Brooklyn Park to I-94 in Maple Grove	12
387.	Illinois	Extend and reconstruct roadways through industrial corridor in Alton	4.2675
388.	Pennsylvania	Rehabilitate Jefferson Heights Bridge, Penn Hills	1.275
389.	Ohio	Construct Eastern US Rt. 23 bypass of Portsmouth	3.75
390.	Washington	Construct State Route 7 - Elbe rest area and interpretive facility in Pierce County, WA	0.45
391.	Michigan	Undertake capital improvements to facilitate traffic between Lansing and Detroit	7.5
392.	New Mexico	Reconstruct US-84/US-285 from Santa Fe to Espanola	13.5
393.	Connecticut	Reconstruct Post Office/Town Farm Road in Enfield, Connecticut	1.125
394.	Connecticut	Improve pedestrian and bicycle connections between Union Station and downtown New London	3.39
395.	Pennsylvania	Construct access to Tioga Marine Terminal, Ports of Philadelphia and Camden	1.2
396.	Virginia	Downtown Staunton Streetscape Plan - Phase I in Staunton	0.5
397.	Illinois	Construct Marion Street multi-modal project in Village of Oak Park	1.5
398.	California	Improve and construct I-80 reliever route project; Walters Road and Walters Road Extension Segments	2.35
399.	Texas	Upgrade State Highway 24 from Commerce to State Highway 19 north of Cooper	3.75
400.	Maryland	Construct pedestrian and bicycle path between Druid Hill Park and Penn Station, Baltimore	1.35
401.	California	Upgrade SR 92/El Camino interchange, San Mateo	2.775
402.	Illinois	Improve Sugar Grove US30	1.875
403.	Illinois	Construct Sullivan Road Bridge over the Fox River	7.5
404.	Massachusetts	Construct Packets Landing Enhancement and Restoration Project, Town of Yarmouth	0.75
405.	Michigan	Upgrade I-94 between M-39 and I-96	6
406.	Pennsylvania	Upgrade PA Route 21, Fayette and Greene Counties	5
407.	Indiana	Construct Gary Marina access road (Buffington Harbor)	7.5

No.	State	Project description	[Dollars in Millions]
408.	Massachusetts	Replace deck of Chain Bridge over Merrimack River	0.759
409.	New Mexico	Improve US-70 southwest of Portales	9
410.	California	Construct grade separation project at Redondo Junction, located in the North end of an Intermodal corridor of economic significance, as defined by California Streets and Highways Code, Division 3, Chapter 4.7 (commencing with the Section 2190), Los Angeles	6.65
411.	Arkansas	Widen West Phoenix Avenue and related improvements in Fort Smith, Arkansas	6
412.	Minnesota	Upgrade Cross-Range Expressway between Coleraine to CSAH 7	4.5
413.	California	Upgrade CA Rt. 2 Southern Freeway terminus and transportation efficiency improvements to Glendale Boulevard in Los Angeles	12
414.	Massachusetts	Environmental studies, preliminary engineering and design of North-South Connector in Pittsfield to improve access to I-90	1.5
415.	Pennsylvania	Construct streetscape project in the Borough of Ambler, Montgomery County, PA	0.072
416.	Pennsylvania	Construct improvements to the Park Road extension connecting U.S. 222 and U.S. 422, Spring Township	2
417.	New York	FJ&G Rail/Trail Project in Fulton County	0.525
418.	New Jersey	Upgrade Baldwin Ave. intersection to facilitate access to waterfront and ferry, Weehawken	2
419.	Kansas	Widen US-54 from Liberal, Kansas southwest to Oklahoma	6
420.	Washington	Improve Hillsboro Street/Highway 395 intersection in Pasco	2.6625
421.	Texas	Construct ramp connection between Hammet St. to Highway 54 ramp to provide access to I-10 in El Paso	11
422.	Ohio	Relocate State Route 60 from Zanesville to Dresden, Muskingum County	1.5
423.	Alabama	Construct the Montgomery Outer Loop from US-80 to I-85 via I-65	10.2375
424.	Oklahoma	Reconstruct US-99/SH377 from Prague to Stroud in Lincoln County	4.7
425.	Louisiana	Extend Louisiana Highway 42 between US-61 and I-10 in Ascension Parish	6
426.	Louisiana	Conduct feasibility study, design and construction of connector between Louisiana Highway 16 to I-12 in Livingston Parish	3.75
427.	California	Construct capital improvements along I-680 corridor	2.25
428.	Texas	Relocation of Indiana Avenue between 19th street to North Loop 289 and Quaker Avenue intersection	7.2
429.	Massachusetts	Renovate Union Station Intermodal Transportation Center in Worcester	6.5
430.	Texas	Construct Manchester grade separations in Houston	12
431.	Texas	Construct Titus County West Loop, Mount Pleasant	1.875
432.	New York	Construct County Road 50 in the vicinity of Windsor Avenue	1.36
433.	California	Construct parking lot, pedestrian bridge and related improvements to improve intermodal transportation in Yorba Linda	1
434.	North Carolina	Widen North Carolina Route 24 from Swansboro to US-70 in Onslow and Carteret Counties	2.25
435.	Minnesota	Construct Mankato South Route in Mankato	5.25
436.	Kentucky and Indiana.	Ohio River Major Investment Study Project, Kentucky and Indiana	40
437.	California	Implement traffic management improvements, Grover Beach	0.375
438.	Louisiana	Extend I-49 from I-220 to Arkansas State line	3.3
439.	Indiana	Construct East 79th from Sunnyside Road to Oaklandon Road in Lawrence	3
440.	Alabama	Construct Decatur Southern Bypass	2
441.	California	Construct tunnel with approaches as part of Devils Slide project in San Mateo Co	6
442.	Ohio	Improve State Route 800 in Monroe County	0.5
443.	Kentucky	Reconstruct KY-210 from Hodgenville to Morning Star Road, Larue County	6
444.	New York	Construct Route 17-Lowman Crossover in Ashland	3.6
445.	Illinois	Improve roads in the Peoria Park District	0.81
446.	Massachusetts	Reconstruct North Street, Fitchburg	0.75
447.	Massachusetts	Reconstruct Huntington Ave. in Boston	3
448.	California	Undertake safety enhancements along Monterey County Railroad highway grade, Monerey Co	2.1
449.	Michigan	Construct Bridge Street bridge project in Southfield	3.15
450.	Texas	Construct Concord Road Widening project, Beaumont	7.375
451.	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
452.	Ohio	Upgrade I-77/US-250/SR-39 interchange in Tuscarawas County	1
453.	California	Construct Palisades Bluff Stabilization project, Santa Monica	6
454.	New York	Improve the Route 31/I-81 Bridge in Watertown	1.85475
455.	Washington	Improve I-5/196th Street, Southwest Freeway interchange in Lynnwood, Washington	4.05
456.	Louisiana	Construct the Southern extension of I-49 from Lafayette to the Westbank Expressway	4.125
457.	Kansas	Construct Phase II improvements to US-59 from US-56 to Ottawa	9
458.	Tennessee	Construct US-27 from State Road 61 to Morgan County line	4.125
459.	Maryland	Undertake transportation infrastructure improvements within Baltimore Empowerment Zone	10.975
460.	Kentucky	Construct Kentucky 31E from Bardstowns to Salt River	0.75
461.	Georgia	Construct multi-modal passenger terminal, Atlanta	12
462.	Kentucky	Construct connection between Natcher Bridge and KY-60 east of Owensboro	2.25
463.	Minnesota	Reconstruct CSAH 48 extension, Brainerd/Baxter	0.24
464.	Kentucky	Complete I-65 upgrade from Elizabethtown to Tennessee State line	3.75
465.	California	Construct the South Central Los Angeles Exposition Park Intermodal Urban Access Project in Los Angeles	19.5
466.	Pennsylvania	Construct US-30 at PA-772 and PA-41	4.5
467.	Ohio	Upgrade 1 warning device on the rail line from Marion to Ridgeway	0.075
468.	Kentucky	Construct necessary connections for the Taylor Southgate Bridge in Newport and the Clay Wade Bailey Bridge in Covington	7.125
469.	Maine	Replace Singing Bridge across Taunton Bay	0.75
470.	California	Upgrade Price Canyon Road including construction of bikeway between San Luis Obispo and Pismo Beach	0.825
471.	Illinois	Extend South 74th Street, Belleville	0.375
472.	New Hampshire	Reconstruct US-3 Carroll town line 2.1 miles north	1.786
473.	Minnesota	Upgrade 77th St. between I-35W and 24th Ave. to four lanes in Richfield	17.1
474.	New Jersey	Relocate and complete construction of new multi-modal facility, Weehawken	12
475.	New Jersey	Construct Route 4/17 interchange in Paramus	6.375
476.	Louisiana	Expand Perkins Road in Baton Rouge	6.15
477.	New Jersey	Revitalize Route 130 from Cinnaminson to Willingboro	3
478.	Arkansas	Construct Highway 371 from Magnolia to Prescott	2.375
479.	Mississippi	Upgrade Alva-Stage Rd., Montgomery Co	1.125
480.	California	Construct pedestrian promenade, Pismo Beach	0.15
481.	California	Construct railroad at-grade crossings, San Leandro	0.375
482.	Ohio	Construct highway-rail grade separations on Heisley Road between Hendricks Road and Jackson Street in Mentor	6.205
483.	Illinois	Design and construct US-67 corridor from Jacksonville to Beardstown	10
484.	California	Construct VC Campus Parkway Loop System in Merced	11
485.	Texas	Construct highway-rail-marine intermodal project, Corpus Christi	8.25
486.	Pennsylvania	Construct US-322 Conchester Highway between US-1 and PA-452	18.75
487.	Pennsylvania	Construct Rt. 819/Rt. 119 interchange between Mt. Pleasant and Scottdale	6.9
488.	Illinois	Upgrade Western Ave., Park Forest	0.0945
489.	Oregon	Relocate and rebuild intersection of Highway 101 and Highway 105, Clatsop Co	1.2
490.	Ohio	Upgrade Western Reserve Road, Mahoning Co	2.4
491.	California	Construct Nogales Street at Railroad Street grade separation in Los Angeles County, California	6.5
492.	Nebraska	Construct South Beltway in Lincoln	4.125
493.	Michigan	Acquire right-of-way and construct M-6 Grand Rapids South Beltline in Grand Rapids, Michigan	18.72
494.	New York	Replace Route 92 Limestone Creek Bridge in Manlius	3
495.	Pennsylvania	Extend Martin Luther King, Jr. East Busway to link with Mon-Fayette Expressway	4.5
496.	New York	Construct Furrows Road from Patchogue/Holbrook Road to Waverly Avenue in Islip	1.2
497.	New Jersey	Construct East Windsor Bear Brook pathway system	0.27
498.	Texas	Widen State Highway 6 from FM521 to Brazoria County line and construct railroad overpass	9.15
499.	California	Construct I-10/Pepper Ave. Interchange	6.6
500.	New York	Construct access road and entranceway improvements to airport in Niagara Falls	2.25
501.	Minnesota	Replace Sauk Rapids Bridge over Mississippi River, Stearns and Benton Counties	7.725
502.	North Carolina	Upgrade I-85, Mecklenburg and Cabarrus Counties	19.5
503.	Oklahoma	Reconstruct County Road 237 from Indiahoma to Wichita Mountains Wildlife Refuge	0.1875
504.	Illinois	Construct Towanda-Barnes Road in Mclean County	5.82
505.	Pennsylvania	Widen and signalize Sumneytown Pike and Forty Foot Road in Montgomery County, Pennsylvania	3.87
506.	Rhode Island	Construct Rhode Island Greenways and Bikeways projects with the amount provided, $4,275,000 for the Washington Secondary Bikepath, and $1,575,000 for the South County Bikepath Phase 2	5.85
507.	Mississippi	Widen US-61 from Louisiana State line to Adams County	0.6875
508.	Georgia	Conduct a study of a mutimodal transportation corridor from Lawrenceville to Marietta	1.8
509.	Missouri	Construct Jefferson Ave. viaduct over Mill Creek Valley in St. Louis	8.25
510.	New York	Conduct extended needs study for the Tappan Zee Bridge	3
511.	Pennsylvania	Improve Park Avenue/PA 36 in Blair County	0.45

No.	State	Project description	[Dollars in Millions]
512.	Texas	Construct the George H.W. Bush Presidential Corridor from Bryan to east to I-45	7.5
513.	New Mexico	Improve Uptown in Bernalillo County	1.025
514.	Arkansas	Upgrade U.S. 65 in Faulkner and Van Buren Counties	3
515.	South Carolina	Construct high priority surface transportation projects eligible for Federal-aid highway funds	5.5
516.	Mississippi	Construct Lincoln Road extension, Lamar Co	1.125
517.	Alaska	Construct Pt. Mackenzie Intermodal Facility	6.75
518.	Florida	Purchase and install I-275 traffic management system in Pinellas County, Florida	0.75
519.	Illinois	Construct US Route 67 bypass project around Roseville	8.775
520.	Massachusetts	Upgrade I-495 interchange 17 and related improvements including along Route 140	10.86
521.	Mississippi	Construct segment 2 and 3 of the Bryam-Clinton Corridor in Hinds County	0.6875
522.	New Jersey	Rehabilitate East Ridgewood Avenue over Route 17 in Bergan County	2.7
523.	Michigan	Construct interchange at US-10/Bay City Road in Midland	3
524.	North Carolina	Construct US Route 17, Elizabeth City Bypass	3.375
525.	Virginia	Smart Road connecting Blacksburg, VA, to I-81	1.025
526.	Oregon	Construct passing lanes on Highway 58 between Kitson Ridge Road and Mile Post 47, Lane Co	4.5
527.	Kansas	Construct grade separations on US36 and US77 in Marysville, Kansas	3.15
528.	Virginia	Upgrade Route 501 in the counties of Bedford, Halifax, and Campbell	0.75
529.	Pennsylvania	Construct Robinson Town Centre intermodal facility	2.025
530.	Nevada	Construct the US-395 Carson City Bypass	3.75
531.	Indiana	Feasibility study of State Road 37 improvements in Noblesville, Elwood and Marion	0.45
532.	Pennsylvania	Construct Newton Hamilton SR 3021 over Juniata River in Mifflin County	1.5
533.	Pennsylvania	Reconstruct PA-309 in Eastern Montgomery with $4,000,000 for noise abatement	15.588
534.	Alabama	Upgrade Opoto-Madrid Blvd., Birmingham	1.05
535.	Virginia	Conduct feasibility study for the construction I-66 from Lynchburg to the West Virginia border	0.5
536.	California	Rehabilitate pavement throughout Santa Barbara Co	1.125
537.	Illinois	Design and construct I-72/MacArthur Boulevard interchange in Springfield	4.12525
538.	Illinois	Improve Constitution Avenue in Peoria	2.6625
539.	Michigan	Upgrade East Jordon Road, Boyne City	0.3
540.	Georgia	Construct noise barriers along GA-400	1.5
541.	Florida	Construct North East Dade Bike Path in North Miami Beach, Florida	1.2
542.	Connecticut	Realign and extend Hart Street in New Britain	3
543.	Oregon	Construct roundabout at intersection of Highway 101 and Highway 202, Clatsop Co	0.3
544.	New York	Replace Route 28 bridge over NY State Thruway, Ulster Co	2.4
545.	California	Extend State Route 7 in Imperial County	6
546.	Texas	Construct FM2234 (McHard Road) from SH-35 to Beltway 8 at Monroe Boulevard	4.8
547.	Dist. of Col.	Enhance recreational facilities along Rock Creek Parkway	0.04775
548.	California	Construct SR-78/Rancho Del Oro interchange in Oceanside	3.75
549.	Michigan	Upgrade M.L. King Drive, Genesee Co	1
550.	California	Reconstruct Grand Avenue between Elm Street and Halcyon Road, Arroyo Grande	0.375
551.	Pennsylvania	Improve PA-41 between Delaware State line and PA-926	5
552.	California	Construct Los Angeles County Gateway Cities NHS Access	6.6
553.	Michigan	Upgrade H-58 within Pictured Rocks National Lakeshore	4.2
554.	Dist. of Col.	Rehabilitate Theodore Roosevelt Memorial Bridge	7.5
555.	Ohio	Undertake improvements to open Federal Street to traffic, Youngstown	2.08
556.	Pennsylvania	Improve PA 16 including intersection with Antrim Church Road	1
557.	Ohio	Construct State Route 209 from Cambridge and Byesville to the Guernsey County Industrial Park	2.2
558.	California	Construct Port of Oakland intermodal terminal	6
559.	New York	Construct Wellwood Avenue from Freemont Street to Montauk Highway in Lindenhurst	1.2
560.	Louisiana	Construct Louisiana Highway 1 from the Gulf of Mexico to US-90	0.5625
561.	Mississippi	Refurbish Satartia Bridge, Yazoo City	0.375
562.	North Carolina	Construct bridge over Chockoyotte Creek in Haliax Co	1.35
563.	Pennsylvania	Widen PA-413 in Bucks County	5.625
564.	North Carolina	Construct US-13 from the Wilson the US-264 Bypass to Goldsboro in Wayne and Wilson Counties	2.625
565.	Pennsylvania	Construct Erie Eastside Connector	16.2
566.	California	Construct Prunedale Bypass segment of U.S. 101, Monterey Co	1.65
567.	New York	Construct access road from Lake Avenue to Milestrip Road in Blasdell	0.24
568.	California	Construct State Route 905 between I-805 and the Otay Mesa Border Crossing, San Diego Co	16
569.	Mississippi	Build an interchange at I-55 with connectors to Madison and Ridgeland	2.25
570.	Minnesota	Trunk Highway 53 DWP railroad bridge replacement, St. Louis Co	3.6
571.	Texas	Construct US 77/83 Expressway extension, Brownsville	2.25
572.	New York	Upgrade and relocate Utica-Rome Expressway in Oneida County, New York	14
573.	Pennsylvania	West Philadelphia congestion mitigation initiative	0.369
574.	Utah	Construct Phase II of the University Avenue Interchange in Provo	7.5
575.	California	Upgrade Osgood Road between Washington Blvd. and South Grimmer Blvd., Freemont	1.5
576.	Missouri	Bull Shoals Lake Ferry in Taney County, Missouri	0.52275
577.	Alaska	Construct capital improvements to the Alaska Marine Highway and related facilities in Ketchikan	2.25
578.	Maine	Improve Route 23	0.375
579.	Tennessee	Construct U.S. 45 bypass, Madison Co	1.5
580.	New York	Construct pedestrian access bridge from Utica Union Station	0.25
581.	Michigan	Upgrade Groveland Mine Road, Dickinson	0.375
582.	New York	Reconstruct Route 9 in Plattsburgh	2.5155
583.	Mississippi	Upgrade Goose Pond Subdivision Roads, Tallahatchie Co	0.15
584.	Michigan	Construct US-131 Cadillac Bypass project	2.25
585.	Pennsylvania	Construct Lawrenceville Industrial Access Road	7.5
586.	Massachusetts	Construct Housatonic-Hoosic bicycle network	3
587.	Connecticut	Construct the US Rt. 7 bypass project, Brookfield to New Milford town line	3.75
588.	New Jersey	Construct road from the Military Ocean Terminal to the Port Jersey Pier, Bayonne	2.5
589.	Oregon	Repair Coos Bay rail bridge, Port of Coos Bay	5.5
590.	Minnesota	Complete construction of Forest Highway 11, Lake Co	3.75
591.	Pennsylvania	Construct rail mitigation and improvement projects from Philadelphia to New Jersey Line	10
592.	Louisiana	Upgrade Lapalco Blvd. between Barataria Blvd. and US Hwy. 90, Jefferson Parish	6
593.	Pennsylvania	Widen PA-228 from Criders Corners to State Route 3015	0.9
594.	Pennsylvania	Improve PA-23 Corridor from US-30 Bypass between Lancaster County line and Morgantown	2.5
595.	Pennsylvania	Widen SR-247 and SR-2008 between 84 and Lackawanna Valley Industrial Highway for the Moosic Mountain Business Park	8.175
596.	Massachusetts	Construct Nowottuck-Manhan Bike Trail connections, Easthampton, Amherst, Holyoke, Williamsburg and Northampton	3
597.	Texas	Reconstruct bridges across the channel for the Port of Corpus Christi	4
598.	Minnesota	Construct TH 1 east of Northome including bicycle/pedestrian trail	0.18
599.	Alabama	Construct US-231/I-10 Freeway Connector from the Alabama border to Dothan	1.0125
600.	New York	Construct CR-3 at Southern State Parkway overpass between Long Island Expressway and Colonial Springs	1.12
601.	Massachusetts	Construct improvements along Route 18 to provide for access to waterfront and downtown areas, New Bedford	12
602.	Pennsylvania	Construct road connector and bridge over Allegheny River to link New Kensington with Allegheny Valley Expressway	3.75
603.	Michigan	Replace Chalk Hills Bridge over Menominee River	0.3
604.	Utah	Improve 5600 West Highway from 2100 South to 4100 South in West Valley City	3.75
605.	Pennsylvania	Construct Lackawanna River Heritage Trail in Lackawanna	0.375
606.	South Carolina	Widen and relocate SC-6 in Lexington County	6
607.	New York	Construct sound barriers on both sides of Grand Central Parkway between 172nd Street to Chevy Chase Road	1.455
608.	Connecticut	Improve Route 7 utility and landscaping in New Milford	5.4
609.	New York	Conduct North Road Corridor study in Oswego County	1.125
610.	Arkansas	Upgrade US Route 412, Harrison to Mountain Home, Arkansas	2.6625
611.	New York	Construct full access controlled expressway along NY Route 17 at Parkville, Sullivan Co	4.5
612.	Florida	Construct Englewood Interstate connector from River Road to I-75 in Sarasota and Charlotte Counties	5.5
613.	Minnesota	Reconstruct St. Louis CSAH 9 (Wallace Avenue) in Duluth from Fourth Street to Woodland Avenue	0.45
614.	New Jersey	Design, construct, and expand industrial Roads connecting Carteret with Woodbridge, and Route 35 with Perth Amboy for increased truck traffic which will ease delays and traffic at Turnpike Exit 12 and Route 35 underpass east	3
615.	Virginia	Construct the Kemper Street Station connector road in Lynchburg	1.5
616.	Iowa	Improve IA-60 Corridor from LeMar to MN State line	6.6
617.	Michigan	Operation improvements on M-15 from I-75 north to the Genesee County line	0.5
618.	Virginia	Upgrade Danville Bypass in Pittsylvania	3

No.	State	Project description	[Dollars in Millions]
619.	Nebraska	Corridor study for Louisville South bypass from State Highway 66 to State Highway 50	0.075
620.	Arkansas	Study and construct Van Buren intermodal port facility in Van Buren, Arkansas	0.225
621.	Alabama	Extend I-759 in Etowah County	13.5
622.	North Carolina	Widen US-421 from North Carolina Route 194 to two miles East of US-221	3.55
623.	New York	Reconstruct Ridge Road Bridge in Orange County	0.16
624.	South Carolina	Construct North Charleston Regional Intermodal Center	3
625.	Florida	Upgrade U.S. 319 between Four Points and Oak Ridge Road, Tallahasee	3.75
626.	Ohio	Complete safety/bicycle path in Madison Township	0.03
627.	Arkansas	Conduct design study and acquire right of way on US-71 in the vicinity of Fort Chaffee, Fort Smith	3.75
628.	Mississippi	Construct East Metro Corridor in Rankin County, Mississippi	2.625
629.	Wyoming	Reconstruct Cheyenne Area Norris Viaduct	3.5
630.	New York	Design and construct Outer Harbor Bridge in Buffalo	6.06
631.	Pennsylvania	St. Thomas Signals Hade and Jack Rds US 30 in Franklin County	0.15
632.	Texas	Upgrade State Highway 35 Yoakum District in Matagorda and Buazovia Counties	6.91
633.	Minnesota	Construct highway construction between Highway 494 and Carver Co. Rd. 147	3
634.	Utah	Widen 106th South from I-15 to Bangerter Highway in South Jordan	4.5
635.	Florida	Construct pedestrian overpass from the Florida National Scenic Trail over I-4	1.875
636.	Illinois	Extend Rogers Street to mitigate congestion, Waterloo	1.425
637.	New York	Reconstruct and widen Route 78 from I-90 to Route 15	4
638.	Ohio	Improve Alum Creek Drive from I-270 to Frebis Avenue in Franklin County	4
639.	Louisiana	Upgrade and widen I-10 between Williams Boulevard and Tulane Avenue in Jefferson and Orleans Parishes	8
640.	Michigan	Improve I-94 in Kalamazoo County	3.75
641.	Pennsylvania	Improve PA-8 between Cherry Tree and Rynd Farm	4.8
642.	Washington	Construct passenger ferry facility to serve Southworth, Seattle	3.75
643.	Pennsylvania	Realign West 38th Street from Shunpike Road to Myrtle Street in Erie County	5.4
644.	Ohio	Replace Jacobs Road Bridge, Mahoning Co	2
645.	Massachusetts	Upgrade Lowell Street between Woburn Street and Route 38, Town of Wilmington	1.08
646.	Oklahoma	Improve Battiest-Pickens Road between Battiest and Pickens in McCurtain County	1.6
647.	Indiana	Improve State Road 31 in Columbus	0.375
648.	Oregon	Construct bike path along Willamette River, Corvallis	0.8
649.	New York	Reconstruct Flushing Avenue between Humboldt Street and Cypress Avenue	3.75
650.	Missouri	Construct bike/pedestrian path between Delmar Metrolink Station and University City loop business district in St. Louis	0.6
651.	Wisconsin	Construct U.S. Highway 151 Fond du Lac Bypass	22.5
652.	Illinois	Upgrade U.S. 45 between Eldorado and Harrisburg	10.2
653.	Pennsylvania	Improve US 22/Canoe Creek Blair County	1.5
654.	California	Reconstruct and widen Mission Road, Alhambra	2.4375
655.	West Virginia	Construct safety improvements on Route 82 (Fayette Station Road), Fayette County	1
656.	Ohio	Widen and reconstruct State Route 82 from Lorain/Cuyahoga County line to I.R. 77	7
657.	Michigan	Facilitate access between I-75 and Soo Locks through road reconstruction, bikepath construction and related improvements, Sault Ste. Marie	0.375
658.	Kentucky	Construct Savage-Cedar Knob Bridge at Koger Creek	0.2625
659.	New York	Construct intermodal facility in New Rochelle, Westchester Co	6.438
660.	Virgin Islands	Upgrade West-East corridor through Charlotte Amalie	6
661.	Ohio	Upgrade SR 800 rest stop in Monroe County	0.04
662.	Michigan	Improve the I-73 corridor in Jackson and Lenawee Counties	3.9375
663.	Nevada	Widen I-50 between Fallon and Fernley	3
664.	California	Improve and modify the Port of Hueneme Intermodal Corridor - Phase II in Ventura County	16.8
665.	Louisiana	Construct and equip Transportation Technology and Emergency Preparedness Center in Baton Rouge, Louisiana	5.4
666.	Michigan	Rehabilitate Lincoln St., Negaunee	0.1275
667.	Missouri	Construction US-67/Route 60 interchange in Popular Bluff, Missouri	6
668.	New York	Upgrade Riverside Drive between 97th St. and Tiemann, New York City	1.5
669.	New York	Capital improvements for the Red Hook Barge in NY/NJ for the Port Authority of NY/NJ	3
670.	Maryland	Upgrade US-113 north of US-50 to MD-589 in Worcester County, Maryland	18
671.	Rhode Island	Implement transportation alternative relating to Court Street Bridge, Woonsocket	0.15
672.	Pennsylvania	Construct Frazier Township interchange on SR-28 in Alleghany	2.25
673.	California	Rehabilitate Artesia Blvd	3
674.	Illinois	Undertake access improvements to U.S. Rt. 41, Chicago	2.8125
675.	Colorado	Construct Wadsworth Boulevard improvement project in Arvada	0.25
676.	Indiana	Construct I-70/Six Points interchange in Marion and Hendricks County	14.9625
677.	Alabama	Construct repairs to viaducts connecting downtown and midtown areas, Birmingham	0.45
678.	Illinois	Construct VFW Road/Veteran's Drive from Townline Road to Broadway Road in Pekin, Illinois	3.69675
679.	Pennsylvania	Design, engineer, ROW acquisition and construct the Wilkes-Barre/Scranton International Airport Access Road between Route 315 and Commerce Blvd	1.5
680.	Dist. of Col.	Construct bicycle and pedestrian walkway (Metropolitan Branch Trail), Union Station to Silver Spring	8.5
681.	New Jersey	Construct interchange improvements and flyover ramps at I-80W to Route 23N in Passaic Co	8.5
682.	Washington	Undertake SR 166 slide repair	4.875
683.	Connecticut	Reconstruct Broad Street in New Britain	2.4
684.	Massachusetts	Reconstruct Route 126 and replace bridge spanning Route 9, Town of Framingham	3.525
685.	New Mexico	Extend Unser Boulevard in Albuquerque	0.65
686.	Massachusetts	Implement Phase II of unified signage system, Essex Co	0.29325
687.	New Hampshire	Construct Manchester Airport access road in Manchester	8.025
688.	Pennsylvania	Improve US 22/PA 866 Intersection in Blair County	1.5
689.	California	Improve Rancho Sante Fe Road in Carlsbad	2.25
690.	New York	Renovate State Route 9 in Phillipstown	3.84
691.	Florida	Construct Greater Orlando Aviation Authority Consolidated Surface Access in Orlando	1.00575
692.	Missouri	Upgrade Route 169 between Smithville and north of I-435, Clay Co	5
693.	Virginia	Rennovate Greater Richmond Transit transportation facility, Richmond	3.75
694.	Texas	Conduct feasability study on upgrading SH 16 in South Texas	0.1875
695.	Florida	Construct interchange at 21st Street to provide access to Talleyrand Marine Terminal	9.475
696.	Pennsylvania	Gettysburg comprehensive road improvement study	3
697.	South Dakota	Construct Eastern Dakota expressways, to include construction of four lane highways for South Dakota Highway 37 between Huron and Mitchell; U.S. Highway 83 between Pierre and I-90; and U.S. Highway 12 between Aberdeen and I-29	34.804
698.	West Virginia	Construct Shawnee Parkway between junction with the I-73/74 Corridor and I-77	3.75
699.	Texas	Construct State Highway 121 from I-30 to US-67 in Cleburne	25
700.	Ohio	Improve and construct SR-44/Jackson Street Interchange in Painesville	2
701.	California	Construct four-lane highway facility (Hollister Bypass), San Benito Co	2.25
702.	Florida	Construct I-4 reversible safety lane in Orlando	10.5
703.	Ohio	Relocate Harrison/Belmont US 250	2
704.	Illinois	Widen 143rd Street in Orland Park	4
705.	Tennessee	Implement middle Tennessee alternative transportation system along the Stones River in Murfreesboro	9.5
706.	Florida	Construct County Road 470 Interchange with Florida Turnpike	6
707.	California	Implement safety and congestion mitigation improvements along Pacific Coast Highway, Malibu	0.65
708.	Dist. of Col.	Conduct studies and related activities pertaining to proposed intermodal transportation Center, D.C	0.75
709.	New Jersey	Construct Route 31 Fleming Bypass in Hunterdon County, New Jersey	11.55
710.	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	5.25
711.	Pennsylvania	Improve access to Raystown in Huntingdon County	1.125
712.	Illinois	Study upgrading Illinois 13/127 between Murphysboro and Pinckneyville	1.575
713.	Michigan	Widen Arch St., Negaunee	0.06
714.	Georgia	Widen US-84 South from US-82 to the Ware County Line in Waycross and Ware Counties	2.4
715.	Michigan	Improve drainage on 6th Street in Menominee	0.1125
716.	Massachusetts	Replace Brightman Street bridge in Fall River	7.23
717.	Kentucky	Construct Newton Pike Extension between West Main St. to South Limestone in Lexington	6
718.	South Carolina	Construct pedestrian walkway and safety improvements along SC 277, Richland Co	0.8
719.	Illinois	Conduct Midwest Regional intermodal facility feasibility study in Rochelle	0.3
720.	Pennsylvania	Reconfigure I-81 Exit 2 Ramp in Franklin County	0.525
721.	Virginia	Planning and design for Coalfields Expressway, Buchanan, Dickenson and Wise Counties	1
722.	Virginia	Construct the Lynchburg/Madison Heights bypass in Lynchburg	1.5

No.	State	Project description	[Dollars in Millions]
723.	Massachusetts	Construct Cambridge Roadways Improvement project, Cambridge	2.25
724.	Connecticut	Construct I-95 interchange, New Haven	19.5
725.	Pennsylvania	Conduct study and construct Ft. Washington transportation improvements, Upper Dublin, PA	0.45
726.	Michigan	Reconstruct I-75/M-57 interchange	10.5
727.	Minnesota	Construct railroad crossing connecting University of MN with City of Crookston	0.15
728.	Massachusetts	Construct bicyle and pedestrian facility (The Riverwalk), Peabody	1.08
729.	Pennsylvania	Upgrade PA 61 between PA 895 and SR 2014, Schuylkill Co	5
730.	Tennessee	Construct SR22 Bypass, Obion Co	7.5
731.	California	Improve streets and highways, and/or construct sound walls, Thousand Oaks	1.25
732.	New York	Complete engineering, design, environment reviews and other preliminary work for the Miller Highway relocation project in New York	6
733.	Michigan	Construct M-5 Haggerty Connector	2.4
734.	Pennsylvania	Improve Sidling Hill Curve and Truck Escape in Fulton County	0.375
735.	Texas	Construct circumferential freeway loop around Texarkana	7.425
736.	Massachusetts	Reconstruct Route 2/Jackson Road interchange, Lancaster	2.7
737.	Washington	Improve Clinton Ferry Terminal	3.5
738.	California	Upgrade Bristol St., Santa Ana	5.25
739.	Pennsylvania	Construct US-30 Bypass from Exton Bypass to PA-10	3
740.	Maine	Rehabilitate Piscataqua River bridges, Kittery	3.9375
741.	California	Construct extension of State Route 180 between Rt. 99 and the Hughes/West Diagonal	6
742.	California	Construct Ocean Boulevard and Terminal Island Freeway interchange in Long Beach, California	15
743.	Nevada	Extend I-580 in Washie and Douglas Counties	3.75
744.	Massachusetts	Preliminary design of Route 2 connector to downtown Fitchburg	1.5
745.	Illinois	Improve and construct grade separation on Cockrell Lane in Springfield	1.8
746.	Virginia	Aquire land and construct segment of Daniel Boone Heritage Trail (Kane Gap section), Jefferson National Forest	0.5
747.	Virginia	Construct Route 288 in the Richmond Metropolitan Area	18.75
748.	New York	Construct congestion mitigation project for Brookhaven	3.75
749.	Ohio	Construct Licking-Thornwood Connector in Licking County	1.5
750.	Louisiana	Construct Florida Expressway in St. Bernard and Orleans Parishes	0.15
751.	Georgia	Construct North River Causeway and Bridge, St. Mary's County	2.175
752.	Missouri	Upgrade Eastern Jackson County, Jackson Co	4.5
753.	Texas	Conduct MIS for Multimodal Downtown Improvement Project, San Antonio	0.75
754.	Kansas	Construct road and rail grade separations in Wichita	26.25
755.	Florida	Construct Cross Seminole Trail connection in Seminole County	1.125
756.	Oregon	Upgrade I-5/Highway 217 interchange, Portland	5.25
757.	Ohio	Construct St. Clairsville Bike Path in Belmont County	0.5
758.	South Carolina	Widen North Main Street, Columbia	9
759.	Hawaii	Upgrade Puuloa Road between Kamehameha Highway and Salt Lake Blvd	6.75
760.	Alabama	Construct new I-10 bridge over the Mobile River in Mobile, Alabama	10.78125
761.	Alaska	Construct Coffman Cove ferryboat	2.25
762.	Ohio	Upgrade US-30 from Wooster to Riceland	22.5
763.	Missouri	Replace bridge on Route 92, Platte Co	1
764.	Maryland	Reconstruct segment of Baltimore Beltway between U.S. 1 and I-70	6.75
765.	Minnesota	Construct Gunflint Realignment project, Grand Marais	0.6
766.	Colorado	Construct alternative truck route in Montrose	4.2
767.	Pennsylvania	Improve I-95/PA-413 Interchange in Bucks County	5.625
768.	Hawaii	Construct improvements to H-1 between the Waiawa interchange and the Halawa interchange	15
769.	California	Construct new I-95 interchange with Highway 99W, Tehama Co	2.2
770.	Florida	Widen US-17/92 in Volusia County	1.35
771.	South Carolina	Construct I-77/SC #S-20-30 interchange, Fairfield Co	5.25
772.	Illinois	Construct access road to Melvin Price Locks and Dam Visitors Center, Madison Co	1.125
773.	Washington	Reconstruct I-5 interchange, City of Lacy	1.125
774.	Maryland	Construct improvements a I-270/MD-187 interchange	5.5
775.	Alabama	Construct Finley Ave. Extension East project	2.925
776.	Connecticut	Construct Greenmanville Ave. streetscape extension, including feasibility study, in towns of Groton, Stonington and Mystic	6.3
777.	Alabama	Construct Anniston Eastern Bypass from I-20 to Fort McClellan in Calhoun County	40.14
778.	Louisiana	Construct Causeway Boulevard/Earhart Erpressway interchange in Jefferson, Parish, Louisiana	4
779.	California	Create recreational trails in Santa Monica Mountains National Recreation Area	6
780.	Georgia	Widen and reconstruct Corder Road from Pineview Drive to the Russell Parkway	2.55
781.	Massachusetts	Construct Hyannis Intermodal Transportation Center, Hyannis	2.4
782.	Oregon	Construct South Rivergate rail overcrossing in Portland	11
783.	Arkansas	Improve Arkansas State Highway 59 from Rena Road to Old Uniontown Road in Van Buren	1.875
784.	Rhode Island	Reconstruct Pawtucket Ave. and Wilcott St., Pawtucket	1.125
785.	New Hampshire	Improve the Bridge Street bridge in Plymouth	1.036
786.	Louisiana	Install computer signal synchronization system in Baton Rouge	4.875
787.	Pennsylvania	Improve Oxford Valley Road/US-1 interchange in Bucks County	1.5
788.	Pennsylvania	Construct US-6 Tunkhannock Bypass in Wyoming County	1.8
789.	Florida	Construct US17/92 and SR-436 interchange in Orange/Osceola/Seminole County region	2.0625
790.	North Carolina	Upgrade US 13/NC11 (including Bethel bypass) in Pitt and Edgecombe Counties	3.375
791.	Massachusetts	Conduct planning and engineering for connector route between I-95 and industrial/business park, Attleboro	0.8
792.	Virginia	Construct I-73 from Roanoke to the North Carolina border	6
793.	California	Upgrade Route 4 West in Contra Costa Co	7.5
794.	Florida	Construct I-4/John Young Parkway interchange project in Orlando	10.24425
795.	Pennsylvania	Construct US-202 Section 600 Phase I Early Action project in Upper Gwynedd and Lower Gwynedd	4.5
796.	Alabama	Construct Historic Whistler Bike Trail in Prichard, Alabama	0.5025
797.	Missouri	Upgrade Route 6 between I-29 and Route AC, St. Joseph	5
798.	Iowa	Conduct study of Port of Des Moines, Des Moines	0.075
799.	California	Improve State Route 57 interchange at Lambert Road in Brea	0.985
800.	Pennsylvania	Improve ramp junctions at intersection of S.R. 114 and Interstate 83, Fairview Township	3
801.	Mississippi	Upgrade Land Fill Road, Panola Co	0.75
802.	California	Construct bike path between Sepulveda Basin Recreation Area and Warner Center/Canoga Park, Los Angeles	1.873
803.	Wisconsin	Upgrade U.S. 51 Tomahark Bypass	3.75
804.	North Carolina	Construct segment of Raleigh Outer Loop, Wake Co	2.025
805.	Michigan	Conduct feasibility study on widening US-12 to three lanes between US-127 and Michigan Highway 50	0.1875
806.	California	Widen US-101 from Windsor to Arata Interchange	1.1
807.	Oregon	Upgrade access road and related facilities to Port of Port Orford	1.5
808.	Pennsylvania	Allegheny Trail from Pittsburgh, Pennsylvania to Cumberland, Maryland	6
809.	Texas	Improve I-35 West from Spur 280 to I-820 in Fort Worth	3
810.	Michigan	Reconstruct Co.Rd. 612 and Co.Rd. 491, Montmorency Co	0.6825
811.	California	Improve Folsom Boulevard - Highway 50 in the city of Folsom	4.275
812.	Illinois	Improve Illinois Route 29 in Sangamon and Christian Counties	1.725
813.	Tennessee	Upgrade SR 386 between US 31 to the Gallatin Bypass, Sumner Co	1.06
814.	Washington	Improve primary truck access route on East Marine View Drive, FAST corridor in Washington	4.9
815.	Minnesota	Construct grade separated interchange at south junction of TH 371/Brainerd bypass	0.75
816.	California	Upgrade Greenville Rd. and construct railroad underpass, Livermore	5.1
817.	Washington	Construct State Route 305 corridor improvements in Poulsbo, Washington	3.15
818.	Tennessee	Widen US-321 from Kinzel Springs to Wean Valley Road	6.825
819.	Iowa	Construct the Julien Dubuque Bridge over the Mississippi River at Dubuque	21
820.	Michigan	Conduct preliminary engineering, acquire right-of-way and construct I-75/North Down River Road interchange	1.125
821.	Virginia	Conduct historic restoration of Roanoke Passenger Station in Roanoke	0.5
822.	New York	Undertake Linden Place reconstruction project, Queens	5.25
823.	Illinois	Reconstruct interchange at I-294, 127th St. and Cicero Ave. with new ramps to the Tri-State Tollway, Alsip	23.495
824.	Louisiana	Improve US-165 from Alexandria to Monroe	30
825.	Pennsylvania	Construct Western Interloop from PA-26 to State Route 3014	2.7
826.	Alaska	Improve Dalton Highway	3.75
827.	Pennsylvania	Relocate US-219 Ridgeway, Pennsylvania, truck bypass connector along Osterhout Street	3.75
828.	Mississippi	Widen State Route 24 from Liberty to I-55	0.6875
829.	California	Widen I-15 in San Bernardino County, California	18
830.	Virginia	Complete North Section of Fairfax County Parkway in Fairfax County, Virginia	7.5

No.	State	Project description	[Dollars in Millions]
831.	New York	Rehabilitate segment of Henry Hudson Parkway between Washington Bridge and Dyckman St., New York City	1.5
832.	Iowa	Relocate IA-192 and Avenue G viaduct in Council Bluffs	4.5
833.	Pennsylvania	Improve T-344 Bridge over Mahantango Creek in Snyder County	0.525
834.	California	Construct Phase 3 of Alameda Street project, Los Angeles	2.5
835.	Texas	Construct Texas State Highway 49 between FM 1735 to Titus/Morris Co. line	4.8
836.	Virginia	Construct access road and related facilities for Fisher Peak Mountain Music Interpretive Center on Blue Ridge Parkway	2.7
837.	Michigan	Construct grade separation on Sheldon Road, Plymouth	5.25
838.	Michigan	Upgrade Three Mile Road, Grand Traverse	0.75
839.	Ohio	Relocate SR-30 for final design of south alternative in Carroll County, Ohio	1
840.	Tennessee	Improve State Road 60 from Waterville to US-64 in Bradley County	1.2
841.	Washington	Construct 192nd Street from SR-14 to SE 15th	3.75
842.	Wisconsin	Reconstruct U.S. Highway 10, Waupaca County	9
843.	Minnesota	Upgrade Highway 73 from 4.5 miles north of Floodwood to 22.5 miles north of Floodwood	2.775
844.	New York	Reconstruct Mamaroneck Ave., White Plains, Harrison and Mamaroneck	4.375
845.	Pennsylvania	Reconfigure Pennsylvania Turnpike/Route 13 interchange	0.375
846.	Pennsylvania	Widen and improve Route 449 in Potter County	0.75
847.	Puerto Rico	Upgrade PR 3 between Rio Grande and Fajardo	6
848.	Illinois	Constuct Peoria City River Center parking facility in Peoria	3
849.	New Jersey	Consrtuct Route 29/129 bicycle, pedestrian and landscape improvement plan	4.125
850.	Tennessee	Upgrade Briley Parkway between McGavock Pike and I-65	4.2
851.	Connecticut	Widen Route 4 in Torrington	2.1
852.	California	Widen 5th Street and replace 5th Street bridge in Highland, California	0.75
853.	Wisconsin	Construct U.S. Highway 10, Freemont to Appleton	3
854.	Missouri	Upgrade US-71 interchange in Carthage, Missouri	0.75
855.	New York	Construct Fordham University regional transportation facility	1.75
856.	Missouri	Upgrade US-63 in Howell County, Missouri	6
857.	Alabama	Construct East Foley corridor project from Baldwin County Highway 20 to State Highway 59 in Alabama	5.25
858.	New York	Reconstruct Washington County covered bridge project	1.7
859.	California	Upgrade Route 4 East in Contra Costa Co	8.5
860.	Pennsylvania	Complete Broad Street ramps at Route 611 bypass in Bucks County	1.6725
861.	Missouri	Construct Strother Rd./I-470 interchange, Jackson Co	3
862.	Massachusetts	Upgrade Rt. 9/Calvin Coolidge Bridge, Hadley	9.375
863.	Ohio	Rail mitigation and improvement projects from Vermillion to Conneaut	9
864.	Massachusetts	Construct I-95/I-93 interchange, Boston	3.75
865.	West Virginia	Construct Riverside Expressway, Fairmont	27
866.	Ohio	Construct greenway enhancements in Madison	2.3
867.	Tennessee	Reconstruct US-27 in Morgan County	2.25
868.	West Virginia	Upgrade US Rt. 35 between I-64 and South Buffalo Bridge	31
869.	California	Construct I-5/Avenida Vista Hermosa interchange in San Clemente	2.25
870.	Missouri	Upgrade Route 36 between Hamilton and Chillicothe	20
871.	Illinois	Replace Lebanon Ave. Bridge and approaches, Belleville	0.75
872.	Kentucky	Construct US-127: $5,250,000 for the Albany Bypass from KY696 to Clinton County High School and $3,161,250 for the segment between KY696 and the Tennessee State Line	8.41125
873.	Tennessee	Improve US-64 in Hardeman and McNariy Counties	3.75
874.	Connecticut	Replace bridges over Harbor Brook, Meriden	4.9125
875.	Colorado	Reconstruct I-225/Iliff Avenue interchange in Aurora	3.625
876.	Connecticut	Reconstruct I-84 between vicinity of Route 69 in Waterbury and Marion Avenue in Southington	4.5
877.	New York	Improve Cross Westchester Expressway	0.75
878.	Oregon	Design and engineering for intermodal transportation center, Astoria	0.225
879.	Hawaii	Construct Kapaa Bypass	8.25
880.	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	3
881.	Washington	Construct Edmonds Crossing Multi-modal transportation project in Edmonds, Washington	4.5
882.	Ohio	Construct Chagrin River/Gulley Brook corridor scenic greenway along I-90 in Lake County	1.045
883.	California	Construct interchange between I-15 and Main Street in Hesperia, California	7.5
884.	Texas	Reconstruct State Highway 87 between Sabine Pass and Bolivar Penninsula, McFadden Beach	0.9705
885.	California	Widen State Route 29 between Route 281 and Route 175	0.275
886.	New York	Construct Hudson River scenic overlook from Route 9 to Waterfront in Poughkeepsie	0.336
887.	Indiana	Expand 126th Street in Carmel	0.75
888.	Florida	Widen Gunn Highway between Erlich Road and South Mobley Road in Hillsborough County	1.5
889.	Pennsylvania	Relocate PA-113 at Creamery Village in Skippack	2.7
890.	Michigan	Upgrade Van Dyke Road between M-59 and Utica City limits	2.775
891.	New Jersey	Replace the Ocean City-Longport bridge in Cape May County, New Jersey	19.5
892.	New York	Construct County Road 93 between NYS 27 and NYS 454	0.515
893.	Mississippi	Upgrade Brister Rd. between Tutwiler and Coahoma County line, Tallahatchie Co	0.3825
894.	California	Conduct highway 65 improvement and mitigation project	4.275
895.	Michigan	Construct road drainage improvements, Suttons Bay Village	0.18
896.	Pennsylvania	Construct 25.5 miles of the Perkiomen Trail	0.486
897.	Illinois	Upgrade Bishop Ford Expressway/142nd St. interchange	1.125
898.	Maine	Implement rural ITS	0.1875
899.	Mississippi	Widen US-84 from I-55 at Brookhaven to US-49 at Collins	0.6875
900.	Washington	Widen Columbia Center Boulevard in Kennewick	1.2075
901.	Indiana	Repair signal wires, grade-crossing warning devices and other safety protections along South Shore Railroad between Gary and Michigan City	0.275
902.	Florida	Replace St. Johns River Bridge in Volusia and Seminole Counties	10.5
903.	Louisiana	Construct East-West Corridor project in Southwest Louisiana	0.75
904.	New York	Improve and reconstruct Commerce Street in York Town	0.28
905.	Washington	Widen SR-522 in Snohomish County: $3,650,000 for phase 1 from SR-9 to Lake Road; $1,550,000 to construct segment from Paradise Lake Road to Snohomish River Bridge	5.2
906.	New Jersey	Design and construct pedestrian access facility from Joseph G. Minish Waterfront Park over Route 21 to the New Jersey Performing Arts Center and the contiguous light rail station in Newark	1
907.	Kentucky	Construct a segment of the I-66 corridor from Somerset to I-75	11.25
908.	Michigan	Construct arterial connector between US41/M28 and Co. Rd. 480, Marquette	0.375
909.	Wisconsin	Upgrade State Highway 29 between Green Bay and Wausau	9
910.	Georgia	Construct surface transportation facilities along Atlanta-Griffin-Macon corridor	29.25
911.	Oregon	Repair Port of Hood River Bridge Lift Span project	1.125
912.	Pennsylvania	Construct noise abatement barriers along US-581 from I-83 2.) miles west in Cumberland County	0.36
913.	Texas	Widen Highway 287 from Creek Bend Drive to Waxahacie bypass	5.125
914.	Oregon	Design and engineering for Tualatin-Sherwood Bypass	0.375
915.	Texas	Implement "Hike and Bike" trail program, Houston	6
916.	New Hampshire	Widen I-93 from Salem north	9.36
917.	Tennessee	Construct State Route 30 from Athens to Etowah in McMinn County	7.74
918.	California	Undertake median improvements along E. 14th St., San Leandro	0.75
919.	New Jersey	Construct Toms River bridge project connecting Dover and South Toms River Borough	2.25
920.	New York	Improve ferry infrastructure in Greenport	0.75
921.	Puerto Rico	Upgrade PR 30 between PR 203 in Gurabo to PR 31 in Juncos	6
922.	Pennsylvania	Improve access and interchange from I-95 to the international terminal at Philadelphia International Airport	3
923.	New Hampshire	Construct Orford Bridge	2.836
924.	Massachusetts	Construct roadway improvements on Crosby Drive and Middlesex Turnpike, Beford, Burlington and Billerica	5.78775
925.	Illinois	Reconstruct Midlothian Turnpike, Robbins	0.216
926.	California	Plan, design and construct interchange between I-15 and Sante Fe Road in Barstow, California	3
927.	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 extension in Reading	19
928.	Maryland	Upgrade roads within Leakin Park Intermodal Corridor, Baltimore	2.4
929.	Washington	Widen SR522 from SR-9 to Paradise Lake Road	3.6
930.	New York	Construct NYS Route 27 at intersection of North Monroe Avenue	4.215
931.	Michigan	Construct Detroit Metropolitan/Wayne County South Access Road	15
932.	Illinois	Reconstruct U.S. 6, Harvey	1.245

No.	State	Project description	[Dollars in Millions]
933.	New York	Redesign Grand Concourse to enhance traffic flow and related enhancements between E. 161st St. and Fordham Rd., New York City	9.75
934.	Ohio	Construct Black River intermodal transportation center	3.45
935.	Connecticut	Rehabilitate Route 202 bridge in New Milford, Connecticut	2.025
936.	Pennsylvania	Construct park and ride facilities in Lower Bucks County	1.125
937.	Pennsylvania	Widen US-11/15 between Mt. Patrick and McKees Half Falls in Perry County	3.75
938.	Illinois	Undertake Industrial Transportation Improvement Program in Chicago	3.2625
939.	California	Improve streets and construct bicycle paths, Agoura Hills	0.65
940.	California	Implement City of Compton traffic signal systems improvements	3.75
941.	Texas	Construct relief route around Alice	0.1875
942.	California	Reconstruct Harbor Blvd./SR22 Interchange, City of Garden Grove	1.5
943.	North Carolina	Upgrade US 158 (including bypasses of Norlina, Macon and Littleton) in Halifax and Warren Counties	2.25
944.	Utah	Construct 7800 South from 1300 West to Bangerter Highway in West Jordan	5.85
945.	Utah	Widen and improve 123rd/126th South from Jordan River to Bangerter Highway in Riverton	4.5
946.	Kentucky	Construct US-127 Jamestown Bypass	4.35
947.	Minnesota	Upgrade Cass County Road 105 and Crow Wing County Road 125, East Gull Lake	0.72
948.	Arkansas	Construct Highway 82 from Hamburg to Montrose	5.375
949.	Louisiana	Construct Port of South Louisiana Connector in Saint John the Baptist Parish	0.525
950.	Oregon	Rehabilitate Broadway Bridge in Portland	7.5
951.	Louisiana	Construct Metairie Rail Improvements and Relocation project in Jefferson and Orleans Parishes, Louisiana	6
952.	Washington	Construct Port of Longview Industrial Rail Corridor and Fibre Way Overpass in Longview	1.875
953.	New York	Study transportation improvements for segments of Hutchinson River Parkway and New England Thruway through the Northeast Bronx	1
954.	West Virginia	Construct I-73/74 Corridor, including connectors with WV Rt. 44 and Co. Rt. 13 (Gilbert Creek), Mingo County	9.05
955.	Washington	Improve I-90/Sunset Way interchange in Issaquah, WA	14.85
956.	Indiana	Construct Marina Access Road in East Chicago	1
957.	Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	10
958.	Illinois	Resurface 63rd Street from Western Avenue to Wallace, Chicago	0.5625
959.	North Carolina	Upgrade Highway 55 between US 64 and State Route 1121, Wake and Durham Counties	17.25
960.	Indiana	Upgrade Ridge Road between Griffith and Highland	3.3
961.	Missouri	Construct Hermann Bridge on Highway 19 in Montgomery and Gasconade Counties	1.1
962.	New Jersey	Replace Groveville-Allentown Road bridge in Hanilton	2.4
963.	Missouri	Upgrade US-60 in Carter County, Missouri	20.25
964.	Georgia	Construct the Fall Line Freeway from Bibb to Richmond Counties	17.25
965.	Pennsylvania	Construct American Parkway Bridge project in Allentown	3
966.	Georgia	Upgrade U.S. Rt. 19 between Albany and Thomaston	3.75
967.	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	0.75
968.	Oregon	Construct I-205/Sunnyside/Sunnybrook interchange and related extrension road, Clackamas Co	17.2
969.	Minnesota	Widen Trunk Highway 14/52 from 75th Street, NW to Trunk Highway 63 in Rochester	9.75
970.	Minnesota	Upgrade CSAH 61 between TH324 and Snake River	0.9
971.	Utah	Construct underpass at 100th South in Sandy	3.51
972.	California	Improve roadway to provide access to Hansen Dam Recreation Area in Los Angeles	0.75
973.	New York	Construct Erie Canal Preserve I-90 rest stop in Port Byron	2.25
974.	Massachusetts	Construct bike path between Rt. 16 (Everett) to Lynn Oceanside	1.275
975.	Tennessee	Construct Kingsport Highway in Washington County	1.5
976.	Mississippi	Widen State Route 6 from Pontotoc to US-45 at Tupelo in Mississippi	11.25
977.	Tennessee	Construct pedestrian and bicycle pathway to connect with the Mississippi River Trail, and restore adjacent historic cobblestones on riverfront, Memphis	2.25
978.	California	Construct improvements to Harry Bridges Blvd., Los Angeles	6.5
979.	Nebraska	Construct NE-35 alternative and modified route expressway in Norfolkand Wayne	3.375
980.	Michigan	Upgrade Davison Rd. between Belsay and Irish Roads, Genessee Co	3.2
981.	West Virginia	Relocate segment of Route 33 (Scott Miller Bypass), Roane Co	4
982.	California	Rehabilitate B Street between Foothill Blvd. and Kelly St., Hayward	0.525
983.	Pennsylvania	Construct exit ramp on I-180 at State Route 2049 in Lycoming County	7.875
984.	California	Improve streets and related bicycle lane in Oak Park, Ventura Co	0.466
985.	Ohio	Upgrade 11 warning devices on the rail north/south line from Toledo to Deshler	0.825
986.	Alabama	Expand US-278 in Cullman County	5.4
987.	California	Improve the Avenue H overpass in Lancaster, California	4.575
988.	New York	Construct US-219 from Route 39 to Route 17	20
989.	Texas	Widen State Highway 35 from SH288 in Angleton to FM521 and dedicate $630,000 to the acquisition of right-of-way in Brazoria County	5.175
990.	Alaska	Extend Kenai Spur Highway-North Road in Kenai Peninsula Borough	6
991.	Washington	Construct Interstate 405/NE 8th Street interchange project in Bellevue, WA	17.625
992.	Tennessee	Implement ITS technologies, Nashville	2.8
993.	Texas	Construct Galveston Island Causeway Expansion project, Galveston	0.5475
994.	Michigan	Improve I-69 in Branch, Eaton and Calhoun Counties	1.875
995.	California	Improve streets in Canoga Park and Reseda areas, Los Angeles	1
996.	Illinois	Undertake improvements to 127th Street, Cicero Avenue and Route 83 to improve safety and facilitate traffic flow, Crestwood	2
997.	Ohio	Construct new traffic signal and intersection upgrade for Village of Hebron in Licking County	0.06
998.	California	Upgrade US-101 from Eureka to Arcata	0.65
999.	Pennsylvania	Construct bicycle and pedestrian facility between Washington's Landing and Millvale Borough, Allegheny Co	0.4
1000.	New York	Construct Maybrook Corridor bikeway in Dutchess County	1.404
1001.	California	Construct I-10/Barton Road West/Anderson Street connection	3.75
1002.	Mississippi	Construct Jackson International Airport Parkway and connectors from High Street to the Jackson International Airport in Jackson, Mississippi	7.5
1003.	New Jersey	Upgrade I-78 interchange and West Peddie St. ramps, Newark	3.725
1004.	California	Implement enhanced traffic access between I-10, area hospitals and southern portion of Loma Linda	1.5
1005.	Ohio	Construct SR 711 connector four-lane limited access highway in Mahoning Co	25
1006.	Iowa	Extend NW 86th Street from NW 70th Street to Beaver Drive in Polk County	5.25
1007.	California	Construct State Route 56 North connectors at I-5 and North and South connectors at I-15 in San Diego	3
1008.	Arkansas	Construct the Ashdown Bypass/Overpass in Ashdown	3.875
1009.	Colorado	Reconstruct and upgrade I-70/I-25 Interchange, Denver	9
1010.	Louisiana	Construct Zachary Taylor Parkway project	1
1011.	Michigan	Upgrade Rochester Road between I-75 and Torpsey St	9.225
1012.	Louisiana	Construct I-10/Louisiana Ave. interchange	6
1013.	New York	Construct County Route 21, Peeksill Hollow Road renovation project	7.577
1014.	Georgia	Undertake Perimeter Central Parkway Overpass project and Ashford Dunwoody interchange improvements at I-285, DeKalb Co	0.075
1015.	Minnesota	Upgrade Highway 53 between Virginia and Cook	1.5
1016.	New York	Initiate study and subsequent development and engineering of an international trade corridor in St. Lawrence County	1.5
1017.	California	Construct Alameda Corridor East, San Gabriel Valley	2.205
1018.	Arkansas	Upgrade Highway 63, Marked Tree to Lake David	10
1019.	Louisiana	Congestion mitigation and safety improvements to the Central thruway in Baton Rouge	2.25
1020.	Maryland	Reconstruct Baltimore Washington Parkway at Route 197, Prince Georges Co	11.25
1021.	Ohio	Construct Wilmington Bypass, Wilmington	3.75
1022.	Texas	Construct Houston Street Viaduck project in Dallas	5.125
1023.	West Virginia	Construct I-73/74 Corridor, including interchange with US- 460, Mercer County	15
1024.	Massachusetts	Reconstruct Pleasant Street-River Terrace, Holyoke	1.2
1025.	Ohio	Improve and widen SR-45 from North of the I-90 interchange to North Bend Road in Ashtabula County, Ohio	6.17
1026.	Rhode Island	Install directional signs in Newport and surrounding communities	0.225
1027.	Minnesota	Construct Highway 210 trail/underpass, Brainerd/Baxter	0.48
1028.	Florida	A-1-A Beautification project in Daytona, Florida	3.3
1029.	Ohio	Widen Licking-SR-79-06.65 (PID 8314) in Licking County	9
1030.	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, Brownsville	4.5
1031.	Oklahoma	Reconstruct US-70 from Broken Bow to Arkansas State line in McCurtain County	3.93
1032.	Tennessee	Improve County Road 374 in Montgomery County	3.75
1033.	Virginia	Enhance Maple Avenue streetscape in Vienna, Virginia	2.025
1034.	Connecticut	Widen Route 10 from vicinity of Lazy Lane to River Street in Southington, Connecticut	3.48
1035.	Florida	Widen US-192 between County Route 532 and I-95 in Brevard and Osceola Counties	18.75

No.	State	Project description	[Dollars in Millions]
1036.	Louisiana	Construct Leeville Bridge on LA-1	1.125
1037.	Illinois	Construct I-57 interchange, Coles Co	8.15
1038.	Massachusetts	Upgrade Route 2 between Philipston and Greenfield	3
1039.	New Jersey	Construct and/or reconstruct intermodal transportation and maintenance facility in Union City in order to replace the NJ Transit depot	2
1040.	Illinois	Construct Technology Avenue between US Rt. 45 East to Willenborg St., Effingham	2.735
1041.	New Jersey	Replace Maple Grange Road bridge over Pochuck Creek in Sussex County	1.35
1042.	New York	Construct CR-96 from Great South Bay to Montauk Highway in Suffolk County	0.275
1043.	Virginia	Construct connector road from the proposed U.S. 58 Stuart bypass to Route 8 South beginning at the intersection of Johnson Street in Stuart to Route 652	5.25
1044.	Pennsylvania	Replace bridge over Shermans Creek in Carroll	0.75
1045.	Connecticut	Construct bicycle and pedestrian walkway, Town of East Hartford	0.9
1046.	Ohio	Construct grade separations at Front Street and Bagley Road, Berea	14.25
1047.	Alabama	Upgrade SR 5 in Perry Co	1.275
1048.	Connecticut	Implement Trinity College Area road improvements, Hartford	5.1075
1049.	Louisiana	Construct North/South Road/I-10-US-61 connection in the Kenner, Louisiana	5
1050.	New Jersey	Design and construction Belford Ferry Terminal in Belford, New Jersey	3.45
1051.	Michigan	Construct safety enhancements at rail crossings, Linden, Fenton, Swartz Creek and Gaines	0.75
1052.	California	Extend 7th St. between F St. and North 7th St., Sacramento	1.5
1053.	Massachusetts	Upgrade Spring St. between Bank and Latham Streets, Williamstown	1.5
1054.	California	Complete Citraeado Parkway project in San Diego County	2.25
1055.	Indiana	Conduct railroad relocation study in Muncie	0.045
1056.	Connecticut	Improve Route 4 intersection in Harwinton, Connecticut	1.35
1057.	Missouri	Widen US-63 in Randolph and Boone Counties, Missouri	31.5
1058.	New York	Construct city of Glen Cove waterfront improvements	3.75
1059.	Illinois	Reconstruct Greenbriar Rd. with construction of new turn lanes in vicinity of John A. Logan College in Carterville	1.05
1060.	Tennessee	Construct bridge and approaches on State Route 33 over the Tennessee River (Henley Street Bridge)	9.9
1061.	Ohio	Construct SR-315 Ohio State University Ramp project in Franklin County	3.5
1062.	Nevada	Improve at-grade railroad crossings in Reno	1.875
1063.	Pennsylvania	Construct Williamsport-Lycoming County Airport Access road from I-180 to the airport	5.25
1064.	Minnesota	Construct bicycle and pedestrian facility (Mesabi Trail), St. Louis County	2.25
1065.	Florida	Widen State Road 44 in Volusia County	1.6875
1066.	Missouri	Upgrade Mo. Rt. 150, Jackson Co	4.5
1067.	Nebraska	Construct bridge in Newcastle	3
1068.	Pennsylvania	Construct PA 36 Convention Center Connector in Blair County	0.75
1069.	Illinois	Rehabilitate Western Springs Arterial Roadway, Cook Co	0.825
1070.	California	Rehabilitate Highway 1 in Guadalupe	0.375
1071.	Utah	Widen 7200 South in Midvale	0.99
1072.	Iowa	Construct I-29 airport interchange overpass in Sioux City	4.65
1073.	Florida	Restore and rehabilitate Miami Beach Bridge and waterfront in Miami Beach, Florida	1.35
1074.	Washington	Improve Huntington Avenue South in Castle Rock	0.5625
1075.	Minnesota	Implement Trunk Highway 8 Corridor projects, Chisago Co	12.475
1076.	Michigan	Relocate US-31 from River Road to Naomi Road in Berrian County	13.5
1077.	South Carolina	Construct I-95/I-26 interchange, Orangeburg Co	8.5
1078.	Texas	Upgrade State Highway 35 Houston District Brazoria County	6.92
1079.	Maryland	Improve Halfway Boulevard east and west of Exit 5, I-81 in Washington County	3
1080.	California	Upgrade D Street between Grand and Second Streets, Hayward	0.9
1081.	New Jersey	Undertake improvements associated with the South Amboy Regional Intermodal Center	12
1082.	New York	Replace Kennedy-class ferries, Staten Island	30
1083.	Texas	Expand Winters Freeway (US83/84) in Abilene between Southwest Drive and US 277	8.4
1084.	Maine	Replacement and renovation of Carlton Bridge, Bath/Woolwich	6
1085.	New York	Rahabilitate Jay Covered Bridge in Essex County	0.75
1086.	Minnesota	Construct Elk River bypass from 171st Avenue at Highway 10 to intersection of County Roads 12 and 13 at Highway 169	2.4
1087.	Pennsylvania	Construct Route 72 overpass at Conrail in Lebanon	6.6075
1088.	Indiana	Upgrade Route 31 and other roads, St. Joseph and Elkhart Counties	4.5
1089.	California	Install call boxes along Highway 166 between intersection with Highway 101 and junction with Highway 33	0.216
1090.	New Hampshire	Construct Chestersfield Bridge	2.536
1091.	Oregon	Construct bike path between Terry Street and Greenhill Road, Eugene	1.17
1092.	Dist. of Col.	Conduct MIS of light rail corridors, D.C	0.75
1093.	Arkansas	Enhance area in the vicinity of Dickson Street in Fayetteville	1.125
1094.	Pennsylvania	Extend North Delaware Ave. between Lewis St. and Orthodox St., Philadelphia	4.2
1095.	Indiana	Reconstruct Wheeling Avenue in Muncie	1.2
1096.	Ohio	Construct interchange at I-480 in Independence, Ohio	3.5
1097.	Pennsylvania	Relocate PA 18 between 9th Ave. and 32nd St., Beaver Falls	1.05
1098.	Alabama	Construct Eastern Shore Trail project in Fairhope, Alabama	1.01625
1099.	Maine	Studies and planning for extension of I-95	2.125
1100.	Alabama	Replace bridge over Tombigbee River, Naheola	2.25
1101.	Illinois	Reconstruct Cossitt Ave. in LaGrange	1.485
1102.	New York	Improve Broadway in North Castle in Westchester County	1.26
1103.	New York	Construct access improvements to Port of Rochester Harbor, Rochester	12
1104.	Illinois	Reconstruct Broad Street between Maple St. to Sixth St., Evansville	0.2625
1105.	California	Widen SR-71 from Riverside County to SR-91	13
1106.	Alabama	Construct improvements to 19th Street between I-59 and Tuxedo Junction, Birmingham	0.675
1107.	Pennsylvania	Improve safety on PA-41 from US-30 to PA-926	6
1108.	Texas	Construct 6th and 7th Street overpass over railroad yard, Brownsville	0.375
1109.	California	Upgrade intersection of Folsom Blvd. and Power Inn Rd., Sacramento	7.5
1110.	Illinois	Replace Gaumer Bridge near Alvin	0.9
1111.	Minnesota	Upgrade TH6 between Talmoon and Highway 1	0.9
1112.	Michigan	Extend Trowbridge Road from Harrison Rd. to Red Cedar Rd	1.875
1113.	New York	Reconstruct Flushing Avenue between Wycoff Avenue and Gates Street	2.25
1114.	California	Construct I-580 interchange, Livermore	9.9
1115.	Illinois	Upgrade South Lake Shore Driver between 47th and Hayes, Chicago	5.85
1116.	Pennsylvania	Improve PA 26 in Huntingdon County	0.75
1117.	Virgin Islands	Construct bypass around Christiansted	6
1118.	New Mexico	Complete the Paseo del Norte East Corridor in Bernalillo County	3.325
1119.	California	Upgrade Industrial Parkway Southwest between Whipple Rd. and improved segment of the parkway, Hayward	0.45
1120.	Kansas	Widen US-81 from Minneapolis, Kansas to Nebraska	20.85
1121.	New York	Construct sound barriers on Grand Central Parkway between 244th Street and Douglaston Parkway	0.375
1122.	New York	Construct Bike Paths along the Bronx River in Bronx Park	0.25
1123.	Pennsylvania	Conduct preliminary engineering and design for the US-219 bypass of Bradford	0.75
1124.	Utah	Widen and improve 123rd/126th South from 700 East to Jordan River in Draper	6.3
1125.	California	Construct Olympic Training Center Access road, Chula Vista	5
1126.	Florida	Pedestrian safety initiative on US-19 in Pinellas County	5.1
1127.	Texas	Construct US Highway 59 railroad crossing overpass in Texarkana	2.625
1128.	Illinois	Widen and improve US-34 intechange in Aurora	6
1129.	Connecticut	Construct Hartford Riverwalk South, Hartford	2.64
1130.	New York	Rehabilitate transportation facilities in CO-OP City	1
1131.	Florida	Widen and realign Eller Drive in Port Everglades, Florida	4.2
1132.	Mississippi	Construct I-20 interchange at Pirate Cove	0.75
1133.	Mississippi	Widen US-98 from Pike County to Foxworth	0.6875
1134.	Pennsylvania	Improve Route 219 in Clearfield County	0.75
1135.	Michigan	Replace Barton Rd./M-14 interchange, Ann Arbor	0.75
1136.	Nebraska	Construct the Antelope Valley Overpass in Lincoln	5.625
1137.	New York	Reconstruct Niagara St., Quay St., and 8th St. including realignment of Qual St. and 8th Ave. in Niagara Falls	2.625
1138.	California	Upgrade and synchronize traffic lights in the Alameda Corridor East in Los Angeles County	17.25
1139.	Illinois	Widen US-20 in Freeport	3.825
1140.	Kentucky	Reconstruct Liberty and Todd Roads, Lexington	6
1141.	New Jersey	Upgrade Montvale/Chestnut Ridge Road and Grand Avenue intersection at Garden State Parkway in Bergan County	0.375

No.	State	Project description	[Dollars in Millions]
1142.	California	Widen SR-23 between Moorpark and Thousand Oaks	10.5
1143.	Utah	Extend Main Street from 5600 South to Vine Street in Murray	10.35
1144.	Pennsylvania	Construct access road to Hastings Industrial Park, Cambria Co	3.05
1145.	New Jersey	Improve Old York Road/Rising Run Road intersection in Burlington	4.98
1146.	Michigan	Construct deceleration lane in front of 4427 Wilder Road, Bay City	0.015
1147.	Pennsylvania	Construct I-81 noise abatement program in Dauphin County	0.48
1148.	Washington	Construct Peace Arch Crossing of Entry (PACE) lane in Blaine	4.9
1149.	New York	Traffic Mitigation Project on William Street and Losson Road in Cheektowaga	3
1150.	Arkansas	Construct North Belt Freeway	5.25
1151.	Ohio	Improve and widen SR-91 from SR-43 south to county line/city line in Solon	4.25
1152.	Texas	Upgrade US Rt. 59 between US 281 to I-37	12
1153.	Michigan	Construct M-24 Corridor from I-69 to southern Lapeer County	2
1154.	Tennessee	Construct greenway and bicycle path corridor, City of White House	3.2
1155.	Massachusetts	Rehabilitate Union Station in Springfield	12
1156.	Pennsylvania	Install citywide signalization (SAMI) project in Lebanon	0.75
1157.	Washington	Widen SR-543 from I-5 to International Boundary, Washington	10.2
1158.	Hawaii	Replace Sand Island bridge	0.75
1159.	West Virginia	Upgrade Route 10 between Logan and Man	50
1160.	Florida	Expand Palm Valley Bridge in St. Johns County	3.1
1161.	Michigan	Improve US-31 from Holland to Grand Haven	2.25
1162.	Florida	Upgrade U.S. 319 between I-10 and the Florida/Georgia State line	3.75
1163.	Colorado	Improve SH-74/JC-73 interchange, City of Evergreen in Jefferson County, Colorado	4.188
1164.	Pennsylvania	Improve Route 94 Corridor through Hanover to Maryland State Line	6
1165.	California	Undertake San Pedro Bridge project at SR 1, Pacifica	1.125
1166.	Michigan	Upgrade Tittabawasee Road between Mackinaw Road and Midland Road, Saginaw Co	3
1167.	Illinois	Improve IL-159 in Edwardsville	3.20625
1168.	Virginia	Improve East Eldon Street in Herndon	0.375
1169.	Texas	Construct Cleveland Bypass	10.125
1170.	Utah	Widen SR-36 from I-80 to Mills Junction	2.25
1171.	New Jersey	Eliminate Berlin Circle and signalize intersection in Camden	6
1172.	Arkansas	Upgrade US Rt. 412, Fulton County line to Missouri State line	7.5
1173.	California	Upgrade Del Almo Boulevard at I-405	5
1174.	Pennsylvania	Improve access to McKeesport-Duquesne Bridge	2.15
1175.	North Carolina	Construct US-64/264 in Dare County	0.75
1176.	California	Construct Gene Autry Way/I-5 Access project, Anaheim	6.75
1177.	Arizona	Construct Veterans' Memorial overpass in Pima Co	11.25
1178.	Virginia	Conduct preliminary engineering on I-73 between Roanoke and Virginia/North Carolina State line	3
1179.	Mississippi	Upgrade roads, Washington Co	3.3075
1180.	Tennessee	State Highway 109 upgrade planning and engineering, Sumner Co	1.84
1181.	Florida	Construct John Young Parkway/I-4 interchange	6
1182.	Illinois	Rehabilitate and upgrade 87th Street Station to improve intermodal access	1.7715
1183.	Ohio	Upgrade SR 124 between Five Points and Ravenswood Bridge, Meigs Co	3.75
1184.	Colorado	Construct Broadway Viaduct, Denver	3
1185.	New York	Construct Bay Shore Road SR-231 to SR-27 in Suffolk County	7.53
1186.	North Dakota	Construct Jamestown bypass	3.6
1187.	Ohio	Upgrade State Route 18 between I-71 and I-77	1.55
1188.	California	Construct Overland Drive overcrossing in Temecula	3.75
1189.	Ohio	Upgrade U.S. Route 422 through Girard	4.72
1190.	Mississippi	Widen MS-45 from Brooksville to US-82 in Mississippi	3.375
1191.	California	Extend Highway 41 in Madera County	5.5
1192.	Missouri	Construction and upgrade of US-71/I-49 in Newton and McDonald County, Missouri	24.97725
1193.	North Carolina	Upgrade US-158 in Warren and Halifax Counties	2.25
1194.	Illinois	Reconstruct I-74 through Peoria	2
1195.	Minnesota	Construct Shepard Road/Upper Landing interceptor, St. Paul	2.25
1196.	Texas	Construct segment lof a bypass to I-35 known as SH-130. The State of Texas shall consult with all appropriate local officials, representatives of the affected local communities, and provide for public comment prior to determining a final alignment for the project	13.5
1197.	Washington	Redevelop Port of Anacortes waterfront	0.05
1198.	California	Construct I-15 Galinas interchange in Riverside County	6.375
1199.	New Jersey	Replace Kinnaman Avenue bridge over Pohatcong Creek in Warren county	1.2
1200.	Michigan	Upgrade (all weather) on US 2, US 41, and M 35	1.275
1201.	Maine	Upgrade Route 11	3
1202.	Rhode Island	Reconstruct Harris Ave., Woonsocket	1.5
1203.	Oregon	Construct bike path between Main Street/Highway 99 in Cottage Grove to Row River Trail, Cottage Grove	0.23
1204.	Maine	Improve Route 26	1.125
1205.	New York	Rehabilitate Third Avenue Bridge over Harlem River, New York City	1.5
1206.	New Hampshire	Construct the Keene bypass	4.899
1207.	New Jersey	Construct grade separation of Route 35 and Tinton falls and extend Shrewsbury Avenue in Monmouth	3.75
1208.	California	Reconstruct La Loma Bridge in Pasadena	2.25
1209.	Indiana	Remove and replace Walnut Street in Muncie	1.605
1210.	Arkansas	Construct US-270 East-West Arterial in Hot Springs	6.875
1211.	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	72.7875
1212.	Texas	Widen Meacham Boulevard from I-35W to FM-146 and extend Meacham Boulevard from west of FM-156 to North Main Street	2
1213.	Minnesota	Upgrade CSAH 116 north of CSAH 88 in Ely	1.2
1214.	Mississippi	Upgrade West County Line Road, City of Jackson	8.25
1215.	California	Construct Imperial Highway grade separation and sound walls at Esperanza Road/Orangethorpe Avenue in Yorba Linda, California	12.515
1216.	Nevada	Widen I-15 from California State line to Las Vegas	1.875
1217.	Connecticut	Improve and realign Route 8 in Winchester	1.515
1218.	Oklahoma	Reconstruct US-70 in Marshall and Bryan Counties	0.11
1219.	Pennsylvania	Construct California University of Pennsylvania intermodal facility	1
1220.	Arkansas	Construct turning lanes at US-71/AR-8 intersection in Mena	0.1875
1221.	Michigan	Construct intermodal freight terminal in Wayne Co	18
1222.	Pennsylvania	Improve PA 17 from PA 274 to PA 850 in Perry County	0.75
1223.	Indiana	Install traffic signalization system in Muncie	0.675
1224.	Illinois	Upgrade US 40 in Martinsville	0.094
1225.	Indiana	Construct SR-9 bypass in Greenfield	2.3625
1226.	Kentucky	Conduct feasibility study for Northern Kentucky High Priority Corridor (I-74)	0.375
1227.	Hawaii	Construct interchange at junction of proposed North-South road and H-1	1.5
1228.	Florida	Construct improvements to JFK Boulevard, Eatonville	0.75
1229.	Mississippi	Construct access improvements to various roads, Humphreys Co	0.75
1230.	South Dakota	Construct Heartland Expressway Phase I	6.505
1231.	Illinois	Construct Raney Street Overpass in Effingham	4.4
1232.	Texas	Road improvements along historic mission trails in San Antonio	1.875
1233.	New York	Construct Elmira Arterial from Miller to Cedar	2.25
1234.	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	7.1
1235.	California	Construct Airport Blvd. interchange in Salinas	6
1236.	Massachusetts	Construct South Weymouth Naval Air Station Connectivity Improvements	14.225
1237.	Illinois	Construct new entrance to Midway Airport Terminal	6.5
1238.	West Virginia	Preliminary engineering, design and construction of the Orgas to Chelayn Road, Boone Co	2
1239.	New Jersey	Construct US-22/Chimney Rock Road interchange in Somerset County	17.25
1240.	Kansas	Reconstruct K-7 from Lone Elm Road to Harrison	2.79
1241.	Pennsylvania	Install traffic signal upgrade in Clearfield Borough in Clearfield County	0.375
1242.	Missouri	Construct Grand Ave. viaduct over Mill Creek Valley in St. Louis	1.65
1243.	Pennsylvania	Construct improvements to North Shore Roadway and access in the city of Pittsburgh	11
1244.	West Virginia	Construct improvements on WV 9 including turning lane and signalization, Berkely Co	0.2
1245.	New York	Conduct Trans-Hudson Freight Improvement MIS, New York City	3
1246.	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)	10

No.	State	Project description	[Dollars in Millions]
1247.	New Hampshire	Construct Hindsale Bridge	2.536
1248.	Washington	Reconstruct I-82/SR-24 intersection and add lanes on SR- 24 to Keys Road	6.48
1249.	Iowa	Construct controlled access four-lane highway between Des Moines and Burlington	9.525
1250.	Pennsylvania	Construct bicycle and pedestrian facility between Boston Bridge and McKee Point Park, Allegheny Co	0.125
1251.	Ohio	Upgrade and widen US-24 from I-469 to I-475	17.25
1252.	Texas	Upgrade FM517 between Owens and FM 3346, Galveston	2.892
1253.	Idaho	Construct US-95: Sandcreek Alternate Route in Sandpoint	13.5
1254.	New Jersey	Replace Calhoun Street Bridge in Trenton	0.975
1255.	California	Construct Cabot-Camino Capistrano Bridge project in Southern Orange County	1.5
1256.	Pennsylvania	Construct PA 16 Truck climbing lane in Franklin County	1.5
1257.	New York	Construct Eastern Long Island Scenic Byway in Suffolk County	11.25
1258.	Texas	Construct Loop 197, Galveston	3.2175
1259.	Illinois	Construct Western Springs Pedestrian and Tunnel project, Cook Co	0.925
1260.	Georgia	Construct the Savannah River Parkway in Bullock, Jenkins, Screven and Effinghaus Counties	7.5
1261.	Mississippi	Construct connector between US-90 and I-10 in Biloxi	6.375
1262.	American Samoa	Construct drainage system improvements associated with highway construction on Tutilla Island, American Samoa	3.75
1263.	Maryland	Implement city-wide signal control system replacements and improvements in Baltimore	13.275
1264.	West Virginia	Construct I-81 interchange, Martinsburg	5.05
1265.	Alabama	Replace pedestrian bridges at Village Creek and Valley Creek, Birmingham	0.075
1266.	Virginia	Improve Route 123 from Route 1 to Fairfax County line in Prince William County, Virginia	11.25
1267.	New Mexico	Improve US-70 from I-25 to Organ in New Mexico	18.75
1268.	Pennsylvania	Undertake transportation enhancement activities within the Lehigh Landing Area of the Delaware and Lehigh Canal National Heritage Corridor	5.25
1269.	New York	Implement Melrose Commons geographic information system	0.75
1270.	Alabama	Construct repairs to Pratt Highway Bridge, Birmingham	0.45
1271.	Texas	Construct Spur 10 from SH-36 to US-59	3
1272.	Nebraska	Replace US-81 bridge between Yankton, South Dakota and Cedar County, Nebaska	1.125
1273.	California	Construct Centennial Transportation Corridor	15.75
1274.	Minnesota	Construct Phalen Blvd. between I-35E and I-94	9.75
1275.	California	Reconstruct Palos Verdes Drive, Palos Verdes Estates	0.3375
1276.	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	3
1277.	Indiana	Improve Southwest Highway from Bloomington to Evansville	27
1278.	Pennsylvania	Construct an access road in Bedford Springs, Pennsylvania, along Old U.S. 220 to the Springs Project and to construct other facilities to facilitate movement of traffic within the site and construction of a parking facility to be associated therewith or other projects in the counties of Bedford, Blair, Fulton, Franklin, Mifflin, Fulton and Clearfield, and Huntingdon, as selected by the State of Pennsylvania	28.18
1279.	Washington	Undertake FAST Corridor improvements with the amounts provided as follows: $12,000,000 to construct the North Duwamish Intermodal Project, $3,375,000 for the Port of Tacoma Road project, $2,250,000 for the SW Third St./BSNF project in Auburn, $1,500,000 for the S.277th St./BNSF project in Auburn/Kent, $1,500,000 for the S.277th St./UP project in Auburn Kent, $1,500,000 for the S.180th St. E/BSNF project in Tukwila, $750,000 for the 8th St. E/BSNF project in Pierce Co., and $1,125,000 for the Shaw Rd. extension Puyallup	24
1280.	Ohio	Construct interchange at SR 11 and King Graves Rd. in Trumball Co	5.56
1281.	Michigan	Apply ITS technologies relating to traffic control, Lansing	2.775
1282.	California	Stabilize US-101 at Wilson Creek	0.65
1283.	Michigan	Construct interchange at Eastman Avenue/US-10 in Midland	8.25
1284.	Arkansas	Enhance area around the Paris Courthouse in the vicinity of Arkansas Scenic Highway 22 and Arkansas Scenic Highway 309, Paris Arkansas	0.3
1285.	Mississippi	Upgrade Hampton Lake Road, Tallahatchie Co	0.66
1286.	Illinois	Undertake improvements to Campus Transportation System	0.75
1287.	Virginia	Construct access road, walking trail and related facilities for the Nicholsville Center, Scott Co	0.225
1288.	Pennsylvania	Improve intersection of U.S., S.R. 3066, and West Allegheny Road, North Fayette Township	3.5
1289.	Arkansas	Construct Highway 425 from Pine Bluff to the Louisiana State line	5.375
1290.	Pennsylvania	Construct Independence Gateway Transportation Center project, Philadelphia	5.5
1291.	Minnesota	Upgrade Perpich Memorial from CR-535 to CSAH 111	2.1
1292.	Texas	Construct US Rt. 67 Corridor through San Angelo	5.25
1293.	Pennsylvania	Construct improvements to roadway and parking facility in the vicinity of St. Francis College, Cambria County	2
1294.	Missouri	Construct extension of bike path between Soulard market area and Riverfront bike trail in St. Louis	0.6
1295.	New York	Construct intermodal facility in Yonkers, Westchester Co	8.687
1296.	Maryland	Construct intersection improvements to facilitate access to NSA facility, Anne Arundel Co	2.25
1297.	Massachusetts	Undertake vehicular and pedestrian movement improvements within Central Business District of Foxborough	1.56
1298.	Kentucky	Construct KY-70 from Cave City to Mammoth Cave	1.5
1299.	Virginia	Construct Main Street Station in Richmond	6
1300.	New Hampshire	Improve 3 Pisquataqua River Bridges on the New Hampshire-Maine border	1.65
1301.	Pennsylvania	Construct Abbey Trails in Abington Township	0.45
1302.	Hawaii	Upgrade Kaumualii Highway	8.25
1303.	North Carolina	Upgrade and improve US-19 from Maggie Valley to Cherokee	15
1304.	Maine	Replace Ridlonville Bridge across Androscoggin River	1.125
1305.	Mississippi	Upgrade and widen US-49 in Rankin, Simpson, and Covington Counties	0.6875
1306.	Texas	Upgrade SH 30, Huntsville	1.875
1307.	California	Reconstruct the I-710/Firestone Blvd. interchange	12
1308.	Pennsylvania	Widen US 30 from Walker Rd to Fayetteville in Franklin County	1.5
1309.	Virginia	Construct Southeastern Parkway and Greenbelt in Virginia Beach	3
1310.	Illinois	Replace State Route 47 Bridge in Morris	14.25
1311.	Texas	Upgrade Highway 271 between Paris and Pattonville	1.5
1312.	Minnesota	Improve roads, Edge of Wilderness, Grand Rapids to Effie	4.5
1313.	Arizona	Reconstruct I-19, East Side Frontage Road, Ruby Road to Rio Rico Drive, Nogales	7.5
1314.	North Carolina	Construct I-85 Greensboro Bypass in Greensboro, North Carolina	22.125
1315.	New York	Improve access to I-84/Dutchess intermodal facility in Dutchess County	2.21
1316.	Illinois	Construct I-88 interchange at Peace Road in Dekalb	1.5
1317.	North Dakota	Upgrade US Rt. 52, Kenmare to Donnybrook	2.1
1318.	South Carolina	Construct improvements to I-95/SC 38 interchange	6.75
1319.	Arkansas	Construct Highway 15 from Connector Road to Railroad Overpass in Pine Bluff	0.875
1320.	New York	Reconstruct 79th Street Traffic Circle, New York City	7
1321.	California	Extend State Route 52 in San Diego	2.25
1322.	California	Construct Sacramento Intermodal Station	3
1323.	Illinois	Construct Central Ave.-Narragansett Ave. connector, Chicago	3.7
1324.	Pennsylvania	Construct Walnut Street pedestrian bridge in Dauphin County	0.75
1325.	Indiana	Conduct rail-highway feasibility project study in Muncie	0.075
1326.	Georgia	Upgrade US Rt. 27	7.5
1327.	Michigan	Improve Hoban Road and Grand Avenue, City of Mackinac Island	0.84
1328.	Washington	Construct Cross Base Corridor, Fort Lewis-McChord AFB	0.375
1329.	Illinois	Construct bicycle/pedestrian trail parallel to light rail transit system in St. Clair Co	5.5
1330.	Pennsylvania	Improve Bedford County Business Park Rd in Bedford County	1.5
1331.	Louisiana	Construct Port of St. Bernard Intermodal facility	1.575
1332.	New York	Construct bridge deck over the Metro North right-of-way along Park Ave. between E. 188th and 189th Streets	0.75
1333.	Ohio	Conduct feasibility study for the construction of Muskingum County South 93-22-40 connector	0.5
1334.	South Carolina	Upgrade US Highway 301 within Bamberg	3.2
1335.	Virginia	Construct road improvements, trailhead and related facilities for Birch Knob Trail on Cumberland Mountain	0.25
1336.	Kansas	Widen US-169 in Miami County	12.15
1337.	Texas	Construct extension of Bay Area Blvd	0.75
1338.	New Jersey	Construct highway connector between Interstate Route 1&9 (Tonelle Ave.) and the New Jersey Turnpike at Secaucus Intermodal Transfer Rail Station and the Trans Hudson Corridor at the Bergen Arches arterial roadway	5.5
1339.	California	Modify HOV lanes, Marin Co	5.25
1340.	California	Widen US-101 from Petaluma Bridge to Novato	8.75
1341.	Arkansas	Construct US 63 interchange with Washington Ave. and Highway 63B	1.5
1342.	Louisiana	Kerner's Ferry Bridge Replacement project	0.75
1343.	Pennsylvania	Reconstruct I-95/Street Road interchange in Bucks County	1.3275

No.	State	Project description	[Dollars in Millions]
1344.	New York	Upgrade Frederick Douglas Circle, New York City	9
1345.	Pennsylvania	Improve PA 453 from Water Street to Tyrone in Huntingdon County	0.75
1346.	Oregon	Acquire and rennovate facility to serve as multimodal transportation center, Eugene	2
1347.	Alabama	Construct improvements to Ensley Avenue between 20th St. and Warrior Rd., Birmingham	0.75
1348.	Alaska	Extend West Douglas Road	2.475
1349.	Pennsylvania	Construction of noise barriers along State Route 28, Aspinwall	0.8
1350.	Mississippi	Replace Greenville River Bridge in Washington County	1.0
1351.	Illinois	Reconstruct Claire Blvd., Robbins	0.2475
1352.	New Jersey	Reconstruct South Pembrton Road from Route 206 to Hanover Street	6
1353.	Kentucky	Reconstruct US-231: $5,625,000 for the segment between Dry Ridge Road and US-231 and US-31; $3,000,000 for the segment between Allen-Warren County line and Dry Ridge Road	8.625
1354.	Indiana	Undertake safety and mobility improvements involving street and street crossings and Conrail line, Elkhart	1.5
1355.	New York	Construct sound barriers on east side of Clearview Expressway between 15th Road and Willets Point Blvd	0.3
1356.	Tennessee	Construct Franklin Road interchange and bypass	2
1357.	New Jersey	Construct, reconstruct and integrate multi-transportation modes – international airport and seaport, rail, national highway system and brownfields – to establish an international intermodal transportation center and corridor between and within the cities of Bayonne, Elizabeth and Newark, New Jersey	2
1358.	Louisiana	Construct I-49 interchange at Caddo Port Road in Shreveport	4.2
1359.	Oklahoma	Conduct study of Highway 3 in McCurtain, Pushmataha and Atoka Counties	0.16
1360.	North Carolina	Construct US-117, the Elizabeth City Bypass in Pasquotank County	2.625
1361.	North Carolina	Upgrade US 13 (including Ahoskie bypass) in Bertie and Hertford Counties	0.75
1362.	California	Extend Route 46 expressway in San Luis Obispo Co	6
1363.	Illinois	Construct improvements to New Era Road, Carbondale	2.625
1364.	New York	Construct congestion mitigation project for Riverhead	1.875
1365.	California	Upgrade Riverside Avenue/I-10 interchange, Rialto	0.69375
1366.	California	Construct I-10 Tippecanoe/Anderson interchange project in Loma Linda and San Bernardino County, California	1.5
1367.	Colorado	Construct C-470/I-70 ramps in Jefferson Co	4.187
1368.	Washington	Conduct feasibility study of State Route 35 Hood River bridge in White Salmon	0.75
1369.	Tennessee	Construct Landport regional transportation hub, Nashville	8
1370.	Pennsylvania	Upgrade roadway in the Princeton/Cottman I-95 interchange and related improvements, Philadelphia	15.15
1371.	Washington	Construct Sequim/Dungeness Valley trail project	0.75
1372.	Maryland	Construct phase 1A of the I-70/I-270/US-340 interchange in Frederick County	11.25
1373.	American Samoa	Upgrade village roads on Tutuila/Manua Island, American Samoa	8.25
1374.	Virginia	Improve Lee Highway Corridor in Fairfax, Virginia	1.35
1375.	Michigan	Preliminary engineering and right-of-way acquisition for "Intertown South" route of US 31 bypass, Emmet County	1.125
1376.	Missouri	Construction of airport ground transportation terminal for the Springfield/Branson Airport intermodal facility in Springfield, Missouri	3.75
1377.	Ohio	Upgrade SR 7 (Eastern Ave.) to improve traffic flow into Gallipolis, Gallia Co	1.5
1378.	Michigan	Construct US-27 between St. Johns and Ithaca	6.375
1379.	Washington	Construct SR 167 Corridor, Tacoma	1.125
1380.	Washington	Widen US-395 in the vicinity of mile post 170 north of Spokane	5.5
1381.	Iowa	Construct overpass to eliminate railroad crossing in Burlington	3.475
1382.	Missouri	Improve safety and traffic flow on Rt. 13 through Clinton	6
1383.	Florida	Construct Alden Road Improvement Project in Orange County	0.525
1384.	Dist. of Col.	Implement traffic signalization, freeway management and motor vehicle information systems, Washington, D.C	6
1385.	Wisconsin	Construct freeway conversion project on Highway 41 between Kaukauna and Brown County Highway F	16
1386.	Illinois	Construct crossings over Fox River in Kane County	9.375
1387.	Mississippi	Construct US-84 from Eddiceton to Auburn Road	0.6875
1388.	Illinois	Construct US-67 in Madison and Jersey Counties	5.1
1389.	South Carolina	Construct Calhoun/Clarendon Causeway	6.5
1390.	Florida	Construct safety improvements and beautification along U.S. 92, Daytona Beach	2.25
1391.	Pennsylvania	Realign PA29 in the Borough of Collegeville, Montgomery County, Pennsylvania	0.495
1392.	Pennsylvania	Construct Towamencin Township multimodal center	2.61
1393.	Maryland	Construct improvements to Route 50 interchange with Columbia Pike, Prince Georges Co	2.4
1394.	Illinois	Construct bypass of historic stone bridge, Maeystown	0.615
1395.	Pennsylvania	Construct Johnstown-Cambria County Airport Relocation Road	0.75
1396.	Pennsylvania	Reconstruct the I-81 Davis Street interchange in Lackawanna	6
1397.	Connecticut	Realign Route 4 intersection in Farmington	2.1
1398.	Pennsylvania	Construct Wexford I-79/SR 910 Interchange, Allegheny Co	0.825
1399.	Pennsylvania	Extend Martin Luther King Busway, Alleghany Co	1.65
1400.	Massachusetts	Construct Arlington to Boston Bike Path	0.75
1401.	New Jersey	Construct Collingswood Circle eliminator, Camen	6
1402.	Ohio	Construct grade separations at Fitch Road in Olmsted Falls	3.75
1403.	Wisconsin	Construct Eau Claire Bypass project	6
1404.	Minnesota	Reconstruct SE Main Ave. and related improvements, completing 34th Street Corridor project, Moorhead	3
1405.	New York	Construct Olana Visitor Center in Olana	1
1406.	Massachusetts	Improve safety and traffic operations on Main and Green Streets, Mellrose	1.95
1407.	New York	Reconstruct Jackson Avenue in New Windsor, Orange County	1.963
1408.	New York	Construct congestion mitigation project for Smithtown	0.75
1409.	New York	Reconstruct County Route 24 in Franklin County	1.85475
1410.	North Carolina	Construct US-311(I-74) from NC-68 to US-29A-70A	22.875
1411.	California	Design and initiation of long term improvements along Highway 199 in Del Norte County, California	0.275
1412.	Alabama	Complete I-59 interchange in Dekalb County	3.6
1413.	New York	Improve Hiawatha Boulevard and Harrison Street corridors in Syracuse	1.6875
1414.	New Jersey	Construct Route 17 bridge over the Susquehanna and Western Rail line in Rochelle Park	1.125
1415.	Illinois	Undertake streetscaping between Damden and Halsted	0.8625
1416.	Illinois	Construct transportation improvements to Industrial Viaduct, Chicago	1.125
1417.	Ohio	Construct access and related improvements to Downtown Riverfront Area, Dayton	3.675
1418.	Oregon	Purchase and install emitters and receiving equipment to facilitate movement of emergency and transit vehicles at key arterial intersections, Portland	4.5
1419.	Tennessee	Reconstruct road and causeway in Shiloh Military Park in Hardin County	11.25
1420.	Arkansas	Conduct planning for highway 278 and rail for the Warren/Monticello Arkansas Intermodal Complex	0.875
1421.	Oregon	Construct regional multimodal transportation center in Albany	10
1422.	Texas	Construct two-lane parallel bridge, State Highway 146, FM 517 to vicinity of Dickinson Bayou	3.6375
1423.	Connecticut	Relocate and realign Route 72 in Bristol	4.0575
1424.	Massachusetts	Construct Minuteman Commuter Bikeway-Charles River Bikeway connector, Cambridge and Watertown	0.5625
1425.	Michigan	Replace Chevrolet Ave. bridge in Genesee Co	1.8
1426.	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	0.3
1427.	New York	Construct Mineola and Hicksville Intermodal Centers in Nassau Co	12
1428.	Indiana	Lafayette Railroad relocation project in Lafayette, Indiana	22.05
1429.	Michigan	Construct Jackson Road project (demonstrating performance of paper and plastic reinforced concrete), Scio Township	3.45
1430.	Wyoming	Widen and improve Cody - Yellowstone Highway from the entrance to Yellowstone National Park to Cody	5
1431.	Texas	Widen State Highway 6 from from Senior Road to FM521	9.075
1432.	Massachusetts	Design, engineer and right-of-way aquisition of the Great River Bridge, Westfield	1.5
1433.	Washington	Design and implement report and environmental study of the I-5 corridor in Everett, Washington	1
1434.	North Carolina	Make improvements to I-95/SR-1162 interchange in Johnston Co	2.4
1435.	New York	Reconstruct Stoneleigh Avenue in Putnam County	2.89
1436.	Pennsylvania	Construct transportation improvements around the interchange of Interstate 81 and S.R. 0944, Hampden Township	2
1437.	Wisconsin	Upgrade Highway 151 between Platteville and Dubuque	6
1438.	New York	Improve Bedford-Banksville Road from Millbrook to Connecticut State line	1.44
1439.	California	Construct interchange between I-15 and SR-18 in Victorville/Apple Valley, California	6
1440.	Connecticut	Construct overlook and access to Niantic Bay	2.31
1441.	Arizona	Design, engineering and ROW acquisition for Area Service Highway, Yuma	0.75
1442.	Connecticut	Reconstruct cross road over I-95, Waterford	1.5
1443.	Illinois	Upgrade industrial park road in Village of Sauget	3.375
1444.	California	Construct I-680 HOV lanes between Marina Vista toll plaza to North Main Street, Martinez to Walnut Creek	5.25
1445.	Iowa	Improve US 65/IA 5 interchange, Warren Co	5
1446.	Pennsylvania	Replace Masontown bridge, Fayette and Greene Counties	5

No.	State	Project description	[Dollars in Millions]
1447.	Indiana	Extend SR 149 between SR 130 to US Rt. 30, Valparaiso	3
1448.	Pennsylvania	Construct PA-309 Sumneytown Pike Connector	3.96
1449.	California	Improve Route 99/Route 120 interchange in Manteca County	6
1450.	Alaska	Construct a bridge joining the Island of Gravina to the Community of Ketchikan on Revilla Island	15
1451.	Nebraska	Conduct corridor study of NE-35 alternative and modified route in Norfolk, Wayne and Dakota City	0.75
1452.	Michigan	Upgrade Lalie St., Frenchtown Rd., and Penshee Rd., Ironwood	0.27
1453.	California	Conduct planning, preliminary engineering and design for Etiwanda Ave./I-10 interchange, San Bernardino Co	1.5
1454.	California	Construct Arbor Vitae Street improvements, Inglewood	2.625
1455.	Minnesota	Restore MN Transportation facility, Jackson Street Roundhouse, St. Paul	0.75
1456.	Rhode Island	Upgrade pedestrian traffic facilities, Bristol	0.075
1457.	California	Install SiliconValley Smart Corridor project along the I-880 corridor	2.145
1458.	South Carolina	Construct I-26/US-1 connector in Columbia	9
1459.	New York	Construct Poughkeepsie Intermodal Facility in Poughkeepsie	3.75
1460.	Oregon	Restore transportation connection between Wauna, Astoria and Port of Astoria	0.525
1461.	New York	Conduct feasibility study of new International bridges on the NY/Canada border	0.375
1462.	Tennessee	Extend Pellissippi Parkway from State Route 33 to State Route 321 in Blount County	8.85
1463.	Ohio	Upgrade 2 warning devices on the rail north/south line from Columbus to Toledo	0.15
1464.	California	Upgrade South Higuera Street, San Luis Obispo	0.675
1465.	Alabama	Upgrade County Road 39 between Highway 84 and Silver Creek Park, Clarke Co	0.75
1466.	North Carolina	Relocate US 1from north of Lakeview to SR 1180, Moore and Lee Counties	5.475
1467.	Texas	Construct extension of West Austin Street (FM 2609) between Old Tyler Road and Loop 224, Nacogdoches	1.35
1468.	Michigan	Reconstruct I-94 between Michigan Route 14 and US-23	9
1469.	Connecticut	Reconstruct I-84, Hartford	7.1025
1470.	Ohio	Undertake improvements to Valley Street, Dayton	0.675
1471.	New Jersey	Upgrade Urban University Heights Connector, Newark	7.275
1472.	Ohio	Widen to 5 lanes existing SR 43/Sunset Boulevard in Steubenville, Jefferson County	0.6
1473.	New York	Improve and reconstruct Stony Street in York Town	0.35
1474.	Ohio	Construct grade separation at Dille Road in Euclid	3.75
1475.	Washington	Safety improvements to State Route 14 in Columbia River Gorge National Scenic Area	3.15
1476.	Indiana	Upgrade County roads in LaPorte County	6
1477.	California	Implement ITS technologies in Employment Center area of City of El Segundo	2.6625
1478.	Minnesota	Construct pedestrian overpass on Highway 169, Mille Lacs Reservation	0.45
1479.	Texas	Complete State Highway 35 in Aransas County	5.42
1480.	Washington	Construct overcrossing at 38th Street in Everett, WA., and construct the Riverside Industrial Access Road as identified in the FAST Corridor plan	5.893
1481.	Illinois	Construct improvements to McKinley Bridge over Mississippi River with terminus points in Venice, Illinois, and St. Louis, Missouri	3.9
1482.	Connecticut	Upgrade bridge over Naugatuck River, Ansonia	0.3375
1483.	Louisiana	Widen Lapalco Boulevard from Barataria Boulevard to Destrehan Avenue in Jefferson Parish, Louisiana	3
1484.	California	Construct Tulare County roads in Tulare County	6.75
1485.	Washington	Extend Mill Plain Boulevard in Vancouver	3
1486.	Missouri	Construct an intermodal center at Missouri Botanical Garden	0.9
1487.	Ohio	Reimburse costs associated with multimodal transportation improvements, Dayton	2.0625
1488.	West Virginia	Upgrade US 340 between West Virginia/Virginia State line and the Charles Town Bypass	2
1489.	Ohio	Add lanes and improve intersections on Route 20 in Lake County, Ohio	2
1490.	Pennsylvania	Rehabilitate Kenmawr Bridge, Swissvale	0.45
1491.	Rhode Island	Construct Blackstone River Bikeway	2.59125
1492.	Alaska	Construct Gravina Island Bridge in Ketchikan	5.443
1493.	Alaska	Construct N.W. Alaska Road/Rail access	2.5
1494.	Alaska	Construct North Denali access route	1.5
1495.	Alaska	Construct capital improvements to marine transportation facilities for Prince of Wales Island	0.75
1496.	Alaska	Improve marine dry dock and facilities in Ketchikan	0.75
1497.	Alaska	Construct New Access Route to Ship Creek Access in Anchorage	11.943
1498.	Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	1
1499.	Alabama	Engineering, right-of-way acquisition and construction of Huntsville Southern Bypass	1
1500.	Alabama	Construction of Eastern Black Warrior River Bridge	7.75
1501.	Alabama	Construct East Foley Corridor Project from Baldwin County Highway 20 to State Highway 59 in Alabama	1
1502.	Alabama	Engineering, right-of-way, acquisition and construction of Birmingham Northern Beltline in Jefferson County	8.917
1503.	Alabama	Extend I-759 in Etowah County	1.167
1504.	Alabama	Construct Decatur Southern Bypass	1
1505.	Alabama	Construct Anniston Eastern Bypass from I-20 to Fort McClellan in Calhoun County	2
1506.	Alabama	Construct Montgomery outer loop from US 80 to I-85 via I-65	11.8
1507.	Alabama	Develop U.S. 231/I-10 Freeway Connector from Alabama border to Dothan	2
1508.	Alabama	Replace bridge over Tombigbee River, Naheola	3
1509.	Arkansas	Development of Little Rock Port Authority	2
1510.	Arkansas	Development of Little Rock River Rail Project	2
1511.	Arkansas	Improvements to I-30 From Benton to Geyer Springs Exit in Little Rock	2
1512.	Arkansas	Upgrade 2 bypasses (Washington Ave. Interchange and Highway 63B Interchange) on U.S. 63 in Jonesboro	5
1513.	Arkansas	Construct bypass at Ashdown	1.25
1514.	Arkansas	Devlopment of U.S. 71 from Fort Chaffee to Texarkana	7
1515.	Arkansas	Development of Interchange at Intersection of I-40 and Airport Road in West Memphis	6
1516.	Arkansas	Improve U.S. Highway 412 From Harrison to Mountain Home	3.8875
1517.	Arkansas	Complete Courthouse Improvement Enhancements Project in Paris	0.1
1518.	Arkansas	Further study and development of Russellville Intermodal Complex in Russellville	0.25
1519.	Arkansas	Construct turning lanes at the Intersection of U.S. Highway 71 and Arkansas State Highway 8 in Mena	0.0625
1520.	Arkansas	Transportation Enhancements in the Vicinity of Dickson St., Fayetteville	0.375
1521.	Arkansas	Improve Arkansas State Highway 12 From U.S. 71 at Rainbow Curve to the Northwest Arkansas Regional Airport	0.125
1522.	Arkansas	Construct intermodal connector access road to the Northwest Ark. Regional Airport	4
1523.	Arkansas	Continue development of West Phoenix Ave, Ft. Smith	2
1524.	Arkansas	Improvements to 28th Street, Van Buren	0.25
1525.	Arkansas	Conduct feasibility studies for Van Buren Intermodal Port	0.075
1526.	Arkansas	Upgrade Arkansas State Highway 59 from Rena Road to Old Uniontown Road in Van Buren	0.65
1527.	Arkansas	Construct improvements to U.S. Highway 71 to I-40 through Fort Chaffee and Fort Smith	1.25
1528.	California	Construct I-80 reliever route system, Solano Cty	12.1
1529.	California	Replace Marwell Bridge, Napa Cty	8.7
1530.	California	Construct March Inland Port ground access project, Riverside Cty	7.2
1531.	California	Construct Sta Monica Transit Pkwy	17
1532.	California	Construct state Rte 905 between I-805 and Otay Mesa border crossing	38.5
1533.	California	Construct hwy grade separation/other improvements for "Gateway for America" project in San Gabriel Valley	100
1534.	Colorado	State Priority Projects	23.401
1535.	Connecticut	Reconstruction of railroad electrical catenary serving commuter lines between New Haven and Stanford	23.433
1536.	Connecticut	Pedestrian/disabled access improvements at Mark Twain House Historic Site	0.5
1537.	Connecticut	Reconstruct and expand access road and related riverwalk improvements at/adjacent to Riverside Park, Hartford	2
1538.	Connecticut	Develop Winsted and Winchester rail trail, linkage to existing trails in neighboring towns	1.5
1539.	Connecticut	Develop Quinipiac River linear trail in Wallingford and Meriden	1.5
1540.	Connecticut	Extend Farmington Canal Rail Trail in Hamden and New Haven	1.5
1541.	Florida	State Priority Projects	92.096
1542.	Georgia	Upgrade Lithonia Industrial Blvd, DeKalb Cty	0.35
1543.	Georgia	Widen US 84 South from US 82 to Ware Cte in Waycross and Ware Ctes	1.6
1544.	Georgia	Construct Rome to Memphis hwy in Floyd and Bartow Ctes	2
1545.	Georgia	Construct Athens to Atlanta transportation corridor	8
1546.	Georgia	Conduct a study of Interstate multimodal transportation corridor from Atlanta to Chattanooga	2.5
1547.	Georgia	Conduct study of multimodal transportation corridor along GA 400	25
1548.	Georgia	Construct Savannah River Pkwy in Bulloch, Jenkins Screven, and Effingham Counties	5
1549.	Georgia	Conduct study of interstate multimodal transportation corridor from Atlanta to Chattanooga	5
1550.	Georgia	Undertake major arterial enhancement in DeKalb Cty: Candler Rd, Memorial Dr, and Buford Hwy	6.66
1551.	Georgia	Construct Harry S. Truman Pkwy	3.55
1552.	Georgia	Construct multimodal passenger terminal, Atlanta	8.1
1553.	Georgia	Construct Rome to Memphis hwy in Floyd and Bartow Ctes	4.112

No.	State	Project description	[Dollars in Millions]
1554.	Georgia	Construct Fall Line Freeway from Bibb to Richmond Ctes	9.5
1555.	Georgia	Construct Fall Line Freeway from Bibb to Richmond Ctes	23
1556.	Iowa	Design, right-of-way and construction of a bridge over railroad tracks on airport access road in Sioux City	1.5
1557.	Iowa	Construction of a 4-lane expressway between DesMoines and Marshalltown	2.75
1558.	Iowa	Design, right-of-way and construction of the Avenue G viaduct and related roadway in Council Bluffs	7
1559.	Iowa	Design and construction of native roadside vegetation enhancement center at U.N.I. in Cedar Falls	0.76
1560.	Iowa	Construct the D116 Dubuque Bridge over the MI River at Dubuque	7
1561.	Iowa	Design, right-of-way and construction of segments of Martin Luther King Jr. Parkway in DesMoines from Center ST. to Fleur Dr	12
1562.	Idaho	Reconstruct 184/I-84 interchange (mileposts 0.0--0.6)	19
1563.	Idaho	Rehabilitate US 20 Ashton/Ashton Hill Bridge and Intersection Project (mileposts 363.3--363.5)	3.75
1564.	Idaho	Construct Cheyenne Street Railroad Overpass, Pocatello	5.5
1565.	Idaho	Stage 1, US 93 Twin Falls Alternate Rte from junction of US 93/Hwy 30 north (mileposts 45--48)	13
1566.	Idaho	Safety improvements on US 95 from Genesee to Moscow (mileposts 331--345)	16
1567.	Idaho	Safety improvements/bridge replacement on US-95 at Mann's Creek Curves (mileposts 91.2--94.8)	7
1568.	Idaho	Alignment/bridge replacement State Hwy 55 between Smith's Ferry and Round Valley (mileposts 94.9--101.0)	18
1569.	Illinois	Improve Campus Transportation System, Chicago	2
1570.	Illinois	Construct US 67 in Madison and Jersey Ctes	6.798
1571.	Illinois	Construct confluence bikeway in Madison Cty	1
1572.	Illinois	Extend Veterans Mem Drive and construct overpass at I-57 in Mt Vernon	3
1573.	Illinois	Construct 34 from Burlington IA to Monmouth IL	5
1574.	Illinois	Reconstruct Wacker Dr in Chicago	25
1575.	Illinois	Reconstruct Stevenson Exrpwy, Chicago	25
1576.	Indiana	State Priority Projects	47.046
1577.	Kansas	State Priority Projects	23.488
1578.	Kentucky	Widen US 27 from Norwood to Eubank	5.83
1579.	Kentucky	Reconstruct KY210 from Hodgenville to Morning Star Rd in LaRue Cty	2
1580.	Kentucky	Conduct feasibility study for No. KY high-priority corridor (I-74)	0.125
1581.	Kentucky	Construct necessary connections for the Taylor Southgate Bridge in Newport and the Clay Wade Bridge in Covington	2.3
1582.	Kentucky	Construction on US 127: Albany Bypass to KY90, Albany Bypass from KY696 to Clinton Cty H.S., and from KY696 to TN state line	2.81
1583.	Kentucky	Construct highway rail grade separations along the City Lead in Paducah	0.25
1584.	Kentucky	Reconstruction of the Louisville Trolley Barn	1.5
1585.	Kentucky	Completion of the Ownsboro Corridor and related State Highway projects	15.817
1586.	Kentucky	Extend Hurstbourne Pkwy from Bardstown Rd to Fern Valley Rd	4
1587.	Louisiana	Causeway Project	0.5
1588.	Louisiana	I-10 Connector, Port of South Louisiana	0.28
1589.	Louisiana	Florida Expressway Construction, St. Bernard/Orleans Parishes	0.05
1590.	Louisiana	Kerner Bridge, Jefferson Parish	0.25
1591.	Louisiana	Construction, LA 1	2.3
1592.	Louisiana	Leeville Bridge, LA 1	2
1593.	Louisiana	Louisiana segment, Gulf Coast high speed rail	1
1594.	Louisiana	Perkins Road, Baton Rouge	1.5
1595.	Louisiana	East West Corridor/El Camino Real, LA 6 to US 84, Central-Northwest LA	1
1596.	Louisiana	Nelson Access Road to Port of Lake Charles	4.5
1597.	Louisiana	Tchopitoulas Corridor, New Orleans	4.5
1598.	Louisiana	Rte 3132 to Caddo-Bossier Port, Shreveport	4.5
1599.	Louisiana	Kansas Lane, Monroe	4.5
1600.	Louisiana	New Orleans CBD to New Orleans Int'l Airport, commuter rail	5
1601.	Massachusetts	State Priority Projects	37.365
1602.	Maryland	Improve hwy signage for C&O Canal NHP in Frederick, Washington, and Allegany Cties	0.091
1603.	Maryland	Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville	1.25
1604.	Maryland	Upgrade US 113 north of US 50 to Jarvis Rd in Worcester Cty	7
1605.	Maryland	Upgrade MD 32 in the vicinity of NSA Anne Arundel Cty	6.75
1606.	Maryland	Construct Phase 1-A of the I-70/I-270/US 340 interchange in Frederick Cty	15
1607.	Maine	Upgrade Rte 11	0.15
1608.	Maine	Construct I-95/Stillwater Avenue interchange	0.15
1609.	Maine	Reconstruction of the Mack Point Cargo Port	1.45
1610.	Maine	Improve Rte 23	0.125
1611.	Maine	Improve Rte 26	0.375
1612.	Maine	Replace Ridlonville Bridge, Rumford	0.875
1613.	Maine	Studies, planning for extension of I-95	2
1614.	Maine	Construct I-295 connector, Portland	1
1615.	Maine	Replace Singing Bridge across Taunton Bay	1.375
1616.	Maine	Construct new bridge over Kennebec River (Carlton Bridge replacement)	2
1617.	Maine	Studies, planning, reconstruction of East-West Hwy	1
1618.	Michigan	State Priority Projects	25.447
1619.	Michigan	State Priority Projects	31.438
1620.	Michigan	Reconstruct and rehabilitate, including rail and interstate access improvements for the Detroit Waterfront Dock, Detroit	6
1621.	Minnesota	Reconstruct S.E. Main Ave./I-94 Interchange, Moorhead	1
1622.	Minnesota	Construct T.H. 212 Construction between I-494 and Carver County Road 147	1
1623.	Minnesota	Construct T.H. 610/10 from T.H. 169 in Brooklyn Park to I-94 in Maple Grove	2
1624.	Minnesota	Construct Mankato South Route in Mankato	1
1625.	Minnesota	Reconstruct SE Main Avenue/I-94 Interchange, Moorhead	2
1626.	Minnesota	Replace Sauk Rapids Bridge Over Mississippi River, Stearns and Benton Counties	1
1627.	Minnesota	Replace Sauk Rapids Bridge over Mississippi River, Stearns and Benton Cties	1
1628.	Minnesota	Construct Shepard Rd./Upper Landing Interceptor, St. Paul	1
1629.	Minnesota	Construct Mankato South Route, Mankato	1
1630.	Minnesota	Reconstruct and Replace I-494 Wakota Bridge from South St. Paul to Newport and approaches	3.529
1631.	Minnesota	Reconstruct/replace I-494 Wakota Bridge from South St. Paul to Newport, and approaches	1
1632.	Minnesota	Construct Phalen Blvd. between I-35 and I-94	2.5
1633.	Minnesota	Construct T.H. 610/10 from T.H. 169 in Brooklyn Park to I-94 in Maple Grove	9.029
1634.	Minnesota	Design and Construct Access to I-35W at Lake St., Minneapolis	2
1635.	Missouri	Develop bike/pedestrian paths for Town of Kansas and Riverfront Park in Kansas City	0.341
1636.	Missouri	Construct Cuivre River Bridge at Lincoln County	3
1637.	Missouri	Construct Rte 13 MO River Bridge at Lexington	3
1638.	Missouri	Construct Hwy 47 MO River Bridge at Washington	3
1639.	Missouri	Construct Rte 5 Bridge at the Lake of the Ozarks	3
1640.	Missouri	Upgrade Interstate 70 in the State of MO	10
1641.	Missouri	Construct Chouteau Bridge at Kansas City	6
1642.	Missouri	Construct Mississippi River Bridge at Hannibal	6
1643.	Missouri	Construct Bill Emerson Memorial Bridge	8
1644.	Missouri	Construct Missouri River Bridge at Hermann	5
1645.	Mississippi	Replace functionally obsolete drawbridge with new crossing, High Rise Bridge, at Pascagoula	38
1646.	Montana	Conduct environmental review, planning, design, and construction of the Beartooth Highway in Wyoming and Montana	19.905
1647.	North Carolina	Construct Raleigh Outer Loop (segment D) between NC 50 and SR 2000	8.44
1648.	North Carolina	Construct additional lanes on I-77 between I-85 and NC 73	48
1649.	North Dakota	State Priority Projects	13.138
1650.	Nebraska	Improve Nebraska Highways 8 and 15 in Fairbury	3
1651.	Nebraska	Construct Riverfront Trails and Bridges Along Missouri River from Dodge Park through Omaha to Bellevue	4.786
1652.	New Hampshire	Widen I-93 from Salem to Manchester	1.175
1653.	New Hampshire	Construct Manchester Airport Access Road, Manchester	1
1654.	New Hampshire	Conway bypass/Rte 16 mitigation, Conway	0.5
1655.	New Hampshire	Improve Bridge Street bridge, Plymouth	1
1656.	New Hampshire	Advance completion of Rte 101 project from Raymond to Hampton	2
1657.	New Hampshire	Rehabilitate/reconstruct Bath-Haverhill Bridge, Bath and Haverhill	0.65
1658.	New Hampshire	Construct Manchester Access Rd, Manchester	3.175
1659.	New Hampshire	Construct Orford Bridge, Orford	0.85
1660.	New Jersey	Construct bicycle trails and riverside improvements, West Deptford	0.7
1661.	New Jersey	Construct Del. River tram to link destinations on both sides of Del. River	8

No.	State	Project description	[Dollars in Millions]
1662.	New Jersey	Construct new ramp between NJ 42 and south section of I-295	14
1663.	New Jersey	Construct roadway network through the Bergen Arches railroad right-of-way, Hudson Cty	26.5
1664.	New Jersey	Relocate/construct Cooper Hospital Med Ctr helipad, Camden	1.5
1665.	Nevada	Canamex Corridor Innovative Urban Renovation Project in Henderson	1.531
1666.	Nevada	Widen US 50 between Fallon and Fernley	1
1667.	Nevada	I-580/U.S. 395 Freeway Extension to Carson City	5
1668.	Nevada	Reconstruction of I-15 Interchange at Sahara Ave. and Rancho Rd. in North Las Vegas	5
1669.	Nevada	Widening of Craig Rd. in North Las Vegas	2
1670.	Nevada	Widen I-15 in San Bernardino County, CA	6
1671.	New York	Reconstruct Springfield Blvd between the LIRR Main Line South to Rockaway Blvd in Queens County	1
1672.	New York	Replace Kennedy-class ferries in Staten Island	2
1673.	New York	Construct Fordham Univ Regional Transportation Facility, Bronx	4
1674.	New York	Construct Hamilton St interchange between Rte 17 and Rte 15 in Erwin	4.4
1675.	New York	Construct intermodal project at Castle Clinton and Battery Pk, NYC	6
1676.	New York	Relocate toll barrier in Williamsville	6.1
1677.	New York	Construct Rte 219 from Springville to Salamanica (Rte 13 to Rte 17)	20
1678.	New York	Design/construct upgraded interchange between I-84 and I-87 nr Stuart Int.'l Airport, Newburg	20
1679.	New York	Renovate/reconstruct James A Farley Post Office, NYC, as new Amtrak Sta	40
1680.	New York	Renovate Hellgate Bridge, NYC	15
1681.	Ohio	Upgrade intersection of US 20 and SR 420, Woodville	5
1682.	Ohio	Improve intersection at SR 327 and US 32, Wellston	3
1683.	Ohio	Upgrade US 20 in Painesville, Perry, and Madison	3
1684.	Ohio	Upgrade US 30 and Hill-Diley Road, Lancaster	4
1685.	Ohio	Upgrade Caves Road, Geauga County	2
1686.	Ohio	Upgrade SR 2 between Oregon and Camp Perry	5
1687.	Ohio	Construct intermodal transit center in Cinncinnati	8
1688.	Ohio	High priority highway and bridge projects	34.325
1689.	Ohio	Upgrade intersection of US35 and Fairfield Road	4
1690.	Oklahoma	Reconstruct/widen I-40 Crosstown Bridge and Realignment, Oklahoma City	30.912
1691.	Oregon	Relocate Highway 126 through Redmond	4
1692.	Oregon	Widen U.S. 30 from two lanes to four lanes in Pendleton	7.8
1693.	Oregon	Restore funding for Broadway Bridge Project	2.5
1694.	Oregon	Restore funding for I-5/217 Kruse Way Project	1.75
1695.	Oregon	Restore funding for Astoria Hazard Recovery Railroad Slide	0.175
1696.	Oregon	Restore funding for South Rivergate Overcrossing Project	2
1697.	Oregon	Restore funding for Medford Highway 62/99 Project	4
1698.	Oregon	Restore funding for I-205 Sunnybrooke Interchange Project	1.8
1699.	Pennsylvania	Reconstruction of I-79 from Pa 285 to US 6, Crawford County	1
1700.	Pennsylvania	Relocation of US 15 from US 522 to PA 147 in Snyder, Union, and Northumberland Counties	1
1701.	Pennsylvania	Reconstruct I-81/Davis Street Interchange, Lackawanna County	1
1702.	Pennsylvania	Construct American Parkway Bridge project, Allentown	1
1703.	Pennsylvania	Construct Williams-Lycoming Cty Airport access road from I-80 to the Airport	1
1704.	Pennsylvania	Rehabilitate Streets Run Road for emergency access	0.5
1705.	Pennsylvania	Construct pedestrian bridge, Vine Street Expressway between 15th and 16th Streets	1
1706.	Pennsylvania	North Shore roadway and pedestrian improvements, Pittsburgh	2.505
1707.	Pennsylvania	Widening and reconstruction of US 30, Lancaster County	2.5
1708.	Pennsylvania	Construction of Erie Bayside Connector, Erie County	2
1709.	Pennsylvania	Construct Independence Gateway Transportation Ctr project, Philadelphia	1
1710.	Pennsylvania	Road construction in and around former Bethlehem Steel plant site	3
1711.	Pennsylvania	Roadway and pedestrian improvements for North Shore Central Business District Corridor Transportation Project, Pittsburgh	2.5
1712.	Pennsylvania	Construction at Williamsport Airport, Lycoming County	2
1713.	Pennsylvania	Construct US 322 Conchester Hwy between US 1 and SR 452	3
1714.	Pennsylvania	Construct I-95 access ramps at and around Philadelphia Int'l Airport	5
1715.	Pennsylvania	Reconstruct SR 309 in Eastern Montgomery County	2
1716.	Pennsylvania	Lancaster County airport runway extension	1
1717.	Pennsylvania	Construct safety and capacity improvements to Rte 309 and Old Packhouse Road, including widening of Old Packhouse Road between KidsPeace National Hospital and Rte 309, Lehigh County	1
1718.	Pennsylvania	Construct grade separated interchange on Old Rte 60 at Pgh. Airport, Allegheny County	1
1719.	Pennsylvania	Improvements to SR 412 from I-78 to Bethlehem Steel site and road improvements for rail intermodal facility, Bethlehem	2
1720.	Pennsylvania	Construct new interchange at Settler's Cabin, Allegheny County	1
1721.	Pennsylvania	Improve access and interchange from I-95 to int'l terminal at Philadelphia Int'l Airport	5
1722.	Pennsylvania	Relocate Rte 15 at Selinsgrove and Shamokin Dam, Snyder County	1
1723.	Pennsylvania	Construct access to site of former Philadelphia Naval Shipyard and Base	2
1724.	Pennsylvania	Reconstruct I-80, Mercer and Venango Counties	1
1725.	Pennsylvania	Construct Erie Eastside Connector	3
1726.	Pennsylvania	Reconstruct main line I-179	1
1727.	Pennsylvania	Upgrade US 219 between Meyersdale and Somerset	5
1728.	Pennsylvania	Relocate Rte 222 in/around Trexlertown, Lehigh County	3
1729.	Pennsylvania	Widen Broad Street and related improvements, Hazelton	2
1730.	Pennsylvania	Construct Cranberry Connector, I-79/Rte 19/PA Turnpike, Butler County	2
1731.	Pennsylvania	Construct Warren Street Extension, Reading	3
1732.	Pennsylvania	Construct new lane on Rte 15, Tioga County	5
1733.	Pennsylvania	Construct Mon Fayette Expressway between WV and Fairchance	5
1734.	Pennsylvania	Reconstruct Ft. Pitt Bridge and Tunnel, Pittsburgh	19
1735.	Pennsylvania	Construct new interchange at I-95 and PA Turnpike and related improvements	5
1736.	Rhode Island	Construct Blackstone River bikeway	8.843
1737.	Rhode Island	Construct Woonasquatucket bikeway	3.1
1738.	South Carolina	Replace Cooper River Bridges, Charleston	19.311
1739.	South Dakota	Construct Eastern Dakota Expressway between Aberdeen at I-29	12.832
1740.	South Dakota	Preserve Skyline Drive Scenic Ridgetop in Rapid City	0.5
1741.	South Dakota	Construct new interchange and access road on Interstate 90 at Box Elder	1
1742.	Tennessee	Reconstruction of Old Walland Hwy Bridge over Little River, Townsend	0.42
1743.	Tennessee	Construct pedestrian & bicycle pathway to connect with Miss. River Trail & restore historic cobblestones on the Riverfront, Memphis	0.7
1744.	Tennessee	High priority highway and bridge projects	44.048
1745.	Utah	Construct Phase 2 of the Univ Ave Interchange, Provo	1.5
1746.	Utah	Engineer/reconstruct at Brown's Park Rd, Daggett Cty	0.85
1747.	Utah	Construct Cache Valley Hwy in Logan	1
1748.	Utah	Gateway Redevelopment Area road reconstruction, Salt Lake City	1
1749.	Utah	Widen/improve 123rd/126th South from 700 East to Jordan River, Draper	0.5
1750.	Utah	Construct Cache Valley Hwy in Logan	2
1751.	Utah	Widen/improve 123rd/126th South from Jordan River to Bangerter Hwy in Riverton	0.5
1752.	Utah	Construct underpass at 100 South, in Sandy	1
1753.	Utah	Extend Main St from 5600 South to Vine St, Murray	2
1754.	Utah	Construct Phase 2 of the Univ Ave Interchange, Provo	1
1755.	Utah	Widen 7200 West, Midvale	0.35
1756.	Utah	Construct I-15 interchange at Atkinville	2
1757.	Utah	Improve 5600 West Hwy from 2100 South to 4100 South in West Valley City	1
1758.	Virginia	Construct Southeastern Pkwy and Greenbelt, Virginia Beach	4
1759.	Virginia	Construct Route 288, Richmond	2
1760.	Virginia	Planning/design for Coalfields Expwy, Buchanan, Dickinson, and Wise Ctes	5
1761.	Virginia	Complete no. section of Fairfax Cty Pkwy, Fairfax County	2
1762.	Virginia	Reconstruct SR 168 (Battlefield Blvd), Chesapeake	3
1763.	Virginia	Phase 1 Downtown Staunton Streetscape Plan	0.2
1764.	Virginia	Commuter/freight rail congestion/mitigation project over Quantico Creek	2
1765.	Virginia	Conduct preliminary engineering on I-73 between Roanoke and VA/NC state line	1
1766.	Virginia	Construct I-95/State Rte 627 interchange, Stafford Cty	1
1767.	Virginia	Improve Lee Hwy Corridor in Fairfax	1
1768.	Virginia	Construct Third Bridge/Tunnel Crossing of Hampton Rd	3

No.	State	Project description	[Dollars in Millions]
1769.	Virginia	Widen I-64 Bland Blvd interchange	3
1770.	Virginia	Construct "Smart Road" in Blacksburg	5
1771.	Virginia	Reconstruct I-66/Rte 29 interchange, Gainesville	15
1772.	Vermont	Upgrade and Improve Publicly-Owned Vermont Rail Infrastructure from Bennington to Burlington	9.168
1773.	Washington	Hood River Bridge SR 35	0.192
1774.	Washington	Port of Kalama River Bridge	0.169
1775.	Washington	Huntington Avenue South Castle Rock	0.138
1776.	Washington	Port of Longview Industrial Rail Corridor	0.477
1777.	Washington	I-5 interchange, Lewis Cty	1.27
1778.	Washington	Safety Improvements to SR 14 Columbia Gorge	0.775
1779.	Washington	Construct 192nd Street from SR 14 to SE 15th, Vancouver	0.962
1780.	Washington	Widen US 395 north of Spokane	1.9
1781.	Washington	Columbia Center Blvd, Kennewick	0.309
1782.	Washington	Construct Washington Pass Visitors Center	0.231
1783.	Washington	Improve Hillsboro Street/Hwy 395 intersection, Pasco	0.682
1784.	Washington	Reconstruct I-82/Keys Road Intersection, Yakima	1.663
1785.	Washington	Construct Sequim/Dungeness Valley Trail Project	0.192
1786.	Washington	Widen SR 99 between 148th Street and King County Line, Lynnwood	0.577
1787.	Washington	Improve I-5/196th Street Interchange, Lynnwood	0.866
1788.	Washington	Construct SR 305 corridor improvement, Poulsboro	0.673
1789.	Washington	Edmonds Crossing multi-modal transportation project	0.962
1790.	Washington	Construct Cross Base Corridor Ft. Lewis/McChord AFB	0.115
1791.	Washington	Reconstruct I-5 Interchange, City of Lacey	0.288
1792.	Washington	Construct SR 167 Corridor	0.288
1793.	Washington	Southworth Seattle Ferry	0.962
1794.	Washington	Undertake SR 166 Slide Repair	1.25
1795.	Washington	Construct SR 7 Elbe rest area and interpretive facility	0.15
1796.	Washington	Extend Mill Plain Blvd, Vancouver	1
1797.	Washington	Construct I-405/NE 8th Street Interchange, Bellevue	5.875
1798.	Washington	Improve I-90/Sunset Way Interchange, Issaquah	4.95
1799.	Washington	Clinton Ferry Terminal	1.2
1800.	Washington	8th Street East Pierce County	0.25
1801.	Washington	Shaw Road Puyallup extension	0.375
1802.	Washington	180th, Tukwila	0.5
1803.	Washington	South 277th, Auburn (UP)	0.5
1804.	Washington	South 277th, Auburn (BNSF)	0.5
1805.	Washington	Construct Southwest Third Street	0.75
1806.	Washington	Construct Port of Tacoma Road	1.125
1807.	Washington	Construct North Duwamish Intermodal Project	4
1808.	West Virginia	Construct Coalfields Expressway	22.69
1809.	Wyoming	State Priority Projects	13.934
1810.	New Mexico	Construct Rio Rancho Highway	20
1811.	Massachusetts	Reconsruct Huntington Avenue	1
1812.	Texas	Relocate railroad Bryan/College Station at Texas A&M or any other high priority project in Texas	10
1813.	Texas	High priority highway and bridge projects	133.863
1814.	Arizona	High priority highway and bridge projects	31.076
1815.	Delaware	High priority highway and bridge projects	8.868
1816.	Hawaii	High priority highway and bridge projects	10.379
1817.	Wisconsin	High priority highway and bridge projects	39.926
1818.	Arkansas	High priority highway and bridge projects	15
1819.	Maine	High priority highway and bridge projects	10
1820.	Texas	Relocate railroad line in Bryan and College Station, Texas A&M University	15
1821.	Virginia	High priority highway and bridge projects	5
1822.	New Hampshire	High priority highway and bridge projects	5
1823.	Idaho	High priority highway and bridge projects	5
1824.	Arkansas	Conduct Seismic Design and Deployment Projects	5
1825.	Missouri	High priority highway and bridge projects	10
1826.	Wyoming	High priority highway and bridge projects	5
1827.	Rhode Island	Construct pedestrian and Bicycle Facilities	5
1828.	Oklahoma	High priority highway and bridge projects	5
1829.	Colorado	High priority highway and bridge projects	5
1830.	Alabama	Develop Huntsville Southern Bypass	1
1831.	Alabama	Replace bridge over Tombigbee River, Naheola	1
1832.	Alabama	Construct Anniston Eastern Bypass	1
1833.	Alabama	Construct East Foley Corridor Project from Baldwin County Highway 20 to State Highway 59 in Alabama	0.75
1834.	Alabama	Construct Decatur Southern Bypass	1
1835.	Alabama	Construct Montgomery Outer Loop from US 80 to I-85 via I-65	1
1836.	Alabama	Develop Birmingham Northern Beltline	1.45
1837.	Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	1
1838.	Alabama	Create National University Transportation Center at the University of Alabama	1.8
1839.	Alabama	University at Alabama at Birmingham-Trauma Care Center	2.25
1840.	Alabama	Conduct advance vehicle transportation research program at the University of Alabama Tuscaloosa	2
1841.	Alabama	Conduct asphalt research program at Auburn University	0.5
1842.	Alabama	Conduct Global Climate Reserach Program at the University of Alabama at Huntsville	0.25
1843.	California	Conduct Golden Gate Seismic Retrofit Project	26
1844.	Oregon	Prepare and preserve high priority highways	30
1845.	South Dakota	Construct Eastern Dakota Expressway from Aberdeen to I-29	23.768
1846.	Massachusetts	High priority highway and bridges	25
1847.	Pennsylvania	Reconstruct and improve I-95 in Delaware, Philadelphia and Bucks Counties, Pennsylvania	50
1848.	Pennsylvania	Reconstruct and improve US-22 in Westmoreland and Indiana Counties, Pennsylvania	50
1849.	South Carolina	Replace Cooper River Bridges, Charleston	20
1850.	Alaska	Construct Bradfield Canal Road	1

SEC. 1603. SPECIAL RULE.

For purposes of calculating the minimum guarantee apportionment under section 105 of title 23, United States Code, the Secretary shall not include projects numbered 1818 through 1849 in section 1602.

TITLE II—HIGHWAY SAFETY

SEC. 2001. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) of title 23, United States Code, is amended—

(1) in the fourth sentence by striking "(4) to" and inserting "(4) to prevent accidents 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"; and

(3) in the twelfth sentence by inserting "enforcement of light transmission standards of window glazing for passenger motor vehicles and light trucks as necessary to improve highway safety," before "and emergency services".

(b) ADMINISTRATION OF STATE PROGRAMS.—Section 402(b) of such title 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 sixth sentence of section 402(c) of such title 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) of such title is amended to read as follows:

"(i) APPLICATION IN INDIAN COUNTRY.—

"(1) USE OF TERMS.—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.

''(2) EXPENDITURES FOR LOCAL HIGHWAY PROGRAMS.—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.

''(3) ACCESS FOR INDIVIDUALS WITH DISABILITIES.—The requirements of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

''(4) 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) of such title is amended to read as follows:

''(j) RULEMAKING PROCEEDING.—The Secretary may periodically 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.''.

(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 the State under section 402 of title 23, United States Code, to purchase television and radio time for highway safety public service messages.

(2) REPORTS BY STATES.—Any State that uses funds described in paragraph (1) for purchasing television and radio time for highway safety public service messages shall submit to the Secretary a report describing, and assessing the effectiveness of, the messages.

(3) STUDY.—Based on information contained in the reports submitted under paragraph (2), the Secretary shall prepare and transmit to Congress a report on the effectiveness of purchasing television and radio time for highway safety public service messages using funds described in paragraph (1).

SEC. 2002. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

(a) AUTHORITY OF THE SECRETARY.—Section 403(a)(2)(A) of title 23, United States Code, is amended by inserting '', including training in work zone safety management'' after ''personnel''.

(b) DRUGS AND DRIVER BEHAVIOR.—

(1) IN GENERAL.—Section 403(b) of such title is amended by adding at the end the following:

''(3) Measures that may deter drugged driving.

''(4) Programs to train law enforcement officers on motor vehicle pursuits conducted by the officers.''.

(2) REPORTS OF FEDERAL POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Treasury, the Chief of Capitol Police, and the Administrator of General Services shall each transmit to Congress a report containing—

(A) the policy of the department or agency headed by that individual concerning motor vehicle pursuits by law enforcement officers of that department or agency; and

(B) a description of the procedures that the department or agency uses to train law enforcement officers in the implementation of the policy referred to in subparagraph (A).

SEC. 2003. OCCUPANT PROTECTION.

(a) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) IN GENERAL.—Chapter 4 of title 23, United States Code, 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 requirements of this section, the Secretary shall make grants under this section 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 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 programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the Transportation Equity Act for the 21st Century.

''(3) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

''(4) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

''(A) in each of the first and second fiscal years in which the State receives a grant under this section, 75 percent;

''(B) in each of the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

''(C) in each of the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

''(b) GRANT ELIGIBILITY.—A State shall become eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary at least 4 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 2001, 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 the safety belt use law of the State.

''(3) MINIMUM FINE OR PENALTY POINTS.—The State imposes a minimum fine or provides for the imposition of penalty points against the driver's license of an individual—

''(A) for a violation of the safety belt use law of the State; and

''(B) for a violation of the child passenger protection law of the State.

''(4) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State has implemented a statewide special traffic enforcement program for occupant protection that emphasizes publicity for the program.

''(5) CHILD PASSENGER PROTECTION EDUCATION PROGRAM.—The State has implemented a statewide comprehensive child passenger protection education program that includes education programs about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems.

''(6) CHILD PASSENGER PROTECTION LAW.—The State has in effect a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system.

''(c) GRANT AMOUNTS.—The amount of a grant for which a State qualifies under this section for a fiscal year shall equal up to 25 percent of the amount apportioned to the State for fiscal year 1997 under section 402.

''(d) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

''(e) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.

''(f) DEFINITIONS.—In this section, 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.''.

(2) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 404 the following:

''405. Occupant protection incentive grants.''.

(b) CHILD PASSENGER PROTECTION EDUCATION GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in paragraph (2) through—

(A) the child passenger protection program of the State; and

(B) at the option of the State, a grant program established by the State to carry out 1 or more of the activities specified in paragraph (2) by a

political subdivision of the State or an appropriate private entity.

(2) USE OF FUNDS.—Funds provided to a State as a grant under this subsection shall be used to implement child passenger protection programs that—

(A) are designed to prevent deaths and injuries to children;

(B) educate the public concerning—

(i) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques;

(ii) appropriate child restraint design, selection, and placement; and

(iii) harness threading and harness adjustment on child restraints; and

(C) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

(3) GRANT AWARDS.—The Secretary may make a grant under this subsection without regard to whether a State is eligible to receive, or has received, a grant under section 405 of title 23, United States Code (as inserted by subsection (a) of this section).

(4) FEDERAL SHARE.—The Federal share of the cost of a program carried out using funds made available from a grant under this subsection may not exceed 80 percent.

(5) REPORT.—Each State that receives a grant under this subsection shall transmit to the Secretary a report for the period covered by the grant that, at a minimum, describes the program activities carried out with the funds made available under the grant.

(6) REPORT TO CONGRESS.—Not later than June 1, 2002, the Secretary shall transmit to Congress a report on the implementation of this subsection that includes a description of the programs carried out and materials developed and distributed by the States that receive grants under this subsection.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $7,500,000 for each of fiscal years 2000 and 2001.

SEC. 2004. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) IN GENERAL.—Section 410 of title 23, United States Code, is amended to read as follows:

"§410. Alcohol-impaired driving countermeasures

"(a) GENERAL AUTHORITY.—

"(1) AUTHORITY TO MAKE GRANTS.—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.

"(2) 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 enactment of the Transportation Equity Act for the 21st Century.

"(3) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

"(4) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

"(A) in each of the first and second fiscal years in which the State receives a grant under this section, 75 percent;

"(B) in each of the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

"(C) in each of the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

"(b) 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) 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 enactment of the Transportation Equity Act for the 21st Century, is determined on the basis of a chemical test to have been operating a motor vehicle while 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 procedures of the State.

"(B) 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 the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 or older and the issuance of drivers' licenses that are tamper resistant.

"(C) 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.

"(D) GRADUATED LICENSING SYSTEM.—A 3-stage graduated licensing system for young drivers that includes nighttime driving restrictions during the first 2 stages, requires all vehicle occupants to be properly restrained, and makes it unlawful for a person under age 21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater.

"(E) DRIVERS WITH HIGH BAC.—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.

"(F) 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; assessments of first time offenders; and incorporation of treatment into judicial sentencing.

"(G) TESTING FOR BAC.—An effective system for increasing the rate of testing of the blood alcohol concentrations of motor vehicle drivers involved in fatal accidents and, in fiscal year 2001 and 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 25 percent of the amount apportioned to the State for fiscal year 1997 under section 402.

"(c) SUPPLEMENTAL GRANTS.—

"(1) IN GENERAL.—Upon receiving an application from a State, the Secretary may make supplemental grants to the State for meeting 1 or more of the following criteria:

"(A) VIDEO EQUIPMENT FOR DETECTION OF DRUNK DRIVERS.—The State provides for a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol and in prosecuting those persons, and to train personnel in the use of that equipment.

"(B) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—The State provides for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

"(C) REDUCING DRIVING WITH A SUSPENDED LICENSE.—The State enacts and enforces a law to reduce driving with a suspended license. Such law, as determined by the Secretary, may require a 'zebra' stripe that is clearly visible on the license plate of any motor vehicle owned and operated by a driver with a suspended license.

"(D) USE OF PASSIVE ALCOHOL SENSORS.—The State provides for a program to acquire passive alcohol sensors to be used by police officers in detecting persons who operate motor vehicles while under the influence of alcohol, and to train police officers in the use of that equipment.

"(E) EFFECTIVE DWI TRACKING SYSTEM.—The State demonstrates an effective driving while intoxicated (DWI) tracking system. Such a system, as determined by the Secretary, may include data covering arrests, case prosecutions, court dispositions and sanctions, and provide for the linkage of such data and traffic records systems to appropriate jurisdictions and offices within the State.

"(F) OTHER PROGRAMS.—The State provides for other innovative programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances, including programs that 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 (b) in such fiscal year.

"(3) FUNDING.—Of the amounts made available to carry out this section in a fiscal year, not to exceed 10 percent shall be available for making grants under this subsection.

"(d) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(e) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.

"(f) DEFINITIONS.—In this section, the following definitions apply:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning given such term in section 158(c).

"(2) CONTROLLED SUBSTANCES.—The term 'controlled substances' has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(3) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term in section 405.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998.

SEC. 2005. STATE HIGHWAY SAFETY DATA IMPROVEMENTS.

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is further amended by adding at the end the following:

"§411. State highway safety data improvements

"(a) GENERAL AUTHORITY.—

"(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs—

"(A) to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data of the State that is needed to identify priorities for national, State, and local highway and traffic safety programs;

"(B) to evaluate the effectiveness of efforts to make such improvements;

"(C) to link these State data systems, including traffic records, with other data systems within the State, such as systems that contain medical and economic data; and

"(D) to improve the compatibility of the data system of the State with national data systems and data systems of other States and to enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

Such grants may be used by recipient States only to implement such programs.

"(2) 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 circumstances. In order to become eligible for a grant under this section, a State shall demonstrate how the multiyear highway safety data and traffic records plan of the State described in subsection (b)(1) will be incorporated into data systems of the State.

"(3) 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 enactment of the Transportation Equity Act for the 21st Century.

"(4) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

"(5) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

"(A) in the first and second fiscal years in which the State receives a grant under this section, 75 percent;

"(B) in the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

"(C) in the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

"(b) FIRST-YEAR GRANTS.—

"(1) ELIGIBILITY.—A State shall become eligible for a first-year grant under this subsection 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 highway safety data and traffic records system of the State; and

"(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan that—

"(I) identifies and prioritizes the highway safety data and traffic records needs and goals of the State;

"(II) identifies performance-based measures by which progress toward those goals will be determined; and

"(III) will be submitted to the highway safety data and traffic records coordinating committee of the State for approval; 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 highway safety data and traffic records strategic plan that—

"(I) meets the requirements of subparagraph (A)(iii); and

"(II) specifies how the incentive funds of the State for the fiscal year will be used to address needs and goals identified in the plan; and

"(iii) a certification that the highway safety data and traffic records coordinating committee of the State 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; 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 eligible for a grant under paragraph (1)(B) shall receive less than $250,000.

"(3) STATES NOT MEETING CRITERIA.—The Secretary may award a grant of up to $25,000 for 1 year to any State that does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable the State to qualify for a first-year grant in the next fiscal year.

"(c) SUCCEEDING YEAR GRANTS.—

"(1) ELIGIBILITY.—A State shall be eligible for a grant under this subsection in a fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (b) if the State, to the satisfaction of the Secretary—

"(A) submits or updates a multiyear highway safety data and traffic records strategic plan that meets the requirements of subsection (b)(1);

"(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 progress of the State 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 eligible for a grant under this paragraph shall receive less than $225,000.

"(c) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(d) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"411. State highway safety data improvements.".

SEC. 2006. 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.".

(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 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.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (2) $250,000 in the aggregate for fiscal years beginning after September 30, 1998.

SEC. 2007. 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 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 403 of title 23, United States Code, for conducting each study under this section.

SEC. 2008. 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 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 Commerce, Science, and Transportation of the Senate a report containing the results of the study conducted under this section.

SEC. 2009. 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) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, $149,700,000 for fiscal year 1998, $150,000,000 for fiscal year 1999, $152,800,000 for fiscal year 2000, $155,000,000 for fiscal year 2001, $160,000,000 for fiscal year 2002, and $165,000,000 for fiscal year 2003.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code, $72,000,000 for each of fiscal years 1998 through 2003.

(3) OCCUPANT PROTECTION INCENTIVE GRANTS.—For carrying out section 405 of title 23, United States Code, $10,000,000 for each of fiscal years 1999 and 2000, $13,000,000 for fiscal year 2001, $15,000,000 for fiscal year 2002, and $20,000,000 for fiscal year 2003.

(4) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—For carrying out section 410 of title 23, United States Code, $34,500,000 for fiscal year 1998, $35,000,000 for fiscal year 1999, $36,000,000 for each of fiscal years 2000 and 2001, $38,000,000 for fiscal year 2002, and $40,000,000 for fiscal year 2003.

(5) STATE HIGHWAY SAFETY DATA GRANTS.—For carrying out section 411 of title 23, United States Code, $5,000,000 for fiscal year 1999, $8,000,000 for fiscal year 2000, $9,000,000 for fiscal year 2001, and $10,000,000 for fiscal year 2002.

(6) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 of title 49, United States Code, by the National Highway Traffic Safety Administration, $2,000,000 for each of fiscal years 1998 through 2003.

(b) ALLOCATIONS.—

(1) DRUGS AND DRIVER BEHAVIOR.—Out of amounts appropriated pursuant to subsection (a)(2) for fiscal years 1998 through 2003, the Secretary may use—

(A) not to exceed $2,000,000 per fiscal year to carry out paragraphs (1) through (3) of section 403(b) of title 23, United States Code; and

(B) not to exceed $1,000,000 per fiscal year to carry out paragraph (4) of such section.

(2) PUBLIC EDUCATION EFFORT.—Out of amounts appropriated pursuant to subsection (a)(2) for fiscal years 1998 through 2003, the Secretary shall obligate at least $500,000 per fiscal year to educate the motoring public on how to share the road safely with commercial motor vehicles.

(c) APPLICABILITY OF TITLE 23.—Amounts made available under subsection (a)(2) for each of fiscal years 1999 through 2003 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) TRANSFERS.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraph (3), (4), or (5) 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, 410, and 411 of title 23, United States Code.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 3001. SHORT TITLE.

This title may be cited as the "Federal Transit Act of 1998".

SEC. 3002. 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. 3003. 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 that the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than purchase or construction;

"(G) a mass transportation improvement that enhances economic development or incorporates private investment, including commercial and residential development, pedestrian and bicycle access to a mass transportation facility, and the renovation and improvement of historic transportation facilities, because the improvement 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 provides a fair share of revenue for mass transportation that will be used for mass transportation—

"(i) including property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, safety and security equipment and facilities (including lighting, surveillance and related intelligent transportation system applications), facilities that incorporate community services such as daycare and health care, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall, except that a person making an agreement to occupy space in a facility under this subparagraph shall pay a reasonable share of the costs of the facility through rental payments and other means; and

"(ii) excluding construction of a commercial revenue-producing facility or a part of a public facility not related to mass transportation;

"(H) the introduction of new technology, through innovative and improved products, into mass transportation; or

"(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts not to exceed 10 percent of such recipient's annual formula apportionment under sections 5307 and 5311.

"(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); and

"(B) prescribed by the Secretary 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 1 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) PUBLIC TRANSPORTATION.—The term 'public transportation' means mass transportation.

"(11) REGULATION.—The term 'regulation' means any part of a statement of general or particular applicability of the Secretary designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(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 a project, projects that are designed to enhance mass transportation service or use and that are physically or functionally related to transit facilities. Eligible projects are—

"(A) historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities);

"(B) bus shelters;

"(C) landscaping and other scenic beautification, including tables, benches, trash receptacles, and street lights;

"(D) public art;

"(E) pedestrian access and walkways;

"(F) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles;

"(G) transit connections to parks within the recipient's transit service area;

"(H) signage; and

"(I) enhanced access for persons with disabilities to mass transportation.

"(16) URBAN AREA.—The term 'urban area' means an area that includes a municipality or other built-up place that the Secretary, 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.

"(b) AUTHORITY TO MODIFY 'HANDICAPPED INDIVIDUAL'.—The Secretary may by regulation modify the definition of the term 'handicapped individual' in subsection (a)(5) as it applies to section 5307(d)(1)(D).".

SEC. 3004. METROPOLITAN PLANNING.

(a) GENERAL REQUIREMENTS; SCOPE OF PLANNING PROCESS.—Section 5303 is amended by striking subsections (a) and (b) and inserting the following:

"(a) GENERAL REQUIREMENTS.—

"(1) DEVELOPMENT OF PLANS AND PROGRAMS.—To carry out section 5301(a), metropolitan planning organizations designated under subsection (c), in cooperation with the States and mass transportation operators, shall develop transportation plans and programs for urbanized areas of the State.

"(2) CONTENTS.—The plans and programs developed under paragraph (1) for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

"(3) PROCESS.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) SCOPE OF PLANNING PROCESS.—

"(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section shall provide for consideration of projects and strategies that will—

"(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 motorized and nonmotorized users;

"(C) increase the accessibility and mobility options available to people and for freight;

"(D) protect and enhance the environment, promote energy conservation, and improve 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 management and operation; and

"(G) emphasize the preservation of the existing transportation system.

"(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.".

(b) DESIGNATING METROPOLITAN PLANNING ORGANIZATIONS.—Section 5303(c) is amended—

(1) in paragraph (1)(A)—

(A) by striking "representing" and inserting "that together represent"; and

(B) by striking "as defined by the Secretary of Commerce)" and inserting "or cities, as defined by the Bureau of the Census)";

(2) in paragraph (2)—

(A) by striking "In a metropolitan area" and all that follows through "shall include" and inserting "Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area when designated or redesignated under this subsection shall consist of"; and

(B) by striking "officials of authorities" and inserting "officials of public agencies";

(3) in paragraph (3) by striking "in an urbanized area" and all that follows through "of the urbanized area" and inserting "within an existing metropolitan planning area only if the chief executive officer of the State and the existing metropolitan organization determine that the size and complexity of the existing metropolitan planning area"; and

(4) in paragraph (5)—

(A) in subparagraph (A)—

(i) by striking "representing" and inserting "that together represent"; and

(ii) by striking "as defined by the Secretary of Commerce)" and inserting "or cities, as defined by the Bureau of the Census)";

(B) in subparagraph (B) by striking "as defined by the Secretary of Commerce)" and inserting "or cities, as defined by the Bureau of the Census)"; and

(C) by adding at the end the following:

"(D) Designations of metropolitan planning organizations, whether made under this section or under any other provision of law, shall remain in effect until redesignation under this paragraph.".

(c) METROPOLITAN AREA BOUNDARIES.—Section 5303(d) is amended—

(1) in the subsection heading by inserting "PLANNING" before "AREA";

(2) in the first sentence—

(A) by striking "To carry out" and inserting the following:

"(1) IN GENERAL.—To carry out"; and

(B) by inserting "planning" before "area";

(3) by striking the second sentence and all that follows and inserting the following:

"(2) INCLUDED AREA.—Each metropolitan planning area—

"(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

"(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

"(3) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the chief executive officer of the State and any affected metropolitan planning organizations, in the manner described in subsection (c)(5).

"(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan planning area—

"(A) shall be established in the manner described in subsection (c)(1);

"(B) shall encompass the areas described in paragraph (2)(A);

"(C) may encompass the areas described in paragraph (2)(B); and

"(D) may address any nonattainment area identified under the Clean Air Act for ozone or carbon monoxide."; and

(4) by aligning paragraph (1) (as designated by paragraph (2)(A) of this subsection) with paragraphs (2) through (4) (as inserted by paragraph (3) of this subsection).

(d) COORDINATION.—Section 5303(e) is amended—

(1) in paragraph (2)—

(A) by inserting "or compact" after "agreement" the first place it appears"; and

(B) by striking "making the agreement effective" and inserting "making the agreements and compacts effective"; and

(2) by adding at the end the following:

"(4) The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the design and delivery of transportation services within the metropolitan planning area that are provided—

"(A) by recipients of assistance under this chapter; and

"(B) by governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Governmental assistance from a source other than the Department of Transportation to provide non-emergency transportation services.".

(e) DEVELOPING LONG-RANGE TRANSPORTATION PLANS.—Section 5303(f) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking "United States and regional transportation functions" and inserting "national, regional, and metropolitan transportation functions";

(B) in subparagraph (B) by striking clause (iii) and inserting the following:

"(iii) recommends any additional financing strategies for needed projects and programs;"; and

(C) by striking subparagraph (C) and inserting the following:

"(C) identify transportation strategies necessary—

"(i) to ensure preservation, including requirements for management, operation, modernization, and rehabilitation, of the existing and future transportation system; and

"(ii) to use existing transportation facilities most efficiently to relieve congestion, to efficiently serve the mobility needs of people and goods, and to enhance access within the metropolitan planning area; and";

(2) in paragraph (2) by striking "as they are related to a 20-year forecast period" and inserting "and any State or local goals developed within the cooperative metropolitan planning process as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process";

(3) in paragraph (4)—

(A) by inserting after "employees," the following: "freight shippers, providers of freight transportation services,"; and

(B) by inserting after "private providers of transportation," the following: "representatives of users of public transit,";

(4) in paragraph (5)(A) by inserting "published or otherwise" before "made readily available";

(5) in the subsection heading by striking "LONG-RANGE PLANS" and inserting "LONG-RANGE TRANSPORTATION PLANS"; and

(6) by striking "long-range plans" each place it appears and inserting "long-range transportation plans".

SEC. 3005. TRANSPORTATION IMPROVEMENT PROGRAM.

(a) DEVELOPMENT AND UPDATE.—The second sentence of section 5304(a) is amended—

(1) by striking "the organization" and inserting "the metropolitan planning organization, in cooperation with the chief executive officer of the State and any affected mass transportation operator,";

(2) by inserting after "employees," the following: "other affected employee representatives, freight shippers, providers of freight transportation services,"; and

(3) by inserting after "private providers of transportation," the following: "representatives of users of public transit,".

(b) CONTENTS.—Section 5304(b)(2) is amended by striking subparagraph (C) and inserting the following:

"(C) identifies innovative financing techniques to finance projects, programs, and strategies, which may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available.".

(c) PROJECT SELECTION.—Section 5304(c) is amended—

(1) by striking paragraph (1) and inserting the following: "(1) Except as otherwise provided in section 5305(d)(1) and in addition to the transportation improvement program development required under subsection (b), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

"(A) by—

"(i) in the case of projects under title 23, the State; and

"(ii) in the case of projects under this chapter, the designated transit funding recipients; and

"(B) in cooperation with the metropolitan planning organization."; and

(2) by adding at the end the following:

"(3) Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

"(4) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding subsection (b)(2)(C), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subsection (b)(2)(C).

"(5) PUBLICATION.—(A) A transportation improvement program involving Government participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

"(B) An annual listing of projects for which Government funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the transportation improvement program.

"(6) Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program. All other projects funded under chapter 2 of title 23 shall be grouped in 1 line item or identified individually in the transportation improvement program.".

SEC. 3006. TRANSPORTATION MANAGEMENT AREAS.

(a) DESIGNATION.—Section 5305(a) is amended by striking paragraph (2) and inserting the following:

"(2) any other area, if requested by the chief executive officer and the metropolitan planning organization designated for the area.".

(b) TRANSPORTATION PLANS AND PROGRAMS.—Section 5305(b) is amended by inserting "affected" before "mass transportation operators".

(c) CONGESTION MANAGEMENT SYSTEM.—Section 5305(c) is amended by striking "The Secretary" and all that follows through the final period.

(d) PROJECT SELECTION.—Section 5305(d)(1)(A) is amended by inserting "and any affected mass transportation operator" after "the State".

(e) CERTIFICATION.—Section 5305(e) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2)(A) If a metropolitan planning process is not certified, the Secretary may withhold not

more than 20 percent of the apportioned funds attributable to the transportation management area under this chapter and title 23.

"(B) Any apportionments withheld under subparagraph (A) shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary."; and

(2) by adding at the end the following:

"(4) In making certification determinations under this subsection, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.".

(f) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 5305 is amended by adding at the end the following:

"(h) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

SEC. 3007. URBANIZED AREA FORMULA GRANTS.

(a) SECTION HEADING.—

(1) AMENDMENT TO SECTION 5307.—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: "The Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of less than 200,000.";

(2) in paragraph (2)(A)—

(A) by inserting ", in writing," after "approved"; and

(B) by striking "and" at the end;

(3) in paragraph (2)(B) by striking the period at the end and inserting "; and";

(4) in paragraph (2) by adding at the end the following:

"(C) the metropolitan planning organization in approving the use under subparagraph (A) determines that the local transit needs are being addressed.";

(5) by striking paragraphs (3) and (5); and

(6) 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.—

"(1) IN GENERAL.—One percent of the funds apportioned to urbanized areas with a population of at least 200,000 under section 5336 for a fiscal year shall be made available for transit enhancement activities in accordance with section 5302(a)(15).

"(2) PERIOD OF AVAILABILITY.—Funds apportioned under paragraph (1) shall be available for obligation for 3 years following the fiscal year in which the funds are apportioned. Funds that are not obligated at the end of such period shall be reapportioned under the urbanized area formula program of section 5336.

"(3) REPORT.—A recipient of funds apportioned under paragraph (1) shall submit, as part of the recipient's annual certification to the Secretary, a report listing the projects carried out during the fiscal year with those funds.".

(g) CONFORMING AMENDMENTS.—Section 5307(n)(2) is amended by inserting "5319," after "5318,".

SEC. 3008. CLEAN FUELS FORMULA GRANT PROGRAM.

(a) IN GENERAL.—Section 5308 is amended to read as follows:

"§5308. Clean fuels formula grant program

"(a) DEFINITIONS.—In this section—

"(1) the term 'clean fuel vehicle' means a vehicle that—

"(A) is powered by—

"(i) compressed natural gas;

"(ii) liquefied natural gas;

"(iii) biodiesel fuels;

"(iv) batteries;

"(v) alcohol-based fuels;

"(vi) hybrid electric;

"(vii) fuel cell;

"(viii) clean diesel, to the extent allowed under this section; or

"(ix) other low or zero emissions technology; and

"(B) the Administrator of the Environmental Protection Agency has certified sufficiently reduces harmful emissions;

"(2) the term 'designated recipient' has the same meaning as in section 5307(a)(2); and

"(3) the term 'eligible project'—

"(A) means a project for—

"(i) purchasing or leasing clean fuel buses, including buses that employ a lightweight composite primary structure;

"(ii) constructing or leasing clean fuel buses or electrical recharging facilities and related equipment;

"(iii) improving existing mass transportation facilities to accommodate clean fuel buses;

"(iv) repowering pre-1993 engines with clean fuel technology that meets the current urban bus emission standards; or

"(v) retrofitting or rebuilding pre-1993 engines if before half life to rebuild; and

"(B) in the discretion of the Secretary, may include projects relating to clean fuel, biodiesel, hybrid electric, or zero emissions technology vehicles that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies.

"(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to designated recipients to finance eligible projects.

"(c) APPLICATION.—

"(1) IN GENERAL.—Not later than January 1 of each year, any designated recipient seeking to apply for a grant under this section for an eligible project shall submit an application to the Secretary, in such form and in accordance with such requirements as the Secretary shall establish by regulation.

"(2) CERTIFICATION REQUIRED.—An application submitted under paragraph (1) shall contain a certification by the applicant that the grantee will operate vehicles purchased with a grant under this section only with clean fuels.

"(d) APPORTIONMENT OF FUNDS.—

"(1) FORMULA.—Not later than February 1 of each year, the Secretary shall apportion amounts made available to carry out this section to designated recipients submitting applications under subsection (c), of which—

"(A) two-thirds shall be apportioned to designated recipients with eligible projects in urban areas with a population of at least 1,000,000, of which—

"(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of at least 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2); and

"(ii) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of bus passenger miles of all eligible projects in areas with a population of at least 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2); and

"(B) one-third shall be apportioned to designated recipients with eligible projects in urban areas with a population of less than 1,000,000, of which—

"(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2); and

"(ii) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of bus passenger miles of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2).

"(2) WEIGHTING OF SEVERITY OF NONATTAINMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B) of this paragraph, the number of clean fuel vehicles in the fleet, or the number of passenger miles, shall be multiplied by a factor of—

"(i) 1.0 if, at the time of the apportionment, the area is a maintenance area (as that term is defined in section 101 of title 23) for ozone or carbon monoxide;

"(ii) 1.1 if, at the time of the apportionment, the area is classified as—

"(I) a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a marginal carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.);

"(iii) 1.2 if, at the time of the apportionment, the area is classified as—

"(I) a moderate ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a moderate carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.);

"(iv) 1.3 if, at the time of the apportionment, the area is classified as—

"(I) a serious ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a serious carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.);

"(v) 1.4 if, at the time of the apportionment, the area is classified as—

"(I) a severe ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a severe carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.); or

"(vi) 1.5 if, at the time of the apportionment, the area is classified as—

"(I) an extreme ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) an extreme carbon monoxide nonattainment area under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.).

"(B) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being classified as a nonattainment or maintenance area (as that term is defined in section 101 of title 23) for ozone under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.), the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the eligible project, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

"(3) MAXIMUM GRANT AMOUNT.—

"(A) IN GENERAL.—The amount of a grant made to a designated recipient under this section shall not exceed the lesser of—

"(i) for an eligible project in an area—

"(I) with a population of less than 1,000,000, $15,000,000; and

"(II) with a population of at least 1,000,000, $25,000,000; or

"(ii) 80 percent of the total cost of the eligible project.

"(B) REAPPORTIONMENT.—Any amounts that would otherwise be apportioned to a designated recipient under this subsection that exceed the amount described in subparagraph (A) shall be reapportioned among other designated recipients in accordance with paragraph (1).

"(e) ADDITIONAL REQUIREMENTS.—

"(1) LIMITATION ON USES.—Not less than 5 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section shall be available for any eligible projects for which an application is received from a designated recipient, for—

"(A) the purchase or construction of hybrid electric or battery-powered buses; or

"(B) facilities specifically designed to service those buses.

"(2) CLEAN DIESEL BUSES.—Not more than $50,000,000 of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund clean diesel buses.

"(3) BUS RETROFITTING AND REPLACEMENT.—Not more than 5 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund retrofitting or replacement of the engines of buses that do not meet the clean air standards of the Environmental Protection Agency, as in effect on the date on which the application for such retrofitting or replacement is submitted under subsection (c)(1).

"(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

"(1) shall remain available to a project for 1 year after the fiscal year for which the amount is made available or appropriated; and

"(2) that remains unobligated at the end of the period described in paragraph (1), shall be added to the amount made available in the following fiscal year.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5308 and inserting the following: "5308. Clean fuels formula grant program.".

SEC. 3009. CAPITAL INVESTMENT GRANTS AND LOANS.

*(a) SECTION HEADING.—Section 5309 is amended in the section heading by striking "**Discretionary**" and inserting "**Capital investment**".*

(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 investment".

(c) GENERAL AUTHORITY.—Section 5309(a)(1) is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by striking subparagraph (E) and inserting the following:

"(E) capital projects to modernize existing fixed guideway systems;

"(F) capital projects to replace, rehabilitate, and purchases buses and related equipment and to construct bus-related facilities;".

(d) CONSIDERATION OF DECREASED COMMUTER RAIL TRANSPORTATION.—Section 5309(c) is amended to read as follows:

"(c) [Reserved.]".

(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 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, and recognize reductions in local infrastructure costs achieved through compact land use development;

"(C) identify and consider mass transportation supportive existing land use policies and future patterns, and the cost 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 and current transit ridership in the corridor;

"(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 that 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 that 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) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing under subparagraph (A), 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.—Not later than 120 days after the date of enactment of the Federal Transit Act of 1998, the Secretary shall issue regulations on the manner in which 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 '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 part of 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 enactment of the Federal Transit Act of 1998.".

(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";

(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."; and

(4) in paragraph (4), by striking "50 percent" and all that follows through "obligated)" and inserting "an amount equivalent to the total authorizations under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems for fiscal years 2002 and 2003".

(g) ALLOCATING AMOUNTS.—Section 5309(m) is amended to read as follows:

"(m) ALLOCATING AMOUNTS.—

"(1) IN GENERAL.—Of the amounts made available by or appropriated under section 5338 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 purchase 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 under paragraph (1)(C), $3,000,000 shall be available in each of fiscal years 1998 through 2003 to carry out section 5318.

"(4) FUNDING FOR CLEAN FUELS.—Of the amounts made available under paragraph (1)(C), $50,000,000 shall be available in each of fiscal years 1999 through 2003 to carry out section 5308.

"(5) FUNDING FOR FERRY BOAT SYSTEMS.—

"(A) Of the amounts made available under paragraph (1)(B), $10,400,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

"(B) Of the amounts appropriated under section 5338(h)(5), $3,600,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.".

(h) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 5309(f) is amended to read as follows:

"(f) [Reserved.]".

(2) CROSS REFERENCE.—Section 5328(a)(2), by striking "5309(e) (1)–(6) of this title" and inserting "5309(e)".

(3) REFERENCES TO FULL FUNDING GRANT AGREEMENTS.—Chapter 53 is amended—

(A) in section 5320—

(i) by striking "full financing" each place it appears and inserting "full funding"; and

(ii) in subsection (e) in the subsection heading, by striking "FINANCING" and inserting "FUNDING"; and

(B) in section 5328(a)(4) by striking "full financing" each place it appears and inserting "full funding".

(i) REPORTS.—Section 5309 is amended by adding at the end the following:

"(o) 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 enactment of the Federal Transit Act of 1998 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.".

(j) PROJECT DEFINED.—Section 5309 is amended by adding at the end the following:

"(p) 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. 3010. 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(o) (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 under paragraph (1), including an analysis of the factors relevant to determining the dollar value of mobility improvements.

SEC. 3011. LOCAL SHARE.

(a) IN GENERAL.—Notwithstanding any other provision of law, for fiscal years 1999 through 2003, a recipient of assistance under section 5307 or 5309 of title 49, United States Code, may use, as part of the local matching funds for a capital project (as defined in section 5302(a) of title 49, United States Code), the proceeds from the issuance of revenue bonds.

(b) MAINTENANCE OF EFFORT.—The Secretary shall approve of the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost (as defined in section 5302(a)

of title 49, United States Code) only if the aggregate amount of financial support for mass transportation in the urbanized area from the State and affected local governmental authorities during the next 3 fiscal years, as programmed in the State Transportation Improvement Program under section 135 of title 23, United States Code, is not less than the aggregate amount provided by the State and affected local governmental authorities in the urbanized area during the preceding 3 fiscal years.

(c) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2003, 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 on the recipients described in subsection (a) that have used, as part of the local matching funds for a capital project, the proceeds from the issuance of revenue bonds, during the period described in subsection (a).

(2) CONTENTS OF REPORT.—The report required by this subsection shall include—

(A) information on each project undertaken, the amount of the revenue bonds issued, and the status of repayment of the bonds; and

(B) any recommendations of the Secretary regarding the application of this section.

SEC. 3012. INTELLIGENT TRANSPORTATION SYSTEMS APPLICATIONS.

(a) FIXED GUIDEWAY TECHNOLOGY.—The Secretary shall make grants for the study, design, and demonstration of fixed guideway technology. Of the amounts made available by or appropriated under section 5338(d) of title 49, United States Code, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

(1) North Orange-South Seminole County, FL $750,000 for fiscal year 1999.

(2) Galveston, TX fixed guideway activities $750,000 for fiscal year 1999.

(3) Washoe County, NV Transit Technology, $1,250,000 for each of fiscal years 1999 and 2000.

(b) BUS TECHNOLOGY.—The Secretary shall make grants for the study, design, and demonstration of bus technology. Of the amounts made available by or appropriated under section 5338(d) of title 49, United States Code, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

(1) MBTA, MA Advanced Electric Transit Buses and Related Infrastructure, $1,500,000 for each of fiscal years 1999 and 2000.

(2) Palm Springs, CA Fuel Cell Buses, $1,000,000 for each of fiscal years 1999 and 2000.

(3) Gloucester, MA Intermodal Technology Center, $1,500,000 for each of fiscal years 1999 and 2000.

(c) ADVANCED PROPULSION CONTROL SYSTEM.—

(1) IN GENERAL.—Of the amounts made available by or appropriated under section 5338(d) of title 49, United States Code, $2,000,000 for fiscal year 1999, $3,000,000 for fiscal year 2000, and $3,000,000 for fiscal year 2002 shall be available to the Southeastern Pennsylvania Transit Authority (in this subsection referred to as "SEPTA"), to be used only for the completion of the program to develop and deploy a new Advanced Propulsion Control System begun under the Request for Technical Proposals for Project S-2814-2.

(2) ACTION REQUIRED BY SEPTA.—This subsection shall take effect only if SEPTA issues a request for cost proposals to the 4 selectees from the full and open competition under SEPTA's Request for Technical Proposals for Project S-2814-2 not later than 60 days after the date of enactment of this Act.

SEC. 3013. 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. 3014. FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS.

(a) IN GENERAL.—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. 3015. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING PROJECTS.

(a) IN GENERAL.—Section 5312 is amended by adding at the end the following:

"(d) JOINT PARTNERSHIP PROGRAM FOR DEPLOYMENT OF INNOVATION.—

"(1) DEFINITION OF CONSORTIUM.—In this subsection, the term 'consortium'—

"(A) means 1 or more public or private organizations located in the United States that provide mass transportation service to the public and 1 or more businesses, including small- and medium-sized businesses, incorporated in a State, offering goods or services or willing to offer goods and services to mass transportation operators; and

"(B) may include, as additional members, public or private research organizations located in the United States, or State or local governmental authorities.

"(2) GENERAL AUTHORITY.—The Secretary may, under terms and conditions that the Secretary prescribes, enter into grants, contracts, cooperative agreements, and other agreements with consortia selected in accordance with paragraph (4), to promote the early deployment of innovation in mass transportation services, management, operational practices, or technology that has broad applicability. This paragraph shall be carried out in consultation with the transit industry by competitively selected consortia that will share costs, risks, and rewards of early deployment of innovation.

"(3) CONSORTIUM CONTRIBUTION.—A consortium assisted under this subsection shall provide not less than 50 percent of the costs of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to a joint partnership project.

"(4) NOTICE REQUIREMENT.—The Secretary shall periodically give public notice of the technical areas for which joint partnerships are solicited, required qualifications of consortia desiring to participate, the method of selection and evaluation criteria to be used in selecting participating consortia and projects, and the process by which innovation projects described in paragraph (1) will be awarded.

"(5) USE OF REVENUES.—The Secretary shall accept, to the maximum extent practicable, a portion of the revenues resulting from sales of an innovation project funded under this section. Such revenues shall be accounted for separately within the Mass Transit Account of the Highway Trust Fund and shall be available to the Secretary for activities under this subsection. Annual revenues that are less than $1,000,000 shall be available for obligation without further appropriation and shall not be subject to any obligation limitation.

"(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. Such 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 revenues paid to the Secretary by any cooperating organization or person. Such revenues shall be accounted for separately within the Mass Transit Account of the Highway Trust Fund and shall be available to the Secretary to carry out activities under this subsection, including promotional materials, travel, reception, and representation expenses necessary to carry out such activities. Annual revenues that are less than $1,000,000 shall be available for obligation without further appropriation and shall not be subject to any obligation limitation. Not later than January 1 of each fiscal year, the Secretary shall publish a report on the activities under this paragraph funded from the account.".

(b) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Of the funds made available for each fiscal year to carry out section 5309(m)(1)(C) 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.

(c) 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 under section 5001(a)(2) of this Act for each of fiscal years 1998 through 2003, $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.

SEC. 3016. NATIONAL PLANNING AND RESEARCH PROGRAMS.

Section 5314(a)(2) is amended by striking "$2,000,000" and inserting "$3,000,000".

SEC. 3017. NATIONAL TRANSIT INSTITUTE.

(a) IN GENERAL.—Section 5315(a) is amended—

(1) in paragraph (5) by inserting "and architectural design" before the semicolon at the end;

(2) in paragraph (7) by striking "carrying out" and inserting "delivering";

(3) in paragraph (11) by inserting ", construction management, insurance, and risk management" before the semicolon at the end;

(4) in paragraph (13) by striking "and" at the end;

(5) in paragraph (14) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

"(15) innovative finance; and

"(16) workplace safety.".

(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. 3018. 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. 3019. 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. 3020. 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) 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 of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.".

(c) 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 those Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of such equipment attributable to compliance with those Acts.".

(d) HHS AND PUBLIC TRANSIT SERVICE.—Section 5323 is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) 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—

"(1) shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

"(2) shall be included in the planning for those services.".

(e) SUBMISSION OF CERTIFICATIONS.—Section 5323 is 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) GRANT REQUIREMENTS.—Section 5323 is amended by adding at the end the following:

"(o) GRANT REQUIREMENTS.—The grant requirements under sections 5307 and 5309 apply to any project under this chapter that receives any assistance or other financing under the Transportation Infrastructure Finance and Innovation Act of 1998.".

SEC. 3021. PILOT PROGRAM FOR INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—The Secretary shall establish a pilot program to determine the benefits of using funds from the Mass Transit Account of the Highway Trust Fund for intercity passenger rail. Any assistance provided to the State of Oklahoma under sections 5307 and 5311 of title 49, United States Code, during fiscal years 1998 through 2003 may be used for capital improvements to, and operating assistance for, intercity passenger rail service.

(b) REPORT.—

(1) IN GENERAL.—Not later than October 1, 2002, 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 on the pilot program established under this section.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an evaluation of the effect of the pilot program on alternative forms of transportation within the State of Oklahoma;

(B) an evaluation of the effect of the program on operators of mass transportation and their passengers;

(C) a calculation of the amount of Federal assistance provided under this section transferred for the provision of intercity passenger rail service; and

(D) an estimate of the benefits to intercity passenger rail service, including the number of passengers served, the number of route miles covered, and the number of localities served by intercity passenger rail service.

SEC. 3022. 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.".

SEC. 3023. 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 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 assistance under section 5307 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 that 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. 3024. PROJECT MANAGEMENT OVERSIGHT AND REVIEW.

(a) LIMITATION ON USE OF AVAILABLE AMOUNTS.—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".

(b) FINANCIAL PLAN.—Section 5327 is amended by adding at the end the following:

"(f) FINANCIAL PLAN.—A recipient of financial assistance for a project under this chapter with

an estimated total cost of $1,000,000,000 or more shall submit to the Secretary an annual financial plan for the project. The 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. 3025. ADMINISTRATIVE PROCEDURES.

(a) TRAINING AND CONFERENCE COSTS.—Section 5334(a) is amended—

(1) in paragraph (8) by striking "and" at the end;

(2) in paragraph (9) by striking the period at the end 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) 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".

(c) PROCEEDS FROM SALE OF TRANSIT ASSETS.—Section 5334(g) is amended by adding at the end the following:

"(4) PROCEEDS FROM THE SALE OF TRANSIT ASSETS.—

"(A) IN GENERAL.—When real property, equipment, or supplies acquired with assistance under this chapter are no longer needed for mass transportation purposes as determined under the applicable assistance agreement, the Secretary may authorize the sale, transfer, or lease of the assets under conditions determined by the Secretary and subject to the requirements of this subsection.

"(B) USE.—The net income from asset sales, uses, or leases (including lease renewals) under this subsection shall be used by the recipient to reduce the gross project cost of other capital projects carried out under this chapter.

"(C) RELATIONSHIP TO OTHER AUTHORITY.—The authority of the Secretary under this subsection is in addition to existing authorities controlling allocation or use of recipient income otherwise permissible in law or regulation in effect prior to the date of enactment of this paragraph.".

SEC. 3026. 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 amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsection (d) as subsection (b).

SEC. 3027. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

*(a) IN GENERAL.—Section 5336 is amended in the section heading by striking "**block grants**" and inserting "**formula grants**".*

(b) REPEAL.—Section 5336(d) is amended to read as follows:

"(d) [Reserved.]".

(c) CONTINUATION OF OPERATING ASSISTANCE TO CERTAIN LARGER URBANIZED AREAS.—

(1) PROVISION OF ASSISTANCE.—Notwithstanding any other provision of law, during the period described in paragraph (2), the Secretary may continue to provide assistance under section 5307 of title 49, United States Code, to finance the operating costs of equipment and facilities for use in mass transportation in any urbanized area (as that term is defined in section 5302 of title 49, United States Code) with a population of at least 200,000, if the Secretary determines that—

(A) the number of the total bus revenue vehicle-miles operated in or directly serving the area is less than 600,000; and

(B) the number of buses operated in or directly serving the area does not exceed 15.

(2) PERIOD DESCRIBED.—For purposes of paragraph (1), the period described in this paragraph is the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) 3 years after the date of enactment of this Act; and

(B) the date on which the Secretary determines that—

(i) the number of the total bus revenue vehicle-miles operated in or directly serving the area is greater than or equal to 600,000; and

(ii) the number of buses operated in or directly serving the area exceeds 15.

SEC. 3028. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) DISTRIBUTION.—Section 5337(a) is amended to read as follows:

"(a) DISTRIBUTION.—The Secretary 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 $70,000,000 shall be apportioned as follows:

"(A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A).

"(B) 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 $70,000,000 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) 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 $50,000,000 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 amended by adding at the end the following:

"(e) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—

"(1) 1997 STANDARD.—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) OTHER STANDARDS.—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. 3029. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 is amended to read as follows:

"§5338. Authorizations

"(a) FORMULA GRANTS.—

"(1) FISCAL YEAR 1998.—

"(A) 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, $2,260,000,000 for fiscal year 1998.

"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5310, and 5311, $240,000,000 for fiscal year 1998.

"(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this paragraph for a fiscal year—

"(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;

"(ii) $62,219,389 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

"(iii) $134,077,934 shall be available to provide financial assistance for other than urbanized areas under section 5311; and

"(iv) $2,298,852,727 shall be available to provide financial assistance for urbanized areas under section 5307.

"(2) FISCAL YEARS 1999 THROUGH 2003.—

"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, and 5311—

"(i) $2,280,000,000 for fiscal year 1999;

"(ii) $2,478,400,000 for fiscal year 2000;
"(iii) $2,676,000,000 for fiscal year 2001;
"(iv) $2,873,600,000 for fiscal year 2002; and
"(v) $3,071,200,000 for fiscal year 2003.

"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5308, 5310, and 5311—
"(i) $570,000,000 for fiscal year 1999;
"(ii) $619,600,000 for fiscal year 2000;
"(iii) $669,000,000 for fiscal year 2001;
"(iv) $718,400,000 for fiscal year 2002; and
"(v) $767,800,000 for fiscal year 2003.

"(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this paragraph for a fiscal year—
"(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;
"(ii) $50,000,000 shall be available to carry out section 5308; and
"(iii) of the remaining amount—
"(I) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;
"(II) 6.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and
"(III) 91.23 percent shall be available to provide financial assistance for urbanized areas under section 5307.

"(b) CAPITAL PROGRAM GRANTS AND LOANS.—
"(1) FISCAL YEAR 1998.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309, $2,000,000,000 for fiscal year 1998.
"(2) FISCAL YEARS 1999 THROUGH 2003.—
"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309—
"(i) $1,805,600,000 for fiscal year 1999;
"(ii) $1,960,800,000 for fiscal year 2000;
"(iii) $2,116,800,000 for fiscal year 2001;
"(iv) $2,272,800,000 for fiscal year 2002; and
"(v) $2,428,800,000 for fiscal year 2003.
"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5309—
"(i) $451,400,000 for fiscal year 1999;
"(ii) $490,200,000 for fiscal year 2000;
"(iii) $529,200,000 for fiscal year 2001;
"(iv) $568,200,000 for fiscal year 2002; and
"(v) $607,200,000 for fiscal year 2003.

"(c) PLANNING.—
"(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b), $47,750,000 for fiscal year 1998.
"(2) FISCAL YEARS 1999 THROUGH 2003.—
"(A) 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)—
"(i) $43,200,000 for fiscal year 1999;
"(ii) $46,400,000 for fiscal year 2000;
"(iii) $51,200,000 for fiscal year 2001;
"(iv) $52,800,000 for fiscal year 2002; and
"(v) $57,600,000 for fiscal year 2003.
"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b)—
"(i) $10,800,000 for fiscal year 1999;
"(ii) $11,600,000 for fiscal year 2000;
"(iii) $12,800,000 for fiscal year 2001;
"(iv) $13,200,000 for fiscal year 2002; and
"(v) $14,400,000 for fiscal year 2003.
"(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this paragraph for a fiscal year—
"(i) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305; and
"(ii) 17.28 percent shall be available for State planning under section 5313(b).

"(d) RESEARCH.—
"(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $44,250,000 for fiscal year 1998.
"(2) FISCAL YEARS 1999 THROUGH 2003.—
"(A) 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—
"(i) $36,000,000 for fiscal year 1999;
"(ii) $37,600,000 for fiscal year 2000;
"(iii) $37,600,000 for fiscal year 2001;
"(iv) $39,200,000 for fiscal year 2002; and
"(v) $39,200,000 for fiscal year 2003.
"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322—
"(i) $9,000,000 for fiscal year 1999;
"(ii) $9,400,000 for fiscal year 2000;
"(iii) $9,400,000 for fiscal year 2001;
"(iv) $9,800,000 for fiscal year 2002; and
"(v) $9,800,000 for fiscal year 2003.
"(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this paragraph for a fiscal year—
"(i) not less than $5,250,000 shall be available for providing rural transportation assistance under section 5311(b)(2);
"(ii) not less than $8,250,000 shall be available for carrying out transit cooperative research programs under section 5313(a);
"(iii) not less than $4,000,000 shall be available to carry out programs under the National Transit Institute under section 5315; and
"(iv) 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) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out section 5317(b) $6,000,000 for fiscal year 1998.
"(2) FISCAL YEARS 1999 THROUGH 2003.—
"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5317(b), $4,800,000 for each of fiscal years 1999 through 2003.
"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5317(b), $1,200,000 for each of fiscal years 1999 through 2003.

"(f) ADMINISTRATION.—
"(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out section 5334, $45,738,000 for fiscal year 1998.
"(2) FISCAL YEARS 1999 THROUGH 2003.—
"(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5334—
"(i) $43,200,000 for fiscal year 1999;
"(ii) $48,000,000 for fiscal year 2000;
"(iii) $51,200,000 for fiscal year 2001;
"(iv) $53,600,000 for fiscal year 2002; and
"(v) $58,400,000 for fiscal year 2003.
"(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5334—
"(i) $10,800,000 for fiscal year 1999;
"(ii) $12,000,000 for fiscal year 2000;
"(iii) $12,800,000 for fiscal year 2001;
"(iv) $13,400,000 for fiscal year 2002; and
"(v) $14,600,000 for fiscal year 2003.

"(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)(A), (a)(2)(A), (b)(1), (b)(2)(A), (c)(2)(A), (d)(2)(A), (e)(2)(A), or (f)(2)(A) 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)(1)(B), (a)(2)(B), (b)(2)(B), (c)(2)(B), (d)(2)(B), (e)(2)(B), (f)(2)(B), or (h) is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent that amounts are provided in advance in an appropriations Act.

"(h) ADDITIONAL AMOUNTS.—In addition to amounts made available by or appropriated under subsections (a) through (f), there are authorized to be appropriated—
"(1) to carry out sections 5303, 5304, 5305, and 5313(b)—
"(A) for fiscal year 1999, $32,000,000;
"(B) for fiscal year 2000, $33,000,000;
"(C) for fiscal year 2001, $34,000,000;
"(D) for fiscal year 2002, $35,000,000; and
"(E) for fiscal year 2003, $36,000,000;
"(2) to carry out section 5307, $150,000,000 for each of fiscal years 1999 through 2003;
"(3) to carry out section 5308, $100,000,000 for each of fiscal years 1999 through 2003;
"(4) to carry out section 5309(m)(1)(A), $100,000,000 for each of fiscal years 1999 through 2003;
"(5) to carry out section 5309(m)(1)(B)—
"(A) for fiscal year 1999, $600,000,000;
"(B) for fiscal year 2000, $610,000,000;
"(C) for fiscal year 2001, $620,000,000;
"(D) for fiscal year 2002, $630,000,000; and
"(E) for fiscal year 2003, $630,000,000;
"(6) to carry out section 5309(m)(1)(C), $100,000,000 for each of fiscal years 1999 through 2003;
"(7) to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322—
"(A) for fiscal year 1999, $31,000,000;
"(B) for fiscal year 2000, $31,000,000;
"(C) for fiscal year 2001, $33,000,000;
"(D) for fiscal year 2002, $33,000,000; and
"(E) for fiscal year 2003, $34,000,000; and
"(8) to carry out section 5334—
"(A) for fiscal year 1999, $13,000,000;
"(B) for fiscal year 2000, $14,000,000;
"(C) for fiscal year 2001, $16,000,000;
"(D) for fiscal year 2002, $17,000,000; and
"(E) for fiscal year 2003, $18,000,000.

"(i) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (e), and paragraphs (1) through (7) of subsection (h), 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 "section 5338(g)(1)" each place it appears and inserting "subsection (c) or (h)(1) of section 5338".

(2) In section 5303(h)(1) by striking "–5306" and inserting "and 5305".

(3) In section 5303(h)(4) by striking "section 5338(g)" and inserting "subsection (c) or (h)(1) of section 5338".

(4) In section 5313(a)(1) by striking "Fifty percent of the amounts made available under section 5338(g)(3)" and inserting "The amounts made available under paragraphs (1) and (2)(C)(ii) of section 5338(d)".

(5) In section 5313(b)(1) by striking "Fifty percent of the amounts made available under section 5338(g)(3)" and inserting "The amounts made available under paragraphs (1) and (2)(C)(ii) of section 5338(c)".

(6) In section 5314(a)(1) by striking "section 5338(g)(4)" and inserting "subsections (d) and (h)(7) of section 5338".

(7) In section 5317(e)(5)(C) by striking "5338(e)(2)" and inserting "5338(e)".

(8) In section 5318(d) by striking "5338(j)(5)" and inserting "5309(m)(1)(C)".

(9) In section 5333(b) by striking "5338(j)(5)" each place it appears and inserting "5338(b)".

(10) In section 5336(a) by striking "5338(f)" and inserting "5338(a)".

(11) In section 5336(e)(1) by striking "section 5338(f)" and inserting "subsections (a) and (h)(2) of section 5338".

(12) In section 5337(e)(1) by striking "section 5338(f)" and inserting "subsections (b) and (h)(4) of section 5338".

SEC. 3030. 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 Corridor and 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) Kenosha-Racine—Milwaukee Rail Extension.
(35) Las Vegas Corridor.
(36) Little Rock—River Rail.
(37) Los Angeles—Metrolink San Bernadino Line.
(38) Los Angeles—MOS-3.
(39) Los Angeles—Metrolink (Union Station-Fullerton).
(40) Louisville—Jefferson County Corridor.
(41) MARC—Commuter Rail Improvements.
(42) Maryland Light Rail Double Track.
(43) Memphis—Medical Center Extension.
(44) Miami—East-West Multimodal Corridor.
(45) Miami—North 27th Avenue Corridor.
(46) Miami—South Busway Extension.
(47) Milwaukee—East-West Corridor.
(48) Monterey County Commuter Rail.
(49) Nashua, NH—Lowell, MA Commuter Rail.
(50) Nashville—Commuter Rail.
(51) New Orleans—Canal Streetcar.
(52) New York—8th Avenue Subway Connector.
(53) New York—Brooklyn—Staten Island Ferry.
(54) New York—Long Island Railroad East Side Access.
(55) New York—Staten Island Ferry—Whitehall Intermodal Terminal.
(56) New York Susquehanna and Western Commuter Rail.
(57) New Jersey Urban Core.
(58) Norfolk—Virginia Beach Corridor.
(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 Corridor (Downtown Minneapolis-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.
(97) Pittsburgh North Shore-Central Business District Corridor.
(98) Pittsburgh—Stage II Light Rail.
(99) Boston—North-South Rail Link.
(100) Spokane—South Valley Corridor Light Rail.
(101) Miami—Palmetto Metrorail.
(102) Morgantown—Personal Rapid Transit.
(103) Santa Monica—Busway.
(104) Northwest New Jersey—Northeast Rail Corridor.
(105) Southeastern North Carolina Corridor.
(106) Chicago—Douglas Branch.
(107) San Joaquin—Regional Transit Corridor.
(108) Albuquerque—High Capacity Corridor.

(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) Atlanta—Georgia 400 Multimodal Corridor.
(2) Atlanta—MARTA Extension (S. DeKalb-Lindbergh).
(3) Atlanta—MARTA I-285 Transit Corridor.
(4) Atlanta—MARTA Marietta-Lawrenceville Corridor.
(5) Atlanta—MARTA South DeKalb Comprehensive Transit Program.
(6) Baltimore—Metropolitan Rail Corridor.
(7) Baltimore—People Mover.
(8) Bergen County Cross—County Light Rail.
(9) Birmingham Transit Corridor.
(10) Boston—Urban Ring.
(11) Charleston—Monobeam.
(12) Chicago—Comiskey Park Station.
(13) Chicago—Inner Circumferential Commuter Rail.
(14) Cumberland/Dauphin County Corridor 1 Commuter Rail.
(15) Dallas—DART LRT Extensions.
(16) Dallas—Las Colinas Corridor.
(17) Dayton—Regional Riverfront Corridor.
(18) El Paso—International Fixed Guideway (El Paso-Juarez).
(19) Fremont—South Bay Corridor.
(20) Houston—Advanced Transit Program.
(21) Jacksonville—Fixed Guideway Corridor.
(22) Knoxville—Electric Transit.
(23) Lorain—Cleveland Commuter Rail.
(24) Los Angeles—MOS-4 East Side Extension (II).
(25) Los Angeles—MOS-4 San Fernando Valley East-West.
(26) Los Angeles—LOSSAN (Del Mar-San Diego).
(27) Maine High Speed Ferry Service.
(28) Maryland Route 5 Corridor.
(29) Memphis—Regional Rail Plan.
(30) Miami—Kendall Corridor.
(31) Miami—Northeast Corridor.
(32) New Jersey Trans-Hudson Midtown Corridor.
(33) New Orleans—Airport—CBD Commuter Rail.
(34) New Orleans—Desire Streetcar.
(35) New York—Astoria—East Elmhurst Extension.
(36) New York—Broadway—Lafayette & Bleecker St Transfer.
(37) New York—Brooklyn—Manhattan Access.
(38) New York—Lower Manhattan Access.
(39) New York—Manhattan East Side Link.
(40) New York—Midtown West Intermodal Terminal.
(41) New York—Nassau Hub.
(42) New York—North Shore Railroad.
(43) New York—Queens West Light Rail Link.
(44) New York—St. George's Ferry Intermodal Terminal.
(45) Newburgh—LRT System.
(46) North Front Range Corridor.
(47) Northeast Indianapolis Corridor.
(48) Oakland Airport—BART Connector.
(49) Providence—Pawtucket Corridor.
(50) Philadelphia—Broad Street Line Extension.
(51) Philadelphia—Cross County Metro.
(52) Philadelphia—Lower Marion Township.
(53) Pinellas County—Mobility Initiative Project.
(54) Redlands—San Bernardino Transportation Corridor.
(55) Riverside—Perris rail passenger service.
(56) Salt Lake City—Draper Light Rail Extension.
(57) Salt Lake City—West Jordan Light Rail Extension.
(58) San Francisco—CalTrain Extension to Hollister.
(59) Scranton—Laurel Line Intermodal Corridor.
(60) SEATAC—Personal Rapid Transit.
(61) Toledo—CBD to Zoo.

(62) Union Township Station (Raritan Valley Line).

(63) Washington County Corridor (Hastings-St. Paul).

(64) Washington, D.C.—Georgetown-Ft. Lincoln.

(65) Williamsburg—Newport News-Hampton LRT.

(66) Cincinnati/N. Kentucky—Northeast Corridor.

(67) Northeast Ohio—commuter rail.

(68) California—North Bay Commuter Rail.

(c) PROJECT AUTHORIZATIONS.—

(1) IN GENERAL.—Of the total amount made available by or authorized under section 5338(b) of title 49, United States Code, to carry out section 5309(m)(1)(B) for fiscal years 1998 through 2003:

(A) $3,000,000,000 shall be available for the following projects:

(i) Birmingham Transit Corridor, $87,500,000.

(ii) San Diego–Mission Valley East Corridor, $325,000,000.

(iii) Denver–Southeast LRT (I-25 between 6th and Lincoln), $10,000,000.

(iv) Colorado–Roaring Fork Valley Rail, $40,000,000.

(v) Hartford–Griffin Line, $33,000,000.

(vi) Bridgeport–Intermodal Corridor, $34,000,000.

(vii) New London–Waterfront Access, $15,000,000.

(viii) Old Saybrook–Hartford Rail Extension, $5,000,000.

(ix) Stamford–Fixed Guideway Connector, $18,000,000.

(x) Orlando–I-4 Central Florida Light Rail System, $100,000,000.

(xi) Miami–Palmetto Metrorail, $8,000,000.

(xii) Tampa Bay–Regional Rail, $2,000,000.

(xiii) Fort Lauderdale–West Palm Beach–Miami Tri-County Commuter Rail, $20,000,000.

(xiv) Miami–East-West Multimodal Corridor, $20,000,000.

(xv) Chicago–CTA Douglas Branch, $315,000,000.

(xvi) Indianapolis Region Commuter Rail, $10,000,000.

(xvii) Sioux City–Light Rail, $10,000,000.

(xviii) MARC–Commuter Rail Improvements, $185,000,000.

(xix) Baltimore–Light Rail Double Track, $120,000,000.

(xx) Boston–North Shore Corridor and Blue Line Extension to Beverly, $50,000,000.

(xxi) Twin Cities–Transitways Corridors, $120,000,000.

(xxii) Twin Cities–Northstar Corridor (Downtown Minneapolis–Anoka County–St. Cloud), $6,000,000.

(xxiii) I-35 Commuter Rail, $30,000,000.

(xxiv) Las Vegas Corridor, $155,000,000.

(xxv) New Jersey–Bergen County Cross County Light Rail, $5,000,000.

(xxvi) New Jersey–Trans Hudson Midtown Corridor, $5,000,000.

(xxvii) Santa Fe–Eldorado Rail Link, $10,000,000.

(xxviii) Albuquerque Alvarado Intermodal Center, $5,000,000.

(xxix) Albuquerque Light Rail, $90,000,000.

(xxx) New York–Long Island Railroad East Side Access, $353,000,000.

(xxxi) New York–Second Avenue Subway, $5,000,000.

(xxxii) New York–Whitehall Ferry Terminal, $40,000,000.

(xxxiii) New York–St. George's Ferry Intermodal Terminal, $20,000,000.

(xxxiv) New York–Nassau Hub, $10,000,000.

(xxxv) New Jersey–New York Midtown West Ferry Terminal, $16,300,000.

(xxxvi) Cincinnati/Northern Kentucky Corridor, $65,000,000.

(xxxvii) Portland South–North Corridor, $25,000,000.

(xxxviii) Philadelphia–Schuylkill Valley Metro, $75,000,000.

(xxxix) Allegheny County Stage II Light Rail, $100,200,000.

(xl) Philadelphia–Pittsburgh High Speed Rail, $10,000,000.

(xli) Cumberland/Dauphin County Corridor 1 Commuter Rail, $20,000,000.

(xlii) Pittsburgh North Shore–Central Business District, $20,000,000.

(xliii) Providence–Boston Commuter, $10,000,000.

(xliv) Rhode Island Integrated Intermodal Transportation, $25,000,000.

(xlv) Dallas–North Central Extension, $188,000,000.

(xlvi) Dallas–Southeast Corridor, $20,000,000.

(xlvii) Dallas–Northwest Corridor, $12,000,000.

(xlviii) Washington, D.C., Dulles Corridor Extension, $86,000,000.

(xlix) Seattle–Tacoma Commuter Rail, $40,000,000.

(l) San Joaquin Regional Intermodal Corridor, $14,000,000.

(li) Railtran Corridor Light Rail, $12,000,000.

(B) The remainder shall be available for projects listed in subsections (a) and (b).

(2) ADDITIONAL FUNDS.—

(A) IN GENERAL.—The total amount authorized in section 5338(h)(5) of title 49, United States Code, for fiscal years 1999 through 2003 shall be available for projects listed in subsections (a) and (b).

(B) PRIORITY FOR SALT LAKE CITY OLYMPICS.—

(i) IN GENERAL.—Of the amount authorized to be appropriated under section 5338(h)(5), $640,000,000 is authorized to be appropriated for the Salt Lake City Winter Olympic Games for the following projects:

(I) North/South Light Rail.

(II) Airport to University of Utah Light Rail.

(III) Intermodal Facilities.

(IV) Park and Ride Lots.

(V) Bus Acquisition.

(ii) GOVERNMENT SHARE.—The Government share of the costs of projects assisted under this subparagraph shall not exceed 80 percent. For purposes of determining the nongovernmental share for projects authorized under this subparagraph, highway, aviation, and transit projects shall be considered to be a program of projects.

(iii) USE OF FUNDS.—Funds provided under this subparagraph shall be available for planning and capital assistance.

(3) HIGH PRIORITY PROJECT.—The Long Island Rail Road East Side Access project shall be given priority consideration by the Secretary for funds made available under paragraph (1)(B). In addition, that project is authorized for construction with funds available under section 5338(h)(5) of title 49, United States Code.

(d) EFFECT OF AUTHORIZATION.—

(1) IN GENERAL.—

(A) SUBSECTION (a) PROJECTS.—Projects authorized by subsection (a) for final design and construction are also authorized for alternatives analysis and preliminary engineering.

(B) SUBSECTION (B) PROJECTS.—Effective October 1, 2000, projects authorized by subsection (b) for alternatives analysis and preliminary engineering are also authorized for final design and construction.

(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 AUTHORIZATIONS.—Notwithstanding any other provision of law, each of the following projects are eligible for funding under section 5309(m)(1)(C) of title 49, United States Code:

(A) Huntington, West Virginia Intermodal Facility project.

(B) Huntsville Intermodal Center project.

(e) 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 the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122) 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 the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122) 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 "(including a connection from the Vince Lombardi Station to Saddlebrook and Edgewater), restoration of commuter rail service along the Northern Branch Line of the West Shore Line, 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 I 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,".

(f) LOS ANGELES MOS–3 PROJECT.—

(1) IN GENERAL.—For purposes of this section, the Los Angeles MOS–3 project referenced in subsection (a)(38) may include any fixed guideway project or projects selected by the Los Angeles County Metropolitan Transportation Authority for development in the transportation corridors to be served by the 3 extensions of MOS–3 of the Los Angeles County Metro Rail project, as described in section 3034(i) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) ALTERNATIVES.—In considering fixed guideway alternatives and selecting any revised preferred alternative in the East Side or Mid City corridors of MOS–3, the Los Angeles County Metropolitan Transportation Authority shall—

(A) fully evaluate the potential impact of the alternatives on the integrity of the neighborhoods in the corridor involved;

(B) address the capacity of the alternatives to serve transit dependent riders;

(C) identify and address any disproportionately high and adverse effects on minority and low income populations, in accordance with the Executive Order on Federal Actions to Address Environmental Justice (EO 12898; February 11, 1994); and

(D) otherwise comply with all applicable Federal and State planning and environmental requirements.

(g) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—Section 3035(nn) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2134) is amended—

(1) in paragraph (1)—

(A) by inserting ", and alternatives for double tracking and related improvements" after "Penn Station extensions";

(B) by inserting "shall provide for double tracking and related improvements and" after "under this paragraph"; and

(C) by inserting after the first sentence the following: "Funds for projects under this paragraph shall be provided at an 80 percent Government share. In applying the local share evaluation criteria in section 5309, of title 49, United States Code, the Secretary shall compare the aggregate expenditure of State and local funds, including Federal highway funds provided by the State of Maryland, for all phases of the Central Corridor Light Rail project."; and

(2) in paragraph (2)—

(A) in the first sentence, by inserting ", including capacity and efficiency improvements through construction of a Penn-Camden Connection, MARC maintenance and storage facilities, and other capacity related improvements, and the Silver Spring Intermodal Center" before the period; and

(B) in the second sentence, by inserting "provide for construction of the Penn-Camden Connection, MARC maintenance and storage facilities, and other capacity related improvements, and the Silver Spring Intermodal Center, and shall" after "shall".

SEC. 3031. PROJECTS FOR BUS AND BUS-RELATED FACILITIES.

(a) GUARANTEED FUNDING.—Of the amounts made available to carry out section 5309(m)(1)(C) of title 49, United States Code, 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	2.000
8. Armstrong County-Mid County, PA bus facilities and buses	0.150	0.150
9. Atlanta, 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. Chambersburg, PA Transit Authority Intermodal Center	1.000	0.000
24. Chester County, PA Paoli Transportation Center	1.000	1.000
25. Altoona, PA Pedestrian Crossover	.800	0.000
26. Cleveland, OH Triskett Garage bus maintenance facility	0.625	0.625
27. Crawford Area, PA Transportation buses	0.500	0.000
28. Culver City, CA CityBus buses	1.250	1.250
29. Davis, CA Unitrans transit maintenance facility	0.625	0.625
30. Dayton, OH Multimodal Transportation Center	0.625	0.625
31. Daytona, FL Intermodal Center	2.500	2.500
32. Duluth, MN Transit Authority community circulation vehicles	1.000	1.000
33. Duluth, MN Transit Authority intelligent transportation systems	0.500	0.500
34. Duluth, MN Transit Authority Transit Hub	0.500	0.500
35. Dutchess County, NY Loop System buses	0.521	0.521
36. East Hampton, NY elderly and disabled buses and vans	0.100	0.000
37. Erie, PA Metropolitan Transit Authority buses	1.000	1.000
38. Everett, WA Multimodal Transportation Center	1.950	1.950
39. Fayette County, PA Intermodal Facilities and buses	1.270	1.270
40. Fayetteville, AR University of Arkansas Transit System buses	0.500	0.500
41. Fort Dodge, IA Intermodal Facility (Phase II)	0.885	0.885
42. Gary, IN Transit Consortium buses	1.250	1.250
43. Grant County, WA buses and vans	0.600	0.000
44. Greensboro, NC Multimodal Center	3.340	3.339
45. Greensboro, NC Transit Authority buses	1.500	1.500
46. Greensboro, NC Transit Authority small buses and vans	0.321	0.000
47. Hartford, CT Transportation Access Project	0.800	0.000
48. Healdsburg, CA Intermodal Facility	1.000	1.000
49. Honolulu, HI bus facility and buses	2.250	2.250
50. Hot Springs, AR Transportation Depot and Plaza	0.560	0.560
51. Humboldt, CA Intermodal Facility	1.000	0.000
52. Huntington, WV Intermodal Facility	8.000	12.000
53. Illinois statewide buses and bus-related equipment	6.800	8.200
54. Indianapolis, IN buses	5.000	5.000
55. Iowa/Illinois Transit Consortium bus safety and security	1.000	1.000
56. Ithaca, NY TCAT bus technology improvements	1.250	1.250
57. Lackawanna County, PA Transit System buses	0.600	0.600
58. Lakeland, FL Citrus Connection transit vehicles and related equipment	1.250	1.250
59. Lane County, OR Bus Rapid Transit	4.400	4.400
60. Lansing, MI CATA bus technology improvements	0.600	0.000
61. Little Rock, AR Central Arkansas Transit buses	0.300	0.300
62. Livermore, CA automatic vehicle locator	1.000	1.000
63. Long Island, NY CNG transit vehicles and facilities	1.250	1.250
64. Los Angeles County, CA Foothill Transit buses	1.625	1.250
65. New York, NY West 72nd St. Intermodal Station	1.750	1.750
66. Los Angeles, CA San Fernando Valley smart shuttle buses	0.300	0.000
67. Los Angeles, CA Union Station Gateway Intermodal Transit Center	1.250	1.250
68. Maryland statewide bus facilities and buses	7.000	11.500
69. Rensslear, NY Rensslear Intermodal Bus Facility	1.000	6.000
70. Mercer County, PA buses	0.750	0.000
71. Miami Beach, FL Electric Shuttle Service	0.750	0.750
72. Miami-Dade, FL buses	2.250	2.250
73. Michigan statewide buses	10.000	13.500
74. Milwaukee County, WI buses	4.000	6.000
75. Mineola/Hicksville, NY LIRR Intermodal Centers	1.250	1.250
76. Modesto, CA bus maintenance facility	0.625	0.625
77. Monroe County, PA Transportation Authority buses	1.000	0.000
78. Monterey, CA Monterey-Salinas buses	0.625	0.625
79. Morongo Basin, CA Transit Authority bus facility	0.650	0.000
80. New Haven, CT bus facility	2.250	2.250
81. New Jersey Transit jitney shuttle buses	1.750	1.750
82. Newark, NJ Morris & Essex Station access and buses	1.250	1.250
83. Northstar Corridor, MN Intermodal Facilities and buses	6.000	10.000
84. Norwich, CT buses	2.250	2.250
85. Ogden, UT Intermodal Center	0.800	0.800
86. Oklahoma statewide bus facilities and buses	5.000	5.000
87. Orlando, FL Downtown Intermodal Facility	2.500	2.500
88. Providence, RI buses and bus maintenance facility	2.250	3.294
89. Perris, CA bus maintenance facility	1.250	1.250
90. Philadelphia, PA Frankford Transportation Center	5.000	5.000
91. Philadelphia, PA Intermodal 30th Street Station	1.250	1.250
92. Portland, OR Tri-Met buses	1.750	1.750
93. Pritchard, AL bus transfer facility	0.500	0.000
94. Reading, PA BARTA Intermodal Transportation Facility	1.750	1.750
95. Red Rose, PA Transit Bus Terminal	1.000	0.000
96. Richmond, VA GRTC bus maintenance facility	1.250	1.250
97. Riverhead, NY elderly and disabled buses and vans	0.125	0.000
98. Robinson, PA Towne Center Intermodal Facility	1.500	1.500
99. Rome, NY Intermodal Center	0.400	0.000
100. Sacramento, CA CNG buses	1.250	1.250
101. San Francisco, CA Islais Creek Maintenance Facility	1.250	1.250

Project	FY 1999 (in millions)	FY 2000 (in millions)
102. San Juan, Puerto Rico Intermodal access	0.600	0.600
103. Santa Clarita, CA facilities and buses	1.250	1.250
104. Santa Cruz, CA bus facility	0.625	0.625
105. Santa Rosa/Cotati, CA Intermodal Transportation Facilities	0.750	0.750
106. Seattle, WA Intermodal Transportation Terminal	1.250	1.250
107. Shelter Island, NY elderly and disabled buses and vans	0.100	0.000
108. Smithtown, NY elderly and disabled buses and vans	0.125	0.000
109. Somerset County, PA bus facilities and buses	0.175	0.175
110. South Amboy, NJ Regional Intermodal Transportation Initiative	1.250	1.250
111. South Bend, IN Urban Intermodal Transportation Facility	1.250	1.250
112. South Carolina statewide Virtual Transit Enterprise	1.220	1.220
113. South Dakota statewide bus facilities and buses	1.500	1.500
114. Southampton, NY elderly and disabled buses and vans	0.125	0.000
115. Southold, NY elderly and disabled buses and vans	0.100	0.000
116. Springfield, MA Union Station	1.250	1.250
117. St. Louis, MO Bi-state Intermodal Center	1.250	1.250
118. Denver, CO Stapleton Intermodal Center	1.250	1.250
119. Suffolk County, NY elderly and disabled buses and vans	0.100	0.000
120. Texas statewide small urban and rural buses	4.000	4.500
121. Towamencin Township, PA Intermodal Bus Transportation Center	1.500	1.500
122. Tuscaloosa, AL Intermodal Center	1.000	0.000
123. Ukiah, CA Transportation Center	0.500	0.000
124. Utah Transit Authority, UT Intermodal Facilities	1.500	1.500
125. Utah Transit Authority/Park City Transit, UT buses	6.500	6.500
126. Utica, NY Union Station	2.100	2.100
127. Utica and Rome, NY bus facilities and buses	0.500	0.000
128. Washington County, PA Intermodal Facilities	0.630	0.630
129. Washington, D.C. Intermodal Transportation Center	2.500	2.500
130. Washoe County, NV transit improvements	2.250	2.250
131. Waterbury, CT bus facility	2.250	2.250
132. West Virginia statewide Intermodal Facility and buses	5.000	5.000
133. Westchester County, NY Bee-Line transit system fareboxes	0.979	0.979
134. Westchester County, NY Bee-Line transit system shuttle buses	1.000	1.000
135. Westchester County, NY DOT articulated buses	1.250	1.250
136. Westmoreland County, PA Intermodal Facility	0.200	0.200
137. Wilkes-Barre, PA Intermodal Facility	1.250	1.250
138. Williamsport, PA Bus Facility	1.200	1.200
139. Windsor, CA Intermodal Facility	0.750	0.750
140. Wisconsin statewide bus facilities and buses	8.000	12.000
141. Woodland Hills, CA Warner Center Transportation Hub	0.325	0.625
142. Worcester, MA Union Station Intermodal Transportation Center	2.500	2.500
143. Lynchburg, VA buses	0.200	0.000
144. Harrisonburg, VA buses	0.200	0.000
145. Roanoke, VA buses	0.200	0.000
146. Allegheny County, PA buses	0.000	1.500
147. Mount Vernon, WA Multimodal Center	1.750	1.750
148. New Bedford/Fall River, MA Mobile Access to health care	0.250	0.000
149. Philadelphia, PA Regional Transportation System for Elderly and Disabled	0.750	0.000
150. Clark County, NV Regional Transportation Commission	1.250	1.250

(b) GENERAL FUND AUTHORIZATION.—Of the amounts authorized to be appropriated to carry out section 5309(m)(1)(C) of title 49, United States Code, for each of fiscal years 1999 and 2000, there are authorized to be appropriated for the following projects:

Project	FY 1999 (in millions)	FY 2000 (in millions)
1. Everett, WA Multimodal Transportation Center	1.000	1.000
2. Rennslear, NY Rennslear Intermodal Bus Facility	4.000	0.000
3. Rochester, NY Rochester Central Bus Facility	12.500	12.500
4. Long Beach, NY Long Beach Central Bus Facility	0.750	0.750
5. Broome County, NY Buses and Related Equipment	2.700	2.700
6. Long Island, NY CNG Transit Vehicles and Facilities	3.050	3.050

SEC. 3032. CONTRACTING OUT STUDY.

(a) STUDY.—Not later than 3 months after the date of 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 contracting out mass transportation operation 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 contracted out services, the size of the population served by such grant recipients, the basis for decisions regarding 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 $250,000 for fiscal year 1998.

(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. 3033. URBANIZED AREA FORMULA STUDY.

(a) STUDY.—The Secretary shall conduct a study to determine whether the formula for apportioning funds to urbanized areas under section 5336 of title 49, United States Code, 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. 3034. 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 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 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. 3035. FINAL ASSEMBLY OF BUSES.

(a) IN GENERAL.—All buses manufactured on or after September 1, 1999, that are purchased with Federal funds by recipients of assistance from the Federal Transit Administration shall conform with the Federal Transit Administration Guidance on Buy America Requirements, dated March 18, 1997.

(b) RULE OF CONSTRUCTION.—For purposes of this section, a bus shall be considered to be manufactured on or after September 1, 1999, if the manufacturing process for that bus is not completed on or before August 31, 1999.

SEC. 3036. 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, liquefied natural gas, biodiesel fuel, battery, alcohol based fuel, hybrid electric, fuel cell, and clean diesel to determine—

(1) the status of the development and use of such technologies;

(2) the environmental benefits of such technologies under the Clean Air Act; and

(3) 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.

SEC. 3037. JOB ACCESS AND REVERSE COMMUTE GRANTS.

(a) FINDINGS.—Congress finds that—

(1) two-thirds of all new jobs are in the suburbs, whereas three-quarters of welfare recipients live in rural areas or central cities;

(2) even in metropolitan areas with excellent public transit systems, less than half of the jobs are accessible by transit;

(3) in 1991, the median price of a new car was equivalent to 25 weeks of salary for the average worker, and considerably more for the low-income worker;

(4) not less than 9,000,000 households and 10,000,000 Americans of driving age, most of whom are low-income workers, do not own cars;

(5) 94 percent of welfare recipients do not own cars;

(6) nearly 40 percent of workers with annual incomes below $10,000 do not commute by car;

(7) many of the 2,000,000 Americans who will have their Temporary Assistance to Needy Families grants (under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) terminated by the year 2002 will be unable to get to jobs they could otherwise hold;

(8) increasing the transit options for low-income workers, especially those who are receiving or who have recently received welfare benefits, will increase the likelihood of those workers getting and keeping jobs; and

(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities.

(b) DEFINITIONS.—In this section, the following definitions shall apply:

(1) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term "eligible low-income individual" means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

(2) ELIGIBLE PROJECT AND RELATED TERMS.—

(A) IN GENERAL.—The term "eligible project" means an access to jobs project or a reverse commute project.

(B) ACCESS TO JOBS PROJECT.—The term "access to jobs project" means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment. The Secretary may make access to jobs grants for—

(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

(ii) promoting the use of transit by workers with nontraditional work schedules;

(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

(iv) promoting the use of employer-provided transportation, including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986.

(C) REVERSE COMMUTE PROJECT.—The term "reverse commute project" means a project related to the development of transportation services designed to transport residents of urban areas, urbanized areas, and areas other than urbanized areas to suburban employment opportunities, including any project to—

(i) subsidize the costs associated with adding reverse commute bus, train, carpool, van routes, or service from urban areas, urbanized areas, and areas other than urbanized areas, to suburban workplaces;

(ii) subsidize the purchase or lease by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace; or

(iii) otherwise facilitate the provision of mass transportation services to suburban employment opportunities.

(3) 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.

(4) QUALIFIED ENTITY.—The term "qualified entity" means—

(A) with respect to any proposed eligible project in an urbanized area with a population of at least 200,000, the applicant or applicants selected by the appropriate metropolitan planning organization that meets the requirements of this section, including the planning and coordination requirements in subsection (i), from among local governmental authorities and agencies and nonprofit organizations; and

(B) with respect to any proposed eligible project in an urbanized area with a population of at least 200,000, or an area other than an urbanized area, the applicant or applicants selected by the chief executive officer of the State in which the area is located that meets the requirements of this section, including the planning and coordination requirements in subsection (i), from among local governmental authorities and nonprofit organizations.

(5) 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 (Public Law 104–193; 110 Stat. 2110)) at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

(c) GENERAL AUTHORITY.—

(1) IN GENERAL.—The Secretary may make access to jobs grants and reverse commute grants under this section to assist qualified entities in financing eligible projects.

(2) COORDINATION.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(d) APPLICATIONS.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

(e) PROHIBITION.—Grants awarded under this section may not be used for planning or coordination activities.

(f) FACTORS FOR CONSIDERATION.—In awarding grants under this section to applicants under subsection (d), the Secretary shall consider—

(1) the percentage of the population in the area to be served by the applicant that are welfare recipients;

(2) in the case of an applicant seeking assistance to finance an access to jobs project, the need for additional services in the area to be served by the applicant (including bicycling) to transport welfare recipients and eligible low-income individuals 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—

(A) coordination with, and the financial commitment of, existing transportation service providers; and

(B) coordination with the State agency 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 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—

(A) in the case of an applicant seeking assistance to finance an access to jobs project, presents a regional transportation plan for addressing the transportation needs of welfare recipients and eligible low-income individuals; and

(B) identifies long-term financing strategies to support the services under this section;

(7) the extent to which the applicant demonstrates that the community to be served has been consulted in the planning process; and

(8) in the case of an applicant seeking assistance to finance a reverse commute project, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities, and the extent to which the proposed services will address those needs.

(g) 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.

(h) COST SHARING.—

(1) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed 50 percent of the total project cost.

(2) NONGOVERNMENTAL SHARE.—

(A) IN GENERAL.—The portion of the total cost of an eligible project that is not funded under this section—

(i) shall be provided in cash from sources other than revenues from providing mass transportation, but may include amounts received under a service agreement; and

(ii) may be derived from amounts appropriated to or made available to a department or agency of the Federal Government (other than the Department of Transportation) that are eligible to be expended for transportation.

(B) INAPPLICABILITY.—For purposes of subparagraph (A)(ii), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(ii) of the Social Security Act shall not apply to Federal or State funds to be used for transportation services.

(i) PLANNING REQUIREMENTS.—

(1) IN GENERAL.—The requirements of sections 5303 through 5306 of title 49, United States Code, apply to any grant made under this section.

(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed under this section shall be part of a coordinated public transit-human services transportation planning process.

(j) GRANT REQUIREMENTS.—A grant under this section shall be subject to—

(1) all of the terms and conditions to which a grant made under section 5307 of title 49, United States Code, is subject; and

(2) such other terms and conditions as are determined by the Secretary.

(k) PROGRAM EVALUATION.—

(1) COMPTROLLER GENERAL.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Comptroller General of the United States shall—

(A) conduct a study to evaluate the grant program authorized under this section; and

(B) 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 describing the results of each study under subparagraph (A).

(2) DEPARTMENT OF TRANSPORTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) conduct a study to evaluate the access to jobs grant program authorized under this section; and

(B) 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 describing the results of the study under subparagraph (A).

(l) AUTHORIZATION AND ALLOCATION.—

(1) IN GENERAL.—

(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section—

(i) $40,000,000 for fiscal year 1999;

(ii) $60,000,000 for fiscal year 2000;

(iii) $80,000,000 for fiscal year 2001;

(iv) $100,000,000 for fiscal year 2002; and

(v) $120,000,000 for fiscal year 2003.

(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out this section—

(i) $10,000,000 for fiscal year 1999;

(ii) $15,000,000 for fiscal year 2000;

(iii) $20,000,000 for fiscal year 2001;

(iv) $25,000,000 for fiscal year 2002; and

(v) $30,000,000 for fiscal year 2003.

(C) ADDITIONAL AMOUNTS FROM THE GENERAL FUND.—In addition to amounts made available under subparagraphs (A) and (B), there are authorized to be appropriated to carry out this section—

(i) $100,000,000 for fiscal year 1999;

(ii) $75,000,000 for fiscal year 2000;

(iii) $50,000,000 for fiscal year 2001; and

(iv) $25,000,000 for fiscal year 2002.

(2) SET-ASIDE FOR REVERSE COMMUTE PROJECTS.—Of amounts made available by or appropriated under subparagraphs (A) and (B) of paragraph (1) to carry out this section in each fiscal year, not more than $10,000,000 shall be used for grants for reverse commute projects.

(3) ALLOCATION.—The amounts made available by or appropriated under paragraph (1) to carry out this section in each fiscal year shall be allocated as follows:

(A) 60 percent shall be allocated for eligible projects in urbanized areas with populations of at least 200,000.

(B) 20 percent shall be allocated for eligible projects in urbanized areas with populations of at least 200,000.

(C) 20 percent shall be allocated for eligible projects in areas other than urbanized areas.

SEC. 3038. RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) INTERCITY, FIXED-ROUTE OVER-THE-ROAD BUS SERVICE.—The term "intercity, fixed-route over-the-road bus service" means regularly scheduled bus service for the general public, using an over-the-road bus, that—

(A) operates with limited stops over fixed routes connecting 2 or more urban areas not in close proximity;

(B) has the capacity for transporting baggage carried by passengers; and

(C) makes meaningful connections with scheduled intercity bus service to more distant points.

(2) OTHER OVER-THE-ROAD BUS SERVICE.—The term "other over-the-road bus service" means any other transportation using over-the-road buses including local fixed-route service, commuter service, and charter or tour service (including tour or excursion service that includes features in addition to bus transportation such as meals, lodging, admission to points of interest or special attractions or the services of a tour guide).

(3) OVER-THE-ROAD BUS.—The term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(b) GENERAL AUTHORITY.—The Secretary shall make grants under this section to operators of over-the-road buses to finance the incremental capital and training costs of complying with the Department of Transportation's final rule regarding accessibility of over-the-road buses required by section 306(a)(2)(B) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12186(a)(2)(B)).

(c) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary shall consider—

(1) the identified need for over-the-road bus accessibility for persons with disabilities in the areas served by the applicant;

(2) the extent to which the applicant demonstrates innovative strategies and financial commitment to providing access to over-the-road buses to persons with disabilities;

(3) the extent to which the over-the-road bus operator acquires equipment required by the final rule prior to any required timeframe in the final rule;

(4) the extent to which financing the costs of complying with the Department of Transportation's final rule regarding accessibility of over-the-road buses presents a financial hardship for the applicant; and

(5) the impact of accessibility requirements on the continuation of over-the-road bus service, with particular consideration of the impact of the requirements on service to rural areas and for low-income individuals.

(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.

(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds made available to carry out this section. The Federal share of the costs for a project shall not exceed 50 percent of the project cost.

(f) GRANT REQUIREMENTS.—A grant under this section shall be subject to all of the terms and conditions applicable to subrecipients who provide intercity bus transportation under section 5311(f) of title 49, United States Code, and such other terms and conditions as the Secretary may prescribe.

(g) FUNDING.—

(1) INTERCITY, FIXED-ROUTE OVER-THE-ROAD BUS SERVICE.—Of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, (before allocation under section 5338(a)(2)(C) of that title) the following amounts shall be available for operators of intercity, fixed-route over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses:

(A) $2,000,000 for fiscal year 1999.

(B) $2,000,000 for fiscal year 2000.

(C) $3,000,000 for fiscal year 2001.

(D) $5,250,000 for fiscal year 2002.

(E) $5,250,000 for fiscal year 2003.

(2) OTHER OVER-THE-ROAD BUS SERVICE.—Of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, (before allocation under section 5338(a)(2)(C) of that title) $6,800,000 shall be available for each of fiscal years 2000 through 2003 for operators of other over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses.

SEC. 3039. STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.

(a) PURPOSES.—The purposes of this section are to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, shall undertake a comprehensive study of alternative transportation needs in national parks and related public lands managed by Federal land management agencies in order to carry out the purposes described in subsection (a). The study shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than January 1, 2000.

(2) STUDY ELEMENTS.—The study required by paragraph (1) shall—

(A) identify transportation strategies that improve the management of the national parks and related public lands;

(B) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

(C) assess the feasibility of alternative transportation modes; and

(D) identify and estimate the costs of alternative transportation modes for each of the national parks and related public lands referred to in paragraph (1).

SEC. 3040. OBLIGATION CEILING.

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, and amounts appropriated under, subsections (a) through (f) of section 5338 of title 49, United States Code, and subparagraphs (A) and (B) of section 3037(l)(1) of this Act, shall not exceed—

(1) $5,315,000,000 in fiscal year 1999;

(2) $5,798,000,000 in fiscal year 2000;

(3) $6,271,000,000 in fiscal year 2001;

(4) $6,746,000,000 in fiscal year 2002; and

(5) $7,226,000,000 in fiscal year 2003.

SEC. 3041. 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 title 49, United States Code, 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) of title 49, United States Code.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 4001. 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. 4002. STATEMENT OF PURPOSES.

(a) IN GENERAL.—Chapter 311 is amended by inserting before section 31101 the following:

"§ 31100. Purpose

"The purpose of this subchapter is to ensure that the Secretary, States, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial

motor vehicle, and driver safety to support a safe and efficient transportation system by—

"(1) focusing resources on strategic safety investments to promote safe for-hire and private transportation, including transportation of passengers and hazardous materials, to identify high-risk carriers and drivers, and to invest in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes;

"(2) increasing administrative flexibility and developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including improving 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 analysis systems, 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) CONFORMING AMENDMENT.—The analysis for chapter 311 is amended by inserting before the item relating to section 31101 the following:

"31100. Purpose.".

SEC. 4003. STATE GRANTS.

(a) DEFINITIONS.—Section 31101 is amended—

(1) 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"; and

(2) in paragraph (1)(C) by inserting "and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" after "title".

(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 materials 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 materials 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), and (M) and inserting the following:

"(K) ensures that the State agency will coordinate the plan, data collection, and information systems with State highway safety programs under title 23;

"(L) ensures participation in SAFETYNET and other information systems by all appropriate jurisdictions receiving funding under this section;

"(M) ensures that information is exchanged among the States in a timely manner;";

(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";

(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) in subparagraph (Q)—

(A) by striking "31140 and 31146" and inserting "31138 and 31139"; and

(B) by striking the period at the end and inserting a semicolon;

(6) by redesignating subparagraphs (A) through (Q) as subparagraphs (B) through (R), respectively;

(7) by inserting before subparagraph (B) (as redesignated by paragraph (6) of this subsection) the following:

"(A) implements performance-based activities by fiscal year 2000;"; and

(8) by adding at the end the following:

"(S) ensures consistent, effective, and reasonable sanctions; and

"(T) ensures that roadside inspections will be conducted at a location that is adequate to protect the safety of drivers and enforcement personnel.".

(d) FEDERAL SHARE.—Section 31103 is amended—

(1) by inserting "(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—" before "The Secretary of Transportation";

(2) by inserting "improve commercial motor vehicle safety and" before "enforce"; and

(3) by adding at the end the following:

"(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for public education activities authorized by section 31104(f)(2).".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 31104(a) 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 $79,000,000 for fiscal year 1998.

"(2) Not more than $90,000,000 for fiscal year 1999.

"(3) Not more than $95,000,000 for fiscal year 2000.

"(4) Not more than $100,000,000 for fiscal year 2001.

"(5) Not more than $105,000,000 for fiscal year 2002.

"(6) Not more than $110,000,000 for fiscal year 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 AND BORDER ACTIVITIES.—

"(A) HIGH-PRIORITY ACTIVITIES AND PROJECTS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) for States, local governments, and other persons 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. The amounts designated under this subparagraph shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

"(B) BORDER COMMERCIAL MOTOR VEHICLE SAFETY AND ENFORCEMENT PROGRAMS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects. The amounts designated under this subparagraph shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.";

(2) by redesignating subsection (h) as subsection (g);

(3) by striking subsection (i); and

(4) by redesignating subsection (j) as subsection (h).

(h) SAVINGS CLAUSE.—Amendments made by this section shall not affect any funds made available before the date of enactment of this Act.

SEC. 4004. 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 regulatory and enforcement activities required under this title.

"(2) NETWORK COORDINATION.—In cooperation with the States, the information systems under this section shall be coordinated into a network providing accurate 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 and drivers;

"(C) develop strategies to mitigate safety problems and to use data analysis to address and measure the effectiveness of such strategies and related programs;

"(D) determine the cost-effectiveness of Federal and State safety compliance 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 shall prescribe technical and operational standards to ensure—

"(A) uniform, timely, and accurate information collection and reporting by the States and other entities as determined appropriate by the Secretary;

"(B) uniform Federal, State, and local policies and procedures necessary to operate the information system; and

"(C) the reliability and availability of the information to the Secretary and States.

"(b) PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—

"(1) INFORMATION CLEARINGHOUSE.—The Secretary shall include, as part of the motor carrier information system 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, the registrants of such vehicles, and the motor carriers operating such vehicles. The clearinghouse and repository may include information on the safety fitness of each of the motor carriers and registrants 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 motor carrier safety information systems with State driver and commercial vehicle 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 registrant or motor carrier 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 uniform policies, procedures, and 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 on the basis of a Federal safety fitness determination.

"(4) FUNDING.—The Secretary may make available up to 50 percent of the amounts available to carry out this section by section 31107 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to carry out this subsection. The Secretary is encouraged to direct no less than 80 percent of amounts made available to carry out this subsection to States that have not previously received financial assistance to develop or implement the information systems authorized by this section.

"(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, 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 POLICY.—The Secretary shall develop a policy on making information available from the information systems authorized by this section and section 31309. The policy shall be consistent with existing Federal information laws, including regulations, and shall provide for review and correction of such information in a timely manner.".

(b) CONTRACT AUTHORITY FUNDING.—Section 31107 is amended to read as follows:

"§31107. Contract authority funding for information systems

"(a) FUNDING.—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) $6,000,000 for fiscal year 1998;

"(2) $10,000,000 for each of fiscal years 1999 and 2000; and

"(3) $12,000,000 for each of fiscal years 2001 through 2002.

"(4) $15,000,000 for fiscal year 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 analysis for chapter 311 is amended—

(1) by striking

"SUBCHAPTER I—STATE GRANTS"

and inserting

"SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS";

and

(2) by striking the items relating to sections 31106 and 31107 and inserting the following:

"31106. Information systems.
"31107. Contract authority funding for information systems.".

SEC. 4005. 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, including truck camper units.".

SEC. 4006. 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)" after "employee".

SEC. 4007. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.

(a) IN GENERAL.—Section 31315 is amended to read as follows:

"§31315. Waivers, exemptions, and pilot programs

"(a) WAIVERS.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this chapter or section 31136 if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

"(1) for a period not in excess of 3 months;

"(2) limited in scope and circumstances;

"(3) for nonemergency and unique events; and

"(4) subject to such conditions as the Secretary may impose.

"(b) 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 that is equivalent 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—

"(A) the person fails to comply with the terms and conditions of such exemption;

"(B) the exemption has resulted in a lower level of safety than was maintained before the exemption was granted; or

"(C) 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 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 requested exemption would apply.

"(C) An analysis of the safety impacts the requested exemption may cause.

"(D) The specific countermeasures the person would undertake to ensure an equivalent or greater level of safety than would be achieved absent the requested 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) AFTER DENYING A REQUEST.—After 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. The Secretary may meet the requirement of this subparagraph by periodically publishing in the Federal Register the names of

persons denied exemptions and the reasons for such denials.

"(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.

"(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 that is equivalent 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.

"(c) PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate alternatives to regulations relating to, or innovative approaches to, motor carrier, commercial motor 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 each pilot program, including the exemptions to be considered, and provide notice and an opportunity for public comment before the effective date of the program.

"(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the regulations prescribed under this chapter or section 31136. The Secretary shall include, at a minimum, the following elements in each pilot program plan:

"(A) A scheduled life of each pilot program of not more than 3 years.

"(B) A specific data collection and safety analysis plan that identifies a method for comparison.

"(C) A reasonable number of participants necessary to yield statistically valid findings.

"(D) An oversight plan to ensure that participants comply with the terms and conditions of participation.

"(E) Adequate countermeasures to protect the health and safety of study participants and the general public.

"(F) 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, commercial motor 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 report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to laws and regulations that would enhance motor carrier, commercial motor vehicle, and driver safety and improve compliance with national safety standards.

"(d) PREEMPTION OF STATE RULES.—During the time period that a waiver, exemption, or pilot program is in effect under this chapter or section 31136, no State shall enforce any law or regulation that conflicts with or is inconsistent with the waiver, exemption, or pilot program with respect to a person operating under the waiver or exemption or participating in the pilot program.".

(b) CHAPTER ANALYSIS AMENDMENT.—The analysis for chapter 313 is amended by striking the item relating to section 31315 and inserting the following:

"31315. Waivers, exemptions, and pilot programs.".

(c) CONFORMING AMENDMENT.—Section 31136(e) of such title is amended to read as follows:

"(e) EXEMPTIONS.—The Secretary may grant in accordance with section 31315 waivers and exemptions from, or conduct pilot programs with respect to, any regulations prescribed under this section.".

(d) PROTECTION OF EXISTING EXEMPTIONS.—The amendments made by this section shall not apply to or otherwise affect a waiver, exemption, or pilot program in effect on the day before the date of enactment of this Act under chapter 313 or section 31136(e) of title 49, United States Code.

SEC. 4008. 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) by striking "passengers" and all that follows through the semicolon at the end and inserting "more than 8 passengers (including the driver) for compensation;".

(b) APPLICATION OF REGULATIONS TO CERTAIN COMMERCIAL MOTOR VEHICLES.—Effective on the last day of the 1-year period beginning on the date of enactment of this Act, regulations prescribed under section 31136 of title 49, United States Code, shall apply to operators of commercial motor vehicles described in section 31132(1)(B) of such title (as amended by subsection (a)) to the extent that those regulations did not apply to those operators on the day before such effective date, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.

(c) REPEAL OF REVIEW PANEL.—Section 31134, and the item relating to such section in the analysis for chapter 311, are repealed.

(d) REPEAL OF SUBMISSION TO REVIEW PANEL.—Section 31140, and the item relating to such section in the analysis for chapter 311, are repealed.

(e) REVIEW PROCEDURE.—Section 31141 is amended—

(1) by striking subsections (b) and (c) and inserting the following:

"(b) SUBMISSION OF REGULATION.—A State receiving funds made available under section 31104 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 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.

(f) 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".

(g) PROTECTION OF STATES PARTICIPATING IN STATE GROUPS.—Section 31142(c)(1)(C) is amended to read as follows:

"(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or".

SEC. 4009. 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 final 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 the safety fitness of an owner or operator. 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. 4010. 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 analysis for chapter 311, are repealed.

SEC. 4011. 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)—

(A) by inserting "is" before "transporting" each place it appears; and

(B) by inserting "is" before "not otherwise".

(b) PROHIBITION ON CMV OPERATION WITHOUT CDL.—

(1) IN GENERAL.—Section 31302 of such title is amended to read as follows:

"§31302. Commercial driver's license requirement

"No individual shall operate a commercial motor vehicle without a valid commercial driver's license issued in accordance with section 31308. 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 analysis for chapter 313 is amended to read as follows:

"31302. Commercial 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, 2001, include unique identifiers (which may include biometric identifiers) to minimize fraud and duplication".

(2) DEADLINE FOR ISSUANCE OF REGULATIONS.—Not later than 180 days after the date of 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 of such title 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) 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).";

(5) 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 the policy developed under section 31106(e).";

(6) in subsection (f) by striking "If the Secretary establishes an information system under this section, the" and inserting "The";

(7) by striking "shall" in the first sentence of subsection (f) and inserting "may"; and

(8) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(e) REQUIREMENTS FOR STATE PARTICIPATION.—Section 31311(a) is amended—

(1) in paragraph (15) by striking "section 31310(b)–(e) of this title" and inserting "subsections (b)–(e), (g)(1)(A), and (g)(2) of section 31310";

(2) by striking paragraph (17); and

(3) by redesignating paragraph (18) as paragraph (17).

(f) REPEAL OF OBSOLETE GRANT PROGRAMS.—Sections 31312 and 31313, and the items relating to such sections in the analysis for chapter 313, are repealed.

(g) 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. 4012. EXEMPTION FROM CERTAIN REGULATIONS FOR UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS.

(a) IN GENERAL.—Section 31502 is amended by adding at the end the following:

"(e) EXCEPTION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, regulations issued under this section or section 31136 regarding—

"(A) maximum driving and on-duty times applicable to operators of commercial motor vehicles,

"(B) physical testing, reporting, or recordkeeping, and

"(C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

"(2) DECLARATION OF EMERGENCY.—An elected State or local government official or elected officials of more than one State or local government jointly may issue an emergency declaration for purposes of paragraph (1) after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

"(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

"(A) a utility service vehicle driver to which the declaration applied; or

"(B) a utility service vehicle of the driver to which the declaration applied.

"(4) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613).

"(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning that term has under section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat 614–615).".

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) COMMERCIAL DRIVER'S LICENSE.—The term "commercial driver's license" has the meaning that term has under section 31301 of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term "driver of a utility service vehicle" has the meaning that term has under section 31502(e)(2) of such title.

(C) REGULATION.—The term "regulation" has the meaning that term has under section 31132 of such title.

(D) UTILITY SERVICE VEHICLE.—The term "utility service vehicle" has the meaning that term has under section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 614–615).

SEC. 4013. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Sections 31702, 31703, and 31708, and the items relating to such sections in the analysis for chapter 317, are repealed.

SEC. 4014. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS; LIMITATION ON LIABILITY.

(a) IN GENERAL.—

(1) IN GENERAL.—Chapter 5 is amended by adding at the end the following:

"§ 508. Safety performance history of new drivers; limitation on liability

"(a) LIMITATION ON LIABILITY.—No action or proceeding for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of safety performance records in accordance with regulations issued by the Secretary may be brought against—

"(1) a motor carrier requesting the safety performance records of an individual under consideration for employment as a commercial motor vehicle driver as required by and in accordance with regulations issued by the Secretary;

"(2) a person who has complied with such a request; or

"(3) the agents or insurers of a person described in paragraph (1) or (2).

"(b) RESTRICTIONS ON APPLICABILITY.—

"(1) MOTOR CARRIER REQUESTING.—Subsection (a) does not apply to a motor carrier requesting safety performance records unless—

"(A) the motor carrier and any agents of the motor carrier have complied with the regulations issued by the Secretary in using the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records;

"(B) the motor carrier and any agents and insurers of the motor carrier have taken all precautions reasonably necessary to protect the records from disclosure to any person, except for such an insurer, not directly involved in deciding whether to hire that individual; and

"(C) the motor carrier has used those records only to assess the safety performance of the individual who is the subject of those records in deciding whether to hire that individual.

"(2) PERSON COMPLYING WITH REQUESTS.—Subsection (a) does not apply to a person complying with a request for safety performance records unless—

"(A) the complying person and any agents of the complying person have taken all precautions reasonably necessary to ensure the accuracy of the records and have complied with the regulations issued by the Secretary in furnishing the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records; and

"(B) the complying person and any agents and insurers of the complying person have taken all precautions reasonably necessary to protect the records from disclosure to any person, except for such an insurer, not directly involved in forwarding the records.

"(3) PERSONS KNOWINGLY FURNISHING FALSE INFORMATION.—Subsection (a) does not apply to persons who knowingly furnish false information.

"(c) PREEMPTION OF STATE AND LOCAL LAW.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary to carry out this section. Notwithstanding any provision of law, written authorization shall not be required to obtain information on the motor vehicle driving record of an individual under consideration for employment with a motor carrier.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 5 is amended by inserting after the item relating to section 507 the following:

"508. Safety performance history of new drivers; limitation on liability.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 31, 1999.

(c) SAFETY PERFORMANCE HISTORY OF NEW DRIVERS.—

(1) MATTERS TO BE INCLUDED.—As part of the rulemaking that the Secretary is conducting under section 114 of the Hazardous Materials Transportation Authorization Act of 1994 (108 Stat. 1677–1678) to amend section 391.23 of title 49, Code of Federal Regulations (or successor regulations thereto), the Secretary shall amend such section 391.23 (in addition to the matters set forth in such section 114) to provide protection for driver privacy and to establish procedures for review, correction, and rebuttal of the safety performance records of a commercial motor vehicle driver.

(2) COMPLETION.—The rulemaking and the amendments referred to in paragraph (1) shall be completed by January 31, 1999.

SEC. 4015. PENALTIES.

(a) NOTIFICATION OF VIOLATIONS AND ENFORCEMENT PROCEDURES.—Section 521(b)(1) is amended—

(1) in the third sentence of subparagraph (A) by striking "fix a reasonable time for abatement of the violation,"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) NONAPPLICABILITY TO REPORTING AND RECORDKEEPING VIOLATIONS.—Subparagraph (A) shall not apply to reporting and recordkeeping violations.".

(b) CIVIL PENALTIES.—Section 521(b)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act that is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding $2,500.";

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting after subparagraph (A) the following:

"(B) RECORDKEEPING AND REPORTING VIOLATIONS.—A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person—

"(i) who does not make that report, does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered, or does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary, shall be liable to the United States for a civil penalty in an amount not to exceed $500 for each offense, and each day of the violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed $5,000; or

"(ii) who knowingly falsifies, destroys, mutilates, or changes a required report or record, knowingly files a false report with the Secretary, knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction, or knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary, shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each violation, if any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.".

(c) CONFORMING AMENDMENTS.—Section 522 is amended by striking "(a)" and by striking subsection (b).

SEC. 4016. AUTHORITY OVER CHARTER BUS TRANSPORTATION.

Section 14501(a) is amended to read as follows:

"(a) MOTOR CARRIERS OF PASSENGERS.—

"(1) LIMITATION ON STATE LAW.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to

"(A) scheduling of interstate or intrastate transportation (including discontinuance or reduction in the level of service) provided by a motor carrier of passengers subject to jurisdiction under subchapter I of chapter 135 of this title on an interstate route;

"(B) the implementation of any change in the rates for such transportation or for any charter transportation except to the extent that notice, not in excess of 30 days, of changes in schedules may be required; or

"(C) the authority to provide intrastate or interstate charter bus transportation.

This paragraph shall not apply to intrastate commuter bus operations.

"(2) MATTERS NOT COVERED.—Paragraph (1) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle, or the authority of a State to regulate carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization.".

SEC. 4017. 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 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.

(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and may 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 more than $250,000 for each of fiscal years 1999 through 2003 to carry out this section.

SEC. 4018. INSULIN TREATED DIABETES MELLITUS.

(a) DETERMINATION.—Not later than 18 months after the date of 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) assess the possible legal consequences of permitting insulin treated diabetes mellitus individuals to drive commercial motor vehicles in interstate commerce;

(4) analyze available data on the safety performance of diabetic drivers of motor vehicles;

(5) assess the relevance of intrastate driving and experiences of other modes of transportation to interstate commercial motor vehicle operations; and

(6) 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. 4019. PERFORMANCE-BASED CDL TESTING.

(a) REVIEW.—Not later than 1 year after the date of 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.—The Secretary may issue regulations under section 31305 of title 49, United States Code, reflecting the results of the review.

SEC. 4020. POST-ACCIDENT ALCOHOL TESTING.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code, as a method of obtaining more timely information. The study shall also assess the impact of the current post-accident alcohol testing requirements on motor carrier employers, including any burden that employers may encounter in meeting the testing requirements of such section 31306.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the study, together with such recommendations as the Secretary determines appropriate.

SEC. 4021. 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) MATTERS TO BE TAKEN INTO ACCOUNT.—In carrying out 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 section 5001(a)(2) of this Act.

(b) NONSEDATING MEDICATIONS.—The Secretary shall review available information on the effects of medications (including antihistamines) on driver fatigue, awareness, and performance and shall consider encouraging, if appropriate, the use of nonsedating medications (including nonsedating antihistamines) as a means of reducing the adverse effects of the use of other medications by drivers.

SEC. 4022. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers.

(2) PURPOSE.—The purpose of the program shall be to—

(A) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation's oversight;

(B) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

(C) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

(3) COMPLETION DATE.—The pilot program shall end on the last day of the 18-month period beginning on the date of initiation of the pilot program.

(b) RULEMAKING.—After completion of the pilot program, the Secretary shall initiate, if appropriate, a rulemaking to revise the information system under section 31309 of title 49, United States Code, to take into account the results of the pilot program.

SEC. 4023. EMPLOYEE PROTECTIONS.

Not later than 2 years after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Labor, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code. The report shall include recommendations to address any statutory changes necessary to strengthen the enforcement of such employee protection provisions.

SEC. 4024. IMPROVED INTERSTATE SCHOOL BUS SAFETY.

Not later than 6 months after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to determine whether or not relevant commercial motor carrier safety regulations issued under section 31136 of title 49, United States Code, should apply to all interstate school transportation operations by local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965).

SEC. 4025. TRUCK TRAILER CONSPICUITY.

(a) ISSUANCE OF FINAL RULE.—Not later than 1 year after the date of 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. 4026. DOT IMPLEMENTATION PLAN.

(a) ASSESSMENT.—Not later than 18 months after the date of enactment of this section, the Secretary shall assess the scope of the problem of shippers, freight forwarders, brokers, consignees, or other persons (other than rail carriers, motor carriers, motor carriers of migrant workers, or motor private carriers) encouraging violations of chapter 5 of title 49, United States Code, or a regulation or order issued by the Secretary under such chapter.

(b) SUBMISSION OF IMPLEMENTATION PLAN.—After completion of the assessment under subsection (a), the Secretary may submit to the Congress a plan for implementing authority (if subsequently provided by law) to investigate and bring civil actions to enforce chapter 5 of title 49, United States Code, or regulations or orders issued by the Secretary under such chapter with respect to persons described in subsection (a).

(c) CONTENTS OF IMPLEMENTATION PLAN.—In developing the implementation plan under subsection (b), the Secretary shall consider, as appropriate—

(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.

SEC. 4027. STUDY OF ADEQUACY OF PARKING FACILITIES.

(a) 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 may be carried out in cooperation with research entities representing motor carriers, the travel plaza industry, and commercial motor vehicle drivers.

(b) REPORT.—Not later than the 3 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.

(c) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, for each of fiscal years 1999, 2000, and 2001, the Secretary may use not to exceed $500,000 per fiscal year to carry out this section.

SEC. 4028. QUALIFICATIONS OF FOREIGN MOTOR CARRIERS.

(a) REVIEW.—Not later than 90 days after the date of enactment of this Act, the Secretary shall review—

(1) the qualifications of any foreign motor carrier, the application for which has not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States, to operate as a motor carrier in the United States; and

(2) the carrier's likely ability to comply with applicable laws and regulations of the United States.

(b) USE OF REVIEW.—The review conducted under subsection (a) shall not constitute a finding by the Secretary under section 13902 of title 49, United States Code, that a motor carrier is willing and able to comply with requirements of such section. The results of the review may be used by the Secretary as the Secretary determines appropriate.

(c) REPORT.—Not later than 120 days after the date of enactment this Act, the Secretary shall submit a report on the results of the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include—

(1) any findings made by the Secretary under subsection (a);

(2) information on which carriers have applied to the Department of Transportation under that section; and

(3) a description of the process utilized to respond to such applications and to review the safety fitness of those carriers.

SEC. 4029. FEDERAL MOTOR CARRIER SAFETY INSPECTORS.

The Department of Transportation shall maintain at least the number of Federal motor carrier safety inspectors for international border commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative resources and mechanisms to ensure at least an equivalent level of commercial motor vehicle safety inspections. Such funds as are necessary to carry out this section shall be made available within the limitation on general operating expenses of the Department of Transportation.

SEC. 4030. SCHOOL TRANSPORTATION SAFETY.

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement under subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, shall consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

(C) other factors that the Secretary considers to be appropriate;

(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

(3) a panel shall conduct the study and shall include—

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation;

(iii) mass transportation operators;

(iv) employee organizations; and

(v) bicycling organizations;

(B) academic and policy analysts; and

(C) other interested parties.

(c) REPORT.—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section $200,000 for fiscal year 2000 and $200,000 for fiscal year 2001. Such sums shall remain available until expended.

SEC. 4031. DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) GENERAL RULE.—Notwithstanding the provisions of section 13902(c)(4)(A) of title 49, United States Code, the New Mexico Commercial Zone shall be a commercial zone for purposes of transportation of property only under section 13506(b) of such title.

(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with other Federal agencies that have responsibilities over traffic between the United States and Mexico.

(c) SUBMISSION OF PLAN.—Not later than 3 months after the date of enactment of this Act, the State of New Mexico shall submit to the Secretary a plan describing how the State will monitor commercial motor vehicle traffic and enforce safety regulations.

(d) SAVINGS PROVISION.—Nothing in this section shall affect any action commenced or pending before the Secretary or Surface Transportation Board before the date of enactment of this Act.

(e) NEW MEXICO COMMERCIAL ZONE DEFINED.—In this section, the term "New Mexico Commercial Zone" means the area that is comprised of Dona Ana County and Luna County in New Mexico.

(f) DESIGNATION.—The designation and operation of the New Mexico commercial zone shall become effective upon the date of enactment of this Act.

SEC. 4032. EFFECTS OF MCSAP GRANT REDUCTIONS.

(a) STUDY.—The Secretary shall conduct a study on the effects of reductions of grants under section 31102 of title 49, United States Code, due to nonconformity of State intrastate motor carrier, commercial motor vehicle, and driver requirements with Federal interstate requirements. In conducting the study, the Secretary shall consider, at a minimum—

(1) national uniformity and the purposes of the motor carrier safety assistance program;

(2) State motor carrier, commercial motor vehicle, and driver safety oversight and enforcement capabilities; and

(3) the safety impacts, costs, and benefits of full participation in the program.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

(c) ADJUSTMENT OF STATE ALLOCATIONS.—The Secretary is authorized to adjust State allocations under section 31103 of title 49, United States Code, to reflect the results of the study.

TITLE V—TRANSPORTATION RESEARCH

Subtitle A—Funding

SEC. 5001. 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) SURFACE TRANSPORTATION RESEARCH.—For carrying out sections 502, 506, 507, and 508 of title 23, United States Code, and section 5112 of this Act $96,000,000 for fiscal year 1998, $97,000,000 for fiscal year 1999, $97,000,000 for fiscal year 2000, $98,000,000 for fiscal year 2001, $101,000,000 for fiscal year 2002, and $103,000,000 for fiscal year 2003.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—To carry out section 503 of title 23, United States Code, $35,000,000 for fiscal year 1998, $35,000,000 for fiscal year 1999, $40,000,000 for fiscal year 2000, $45,000,000 for fiscal year 2001, $45,000,000 for fiscal year 2002, and $50,000,000 for fiscal year 2003.

(3) TRAINING AND EDUCATION.—For carrying out section 504 of title 23, United States Code, $14,000,000 for fiscal year 1998, $15,000,000 for fiscal year 1999, $16,000,000 for fiscal year 2000, $18,000,000 for fiscal year 2001, $19,000,000 for fiscal year 2002, and $20,000,000 for fiscal year 2003.

(4) BUREAU OF TRANSPORTATION STATISTICS.—For the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code, $31,000,000 for each of fiscal years 1998 through 2003.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—For carrying out sections 5204, 5205, 5206, and 5207 of this Act $95,000,000 for fiscal year 1998, $95,000,000 for fiscal year 1999, $98,200,000 for fiscal year 2000, $100,000,000 for fiscal year 2001, $105,000,000 for fiscal year 2002, $110,000,000 for fiscal year 2003.

(6) ITS DEPLOYMENT.—For carrying out sections 5208 and 5209 of this Act $101,000,000 for fiscal year 1998, $105,000,000 for fiscal year 1999, $113,000,000 for fiscal year 2000, $118,000,000 for fiscal year 2001, $120,000,000 for fiscal year 2002, and $122,000,000 for fiscal year 2003.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—For carrying out section 5505 of title 49, United States Code, $31,150,000 for fiscal year 1998, $31,150,000 for fiscal year 1999, $32,750,000 for fiscal year 2000, $32,750,000 for fiscal year 2001, $32,000,000 for fiscal year 2002, and $32,000,000 for fiscal year 2003.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) 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 a project or activity carried out using such funds shall be 80 percent (unless otherwise expressly provided by this subtitle or otherwise determined by the Secretary with respect to a project of activity) and such funds shall remain available until expended.

(c) ALLOCATIONS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Of the amounts made available under subsection (a)(1)—

(A) $10,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 502(e) of title 23, United States Code (relating to long-term pavement performance);

(B) not to exceed $2,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 502(f) of such title (relating to seismic research), of which not to exceed $2,500,000 may be used to upgrade earthquake simulation facilities as required to carry out the program;

(C) $500,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 506 of such title (relating to international outreach); and

(D) $5,000,000 for each of fiscal years 1998 through 2003 to carry out research on improved methods of using concrete pavement in the construction, reconstruction, and repair of Federal-aid highways.

(2) TECHNOLOGY DEPLOYMENT.—Of the amounts made available under subsection (a)(2)—

(A) $1,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 503(b)(3)(A)(i) of title 23, United States Code (relating to research development technology transfer activities); and

(B) $10,000,000 for fiscal year 1998, $15,000,000 for fiscal year 1999, $17,000,000 for fiscal year 2000, and $20,000,000 for each of fiscal years 2001 through 2003 shall be available to carry out section 503(b)(3)(A)(ii) of such title (relating to repair, rehabilitation, and construction).

(3) TRAINING AND EDUCATION.—Of the amounts made available under subsection (a)(3)—

(A) $5,000,000 for fiscal year 1998, $6,000,000 for fiscal year 1999, $6,000,000 for fiscal year 2000, $7,000,000 for fiscal year 2001, $7,000,000 for fiscal year 2002, and $8,000,000 for fiscal year 2003 shall be available to carry out section 504(a) of title 23, United States Code (relating to the National Highway Institute);

(B) $7,000,000 for fiscal year 1998, $7,000,000 for fiscal year 1999, $8,000,000 for fiscal year 2000, $9,000,000 for fiscal year 2001, $10,000,000 for fiscal year 2002, and $10,000,000 for fiscal year 2003 shall be available to carry out section 504(b) of such title (relating to local technical assistance); and

(C) $2,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 504(c)(2) of such title (relating to the Eisenhower Transportation Fellowship Program).

(4) ITS DEPLOYMENT.—Of the amounts made available under subsection (a)(6)—

(A) $74,000,000 for fiscal year 1998, $75,000,000 for fiscal year 1999, $80,000,000 for fiscal year 2000, $83,000,000 for fiscal year 2001, $85,000,000 for fiscal year 2002, and $85,000,000 for fiscal year 2003 shall be available to carry out section 5208 of this Act (relating to Intelligent Transportation Systems integration); and

(B) $25,500,000 for fiscal year 1998, $27,200,000 for fiscal year 1999, $30,200,000 for fiscal year 2000, $32,200,000 for fiscal year 2001, $33,500,000 for fiscal year 2002, and $35,500,000 for fiscal year 2003 shall be available to carry out section 5209 of this Act (relating to commercial vehicle infrastructure).

(d) TRANSFERS OF FUNDS.—The Secretary may transfer not to exceed 10 percent of the amounts allocated in a fiscal year under a subparagraph in each of paragraphs (1) through (4) of subsection (c) to the amounts allocated under any other subparagraph in the paragraph.

SEC. 5002. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Highway Trust Fund (other than the Mass Transit Account) by section 5001(a) of this Act shall not exceed $403,150,000 for fiscal year 1998, $409,150,000 for fiscal year 1999, $427,950,000 for fiscal year 2000, $442,750,000 for fiscal year 2001, $453,000,000 for fiscal year 2002, and $468,000,000 for fiscal year 2003.

SEC. 5003. 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 Committees on Appropriations 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 of the Senate.

(b) NOTICE OF REORGANIZATION.—On or before the 15th day preceding the date of any major reorganization of a program, project, or activity of the Department of Transportation for which funds are authorized by this title or the amendments made by this title, the Secretary shall provide notice of such reorganization 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 of the Senate.

Subtitle B—Research and Technology

SEC. 5101. RESEARCH AND TECHNOLOGY PROGRAM.

Title 23, United States Code, is amended—

(1) in the table of chapters by adding at the end the following:

"5. Research and Technology ..... 501"; *and*

(2) by adding at the end the following:

"CHAPTER 5—RESEARCH AND TECHNOLOGY

"Sec.
"501. Definitions.
"502. Surface transportation research.
"503. Technology deployment program.
"504. Training and education.
"505. State planning and research.
"506. International highway transportation outreach program.
"507. Surface transportation-environment cooperative research program.
"508. Surface transportation research strategic planning.

"§ 501. Definitions

"In this chapter, the following definitions apply:

"(1) FEDERAL LABORATORY.—The term 'Federal laboratory' includes a Government-owned, Government-operated laboratory and a Government-owned, contractor-operated laboratory.

"(2) SAFETY.—The term 'safety' includes highway and traffic safety systems, research, and development relating to vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.".

SEC. 5102. SURFACE TRANSPORTATION RESEARCH.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 502. Surface transportation research

"(a) GENERAL AUTHORITY.—

"(1) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out research, development, and technology transfer activities with respect to—

"(A) motor carrier transportation;

"(B) all phases of transportation planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions); and

"(C) the effect of State laws on the activities described in subparagraphs (A) and (B).

"(2) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing any material, invention, patented article, or process.

"(3) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—

"(A) independently;

"(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

"(C) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any Federal laboratory, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

"(4) TECHNOLOGICAL INNOVATION.—The programs and activities carried out under this section shall be consistent with the surface transportation research and technology development strategic plan developed under section 508.

"(5) FUNDS.—

"(A) SPECIAL ACCOUNT.—In addition to other funds made available to carry out this section, the Secretary shall use such funds as may be deposited by any cooperating organization or person in a special account of the Treasury established for this purpose.

"(B) USE OF FUNDS.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, development, and technology transfer programs under this section.

"(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—To encourage innovative solutions to surface transportation problems and stimulate the deployment of new technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

"(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State; and

"(B) Federal laboratories.

"(2) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

"(3) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of activities carried out under a cooperative

research and development agreement entered into under this subsection shall not exceed 50 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

"(B) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

"(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

"(5) WAIVER OF ADVERTISING REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into under this chapter.

"(c) CONTENTS OF RESEARCH PROGRAM.—The Secretary shall include in surface transportation research, technology development, and technology transfer programs carried out under this title coordinated activities in the following areas:

"(1) Development, use, and dissemination of indicators, including appropriate computer programs for collecting and analyzing data on the status of infrastructure facilities, to measure the performance of the surface transportation systems of the United States, including productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors that reflect system performance.

"(2) Methods, materials, and testing to improve the durability of surface transportation infrastructure facilities and extend the life of bridge structures, including—

"(A) new and innovative technologies to reduce corrosion;

"(B) tests simulating seismic activity, vibration, and weather; and

"(C) the use of innovative recycled materials.

"(3) Technologies and practices that reduce costs and minimize disruptions associated with the construction, rehabilitation, and maintenance of surface transportation systems, including responses to natural disasters.

"(4) Development of nondestructive evaluation equipment for use with existing infrastructure facilities and with next-generation infrastructure facilities that use advanced materials.

"(5) Dynamic simulation models of surface transportation systems for—

"(A) predicting capacity, safety, and infrastructure durability problems;

"(B) evaluating planned research projects; and

"(C) testing the strengths and weaknesses of proposed revisions to surface transportation operations programs.

"(6) Economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and the feasibility of uniformity in State regulations with respect to such standards.

"(7) Telecommuting and the linkages between transportation, information technology, and community development and the impact of technological change and economic restructuring on travel demand.

"(8) Expansion of knowledge of implementing life cycle cost analysis, including—

"(A) establishing the appropriate analysis period and discount rates;

"(B) learning how to value and properly consider use costs;

"(C) determining tradeoffs between reconstruction and rehabilitation; and

"(D) establishing methodologies for balancing higher initial costs of new technologies and improved or advanced materials against lower maintenance costs.

"(9) Standardized estimates, to be developed in conjunction with the National Institute of Standards and Technology and other appropriate organizations, of useful life under various conditions for advanced materials of use in surface transportation.

"(10) Evaluation of traffic calming measures that promote community preservation, transportation mode choice, and safety.

"(11) Development and implementation of safety-enhancing equipment, including unobtrusive eyetracking technology.

"(d) ADVANCED RESEARCH.—

"(1) IN GENERAL.—The Secretary shall establish an advanced research program, consistent with the surface transportation research and technology development strategic plan developed under section 508, 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 the program, the Secretary shall strive to develop partnerships with the public and private sectors.

"(2) RESEARCH AREAS.—In carrying out the program, the Secretary may make grants and enter into cooperative agreements and contracts in such areas as the Secretary determines appropriate, including the following:

"(A) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

"(B) Diagnostics for evaluation of the condition of bridge and pavement structures to enable the assessment of risks of failure, including from seismic activity, vibration, and weather.

"(C) Design and construction details for composite structures.

"(D) Safety technology-based problems in the areas of pedestrian and bicycle safety, roadside hazards, and composite materials for roadside safety hardware.

"(E) Environmental research, including particulate matter source apportionment and model development.

"(F) Data acquisition techniques for system condition and performance monitoring.

"(G) Human factors, including prediction of the response of travelers to new technologies.

"(e) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

"(1) AUTHORITY.—The Secretary shall complete the long-term pavement performance program tests initiated under the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section) and continued by the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914 et seq.) through the midpoint of a planned 20-year life of the long-term pavement performance program.

"(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

"(A) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

"(B) analyze the data obtained in carrying out subparagraph (A); and

"(C) prepare products to fulfill program objectives and meet future pavement technology needs.

"(f) SEISMIC RESEARCH PROGRAM.—

"(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) COOPERATION WITH NATIONAL CENTER FOR EARTHQUAKE ENGINEERING RESEARCH.—The Secretary shall conduct the program in cooperation with the National Center for Earthquake Engineering Research at the University of Buffalo.

"(3) COOPERATION WITH AGENCIES PARTICIPATING IN NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM.—The Secretary shall conduct the program in consultation and cooperation with Federal departments and agencies participating in the National Earthquake Hazards Reduction Program established by section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) and shall take such actions as may be necessary to ensure that the program is consistent with—

"(A) planning and coordination activities of the Director of the Federal Emergency Management Agency under section 5(b)(1) of such Act (42 U.S.C. 7704(b)(1)); and

"(B) the plan developed by the Director of the Federal Emergency Management Agency under section 8(b) of such Act (42 U.S.C. 7705b(b)).

"(g) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—

"(1) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary 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 on—

"(A) estimates of the future highway and bridge needs of the United States; and

"(B) the backlog of current highway and bridge needs.

"(2) COMPARISON WITH PRIOR REPORTS.—Each report under paragraph (1) shall provide the means, including all necessary information, to relate and compare the conditions and service measures used in the 3 biannual reports published prior to the date of enactment of the Transportation Equity Act for the 21st Century.".

SEC. 5103. TECHNOLOGY DEPLOYMENT.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 503. Technology deployment

"(a) TECHNOLOGY DEPLOYMENT INITIATIVES AND PARTNERSHIPS PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall develop and administer a national technology deployment initiatives and partnerships program.

"(2) PURPOSE.—The purpose of the program shall be to significantly accelerate the adoption of innovative technologies by the surface transportation community.

"(3) DEPLOYMENT GOALS.—

"(A) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish not more than 5 deployment goals to carry out paragraph (1).

"(B) DESIGN.—Each of the goals and the program developed to achieve the goals shall be designed to provide tangible benefits, with respect to transportation systems, in the areas of efficiency, safety, reliability, service life, environmental protection, and sustainability.

"(C) STRATEGIES FOR ACHIEVEMENT.—For each goal, the Secretary, in cooperation with representatives of the transportation community such as States, local governments, the private sector, and academia, shall use domestic and international technology to develop strategies and initiatives to achieve the goal, including technical assistance in deploying technology and mechanisms for sharing information among program participants.

"(4) INTEGRATION WITH OTHER PROGRAMS.—The Secretary shall integrate activities carried

out under this subsection with the efforts of the Secretary to disseminate the results of research sponsored by the Secretary and to facilitate technology transfer.

"(5) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this subsection, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.

"(6) CONTINUATION OF SHRP PARTNERSHIPS.—Under the program, the Secretary shall continue the partnerships established through the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section).

"(7) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts to foster alliances and support efforts to stimulate advances in transportation technology, including—

"(A) the testing and evaluation of products of the strategic highway research program;

"(B) the further development and implementation of technology in areas such as the Superpave system and the use of lithium salts and other alternatives to prevent and mitigate alkali silica reactivity;

"(C) the provision of support for long-term pavement performance product implementation and technology access; and

"(D) other activities to achieve the goals established under paragraph (3).

"(8) REPORTS.—Not later than 18 months after the date of enactment of this section, and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress and results of activities carried out under this section.

"(9) ALLOCATION.—To the extent appropriate to achieve the goals established under paragraph (3), the Secretary may further allocate funds made available to carry out this section to States for their use.

"(b) INNOVATIVE BRIDGE RESEARCH AND CONSTRUCTION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish and carry out a program to demonstrate the application of innovative material technology in the construction of bridges and other structures.

"(2) GOALS.—The goals of the program shall include—

"(A) the development of new, cost-effective innovative material highway bridge applications;

"(B) the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

"(C) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

"(D) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;

"(E) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

"(F) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and

"(G) the development of new nondestructive bridge evaluation technologies and techniques.

"(3) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

"(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with—

"(i) States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to pay the Federal share of the cost of research, development, and technology transfer concerning innovative materials; and

"(ii) States to pay the Federal share of the cost of repair, rehabilitation, replacement, and new construction of bridges or structures that demonstrate the application of innovative materials.

"(B) APPLICATIONS.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit an application to the Secretary. The application shall be in such form and contain such information as the Secretary may require. The Secretary shall select and approve the applications based on whether the project that is the subject of the grant meets the goals of the program described in paragraph (2).

"(4) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from research conducted under paragraph (3) is made available to State and local transportation departments and other interested parties as specified by the Secretary.

"(5) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined by the Secretary.".

SEC. 5104. TRAINING AND EDUCATION.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§504. Training and education

"(a) NATIONAL HIGHWAY INSTITUTE.—

"(1) IN GENERAL.—The Secretary shall operate in the Federal Highway Administration a National Highway Institute (in this subsection referred to as the 'Institute'). The Secretary shall administer, through the Institute, the authority vested in the Secretary by this title or by any other law for the development and conduct of education and training programs relating to highways.

"(2) DUTIES OF THE INSTITUTE.—In cooperation with State transportation departments, United States industry, and any national or international entity, the Institute shall develop and administer education and training programs of instruction for—

"(A) Federal Highway Administration, State, and local transportation agency employees;

"(B) regional, State, and metropolitan planning organizations;

"(C) State and local police, public safety, and motor vehicle employees; and

"(D) United States citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States.

"(3) COURSES.—The Institute may develop and administer courses in modern developments, techniques, methods, regulations, management, and procedures relating to surface transportation, environmental mitigation and compliance, acquisition of rights-of-way, relocation assistance, engineering, safety, construction, maintenance and operations, contract administration, motor carrier safety activities, inspection, and highway finance.

"(4) SET-ASIDE; FEDERAL SHARE.—Not to exceed ½ of 1 percent of the funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State transportation department for the payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (excluding salaries) in connection with the education and training of employees of State and local transportation agencies in accordance with this subsection.

"(5) FEDERAL RESPONSIBILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), education and training of employees of Federal, State, and local transportation (including highway) agencies authorized under this subsection may be provided—

"(i) by the Secretary at no cost to the States and local governments if the Secretary determines that provision at no cost is in the public interest; or

"(ii) by the State through grants, cooperative agreements, and contracts with public and private agencies, institutions, individuals, and the Institute.

"(B) PAYMENT OF FULL COST BY PRIVATE PERSONS.—Private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training received by them unless the Secretary determines that a lower cost is of critical importance to the public interest.

"(6) TRAINING FELLOWSHIPS; COOPERATION.—The Institute may—

"(A) engage in training activities authorized under this subsection, including the granting of training fellowships; and

"(B) carry out its authority independently or in cooperation with any other branch of the Federal Government or any State agency, authority, association, institution, for-profit or nonprofit corporation, other national or international entity, or other person.

"(7) COLLECTION OF FEES.—

"(A) GENERAL RULE.—In accordance with this subsection, the Institute may assess and collect fees solely to defray the costs of the Institute in developing or administering education and training programs under this subsection.

"(B) LIMITATION.—Fees may be assessed and collected under this subsection only in a manner that may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount that does not exceed the aggregate amount of the costs referred to in subparagraph (A) for the fiscal year.

"(C) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

"(i) persons and entities for whom education or training programs are developed or administered under this subsection; and

"(ii) persons and entities to whom education or training is provided under this subsection.

"(D) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner that ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A) that relate to the person or entity.

"(E) USE.—All fees collected under this subsection shall be used to defray costs associated with the development or administration of education and training programs authorized under this subsection.

"(8) RELATION TO FEES.—The funds made available to carry out this subsection may be combined with or held separate from the fees collected under paragraph (7).

"(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

"(1) AUTHORITY.—The Secretary shall carry out a local technical assistance program that will provide access to surface transportation technology to—

"(A) highway and transportation agencies in urbanized areas with populations of between 50,000 and 1,000,000 individuals;

"(B) highway and transportation agencies in rural areas; and

"(C) contractors that do work for the agencies.

"(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The Secretary may make grants and enter into cooperative agreements and contracts to provide education and training, technical assistance, and related support services to—

"(A) assist rural, local transportation agencies and tribal governments, and the consultants

and construction personnel working for the agencies and governments, to—

"(i) develop and expand their expertise in road and transportation areas (including pavement, bridge, concrete structures, safety management systems, and traffic safety countermeasures);

"(ii) improve roads and bridges;

"(iii) enhance—

"(I) programs for the movement of passengers and freight; and

"(II) intergovernmental transportation planning and project selection; and

"(iv) deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

"(B) develop technical assistance for tourism and recreational travel;

"(C) identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems;

"(D) operate, in cooperation with State transportation departments and universities—

"(i) local technical assistance program centers designated to provide transportation technology transfer services to rural areas and to urbanized areas with populations of between 50,000 and 1,000,000 individuals; and

"(ii) local technical assistance program centers designated to provide transportation technical assistance to Indian tribal governments; and

"(E) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

"(c) RESEARCH FELLOWSHIPS.—

"(1) GENERAL AUTHORITY.—The Secretary, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, may make grants for research fellowships for any purpose for which research is authorized by this chapter.

"(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. The program shall be known as the 'Dwight David Eisenhower Transportation Fellowship Program'.".

SEC. 5105. STATE PLANNING AND RESEARCH.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 505. State planning and research

"(a) GENERAL RULE.—Two percent of the sums apportioned to a State for fiscal year 1998 and each fiscal year thereafter 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 metropolitan and statewide planning under sections 134 and 135.

"(3) Development and implementation of management systems under section 303.

"(4) Studies of the economy, safety, and convenience of surface transportation systems and the desirable regulation and equitable taxation of such systems.

"(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.

"(6) Study, research, and training on the engineering standards and construction materials for transportation systems described in paragraph (5), 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.—

"(1) IN GENERAL.—Subject to paragraph (2), not less than 25 percent of the funds subject to subsection (a) that are apportioned to a State for a fiscal year 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.

"(2) WAIVERS.—The Secretary may waive the application of paragraph (1) with respect to a State for a fiscal year if the State certifies to the Secretary for the fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the funds described in paragraph (1) and the Secretary accepts such certification.

"(3) NONAPPLICABILITY OF ASSESSMENT.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).

"(c) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds 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 subject to subsection (a) shall be combined and administered by the Secretary as a single fund and shall be available for obligation for the same period as funds apportioned under section 104(b)(1).".

SEC. 5106. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 506. International highway transportation outreach program

"(a) ESTABLISHMENT.—The Secretary may establish an international highway transportation outreach program—

"(1) to inform the United States highway community of technological innovations in foreign countries that could significantly improve highway transportation in the United States;

"(2) to promote United States highway transportation expertise, goods, and services in foreign countries; and

"(3) to increase transfers of United States highway transportation technology to foreign countries.

"(b) ACTIVITIES.—Activities carried out under the program may include—

"(1) development, monitoring, assessment, and dissemination in the United States of information about highway transportation innovations in foreign countries that could significantly improve highway transportation in the United States;

"(2) research, development, demonstration, training, and other forms of technology transfer and exchange;

"(3) informing foreign countries about the technical quality of United States highway transportation goods and services through participation in trade shows, seminars, expositions, and other such activities;

"(4) offering technical services of the Federal Highway Administration that cannot be readily obtained from United States private sector firms to be incorporated into the proposals of United States private sector firms undertaking highway transportation projects outside the United States if the costs of such services will be recovered under the terms of the project;

"(5) conducting studies to assess the need for or feasibility of highway transportation improvements in countries that are not members of the Organization for Economic Cooperation and Development, as of December 18, 1991, and in Greece and Turkey; and

"(6) gathering and disseminating information on foreign transportation markets and industries.

"(c) COOPERATION.—The Secretary may carry out this section in cooperation with any appropriate Federal agency, State or local agency, authority, association, institution, corporation (profit or nonprofit), foreign government, multinational institution, or other organization or person.

"(d) FUNDS.—

"(1) CONTRIBUTIONS.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person into a special account of the Treasury established for this purpose.

"(2) ELIGIBLE USES OF FUNDS.—The funds deposited into the 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.

"(3) REIMBURSEMENTS FOR SALARIES AND BENEFITS.—Reimbursements for salaries and benefits of Department of Transportation employees providing services under this section shall be credited to the account.

"(e) ELIGIBLE USE OF STATE PLANNING AND RESEARCH FUNDS.—A State, in coordination with the Secretary, may obligate funds made available to carry out section 505 for any activity authorized under subsection (a).".

SEC. 5107. SURFACE TRANSPORTATION-ENVIRONMENT COOPERATIVE RESEARCH PROGRAM.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 507. Surface transportation-environment cooperative research program

"(a) IN GENERAL.—The Secretary shall establish and carry out a surface transportation-environment cooperative research program.

"(b) CONTENTS.—The program to be carried out under this section shall include research designed—

"(1) to 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) to 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;

"(3) to develop indicators of economic, social, and environmental performance of transportation systems to facilitate analysis of potential alternatives;

"(4) to study the relationship between highway density and ecosystem integrity, including the impacts of highway density on habitat integrity and overall ecosystem health, and develop a rapid assessment methodology for use by transportation and regulatory agencies in determining the relationship between highway density and ecosystem integrity; and

"(5) to meet additional priorities as determined by the advisory board established under subsection (c), including recommendations of the National Research Council in the report entitled 'Environmental Research Needs in Transportation'.

"(c) ADVISORY BOARD.—

"(1) ESTABLISHMENT.—In consultation with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal departments and 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 appropriate.".

SEC. 5108. SURFACE TRANSPORTATION RESEARCH STRATEGIC PLANNING.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 508. Surface transportation research strategic planning

"(a) IN GENERAL.—The Secretary shall—

"(1) establish a strategic planning process, consistent with section 306 of title 5 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 surface transportation systems of the United States; and

"(4) ensure that planning and reporting activities carried out under this section 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 of the Department of Transportation, 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 surface transportation research and technology development programs of the Department 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 surface transportation research and technology development programs of the Department.

"(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 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 overall strategy of the Department, and the role of each of the operating administrations of the Department, in carrying out the plan over the next 5 years, including a description of procedures for coordination of the efforts of the Secretary with the efforts of the operating administrations of the Department and 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 surface transportation research and technology development programs of the Department, 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 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 to such comments.

"(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;

"(B) performance plan required under section 1115 of title 31; and

"(C) program performance report required under section 1116,

with respect to surface transportation research and technology development.

"(4) PERFORMANCE PLANS AND REPORTS.—In reports submitted under sections 1115 and 1116 of title 31, 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 that 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.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report describing competitive merit review procedures for use in selecting grantees and contractors in the programs covered by the plan developed under subsection (c) and performance measurement procedures for evaluating the programs.

"(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 and sections 1115 and 1116 of title 31.".

SEC. 5109. BUREAU OF TRANSPORTATION STATISTICS.

(a) IN GENERAL.—Section 111 of title 49, United States Code, is amended—

(1) in subsection (b)(4) by striking the second sentence;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (J) by striking "and" at the end;

(ii) in subparagraph (K) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(L) transportation-related variables that influence global competitiveness.";

(B) in paragraph (2)—

(i) in the first sentence by striking "national transportation system" and inserting "transportation systems of the United States";

(ii) 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 transportation systems of the United States under the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.) and the amendments made by such Act;"; and

(iii) in subparagraph (C) by inserting ", made relevant to the States and metropolitan planning organizations," after "accuracy";

(C) in paragraph (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, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected by the heads of the operating administrations of the Department as shall be requested by the Secretary."; and

(D) by adding at the end the following:

"(7) SUPPORTING TRANSPORTATION DECISIONMAKING.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisionmaking by the Federal Government, State and local governments, transportation-related associations, private businesses, and consumers.";

(3) by redesignating subsections (d), (e), and (f) as subsections (h), (i), and (j), respectively;

(4) by striking subsection (g);

(5) by inserting after subsection (c) the following:

"(d) INTERMODAL TRANSPORTATION DATA BASE.—

"(1) IN GENERAL.—In consultation with the Associate Deputy Secretary, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

"(2) USE.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

"(3) CONTENTS.—The data base shall include—

"(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

"(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all

modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

"(C) information on the location and connectivity of transportation facilities and services; and

"(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

"(e) NATIONAL TRANSPORTATION LIBRARY.—

"(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

"(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(5).

"(3) COORDINATION.—The Director shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

"(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—

"(1) IN GENERAL.—The Director shall develop and maintain geospatial data bases that depict—

"(A) transportation networks;

"(B) flows of people, goods, vehicles, and craft over the networks; and

"(C) social, economic, and environmental conditions that affect or are affected by the networks.

"(2) INTERMODAL NETWORK ANALYSIS.—The data bases shall be able to support intermodal network analysis.

"(g) RESEARCH AND DEVELOPMENT GRANTS.—

"(1) IN GENERAL.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

"(A) investigation of the subjects specified in subsection (c)(1) and research and development of new methods of data collection, management, integration, dissemination, interpretation, and analysis;

"(B) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (e); and

"(C) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (f) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.

"(2) LIMITATION.—Not more than $500,000 of the amounts made available to carry out this section in a fiscal year may be used to carry out this subsection.";

(6) by striking subsection (i) (as redesignated by paragraph (3) of this subsection) and inserting the following:

"(i) PROHIBITION ON CERTAIN DISCLOSURES.—

"(1) IN GENERAL.—An officer or employee of the Bureau may not—

"(A) make any disclosure in which the data provided by an individual or organization under subsection (c)(2) can be identified;

"(B) use the information provided under subsection (c)(2) for a nonstatistical purpose; or

"(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c)(2).

"(2) PROHIBITION ON REQUESTS FOR CERTAIN DATA.—

"(A) GOVERNMENT AGENCIES.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c)(2) with the Bureau or retained by an individual respondent.

"(B) COURTS.—Any copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

"(i) shall be immune from legal process; and

"(ii) 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.

"(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably inferred by direct or indirect means.

"(3) DATA COLLECTED FOR NONSTATISTICAL PURPOSES.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.";

(7) in subsection (j) (as redesignated by paragraph (3) of this subsection) by striking "On or before January 1, 1994, and annually thereafter, the" and inserting "The"; and

(8) by adding at the end the following:

"(k) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.".

(b) CONFORMING AMENDMENTS.—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. 5110. 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 university transportation centers, in addition to the centers receiving grants under subsection (a), to address transportation management and research and development matters, 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.—Except as otherwise provided by this section, 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 503, 504(b), or 505 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 and consistent with the plan developed under section 5506, 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) NUMBER AND AMOUNT OF GRANTS.—

"(1) FISCAL YEARS 1998 AND 1999.—For each of fiscal years 1998 and 1999, the Secretary shall make the following grants under this section:

"(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions in group A.

"(B) GROUP B.—The Secretary shall make a grant in the amount of $300,000 to each of the institutions in group B.

"(C) GROUP C.—The Secretary shall make a grant in the amount of $750,000 to each of the institutions in group C.

"(D) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions in group D.

"(2) FISCAL YEARS 2000 AND 2001.—For each of fiscal years 2000 and 2001, the Secretary shall make the following grants under this section:

"(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions in group A.

"(B) GROUP B.—The Secretary shall make a grant in the amount of $500,000 to 8 of the institutions in group B.

"(C) GROUP C.—The Secretary shall make a grant in the amount of $750,000 to each of the institutions in group C.

"(D) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions in group D.

"(3) FISCAL YEARS 2002 AND 2003.—For each of fiscal years 2002 and 2003, the Secretary shall make the following grants under this section:

"(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions in group A.

"(B) GROUPS B AND C.—The Secretary shall make a grant in the amount of $1,000,000 to 10 of the institutions in groups B and C that received grants under this section in fiscal years 2000 and 2001.

"(C) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions in group D.

"(j) IDENTIFICATION OF GROUPS.—For the purpose of making grants this section, the following groups are identified:

"(1) GROUP A.—Group A shall consist of the 10 regional centers selected under subsection (a).

"(2) GROUP B.—Group B shall consist of the following:

"(A) The University of Denver and Mississippi State University.

"(B) The University of Central Florida.

"(C) University of Southern California and California State University at Long Beach.

"(D) Rutgers University.

"(E) University of Missouri at Rolla.

"(F) South Carolina State University.

"(G) Joseph P. Kennedy Science and Technology Center, Assumption College, Massachusetts.

"(H) Purdue University.

"(3) GROUP C.—Group C shall consist of the following:

"(A) University of Arkansas.

"(B) New Jersey Institute of Technology.

"(C) University of Idaho.

"(D) The University of Alabama.

"(E) Morgan State University.

"(F) North Carolina State University.

"(G) San Jose State University.

"(H) University of South Florida.

"(I) North Carolina A. and T. State University.

"(4) GROUP D.—Group D shall consist of the following:

"(A) University of Minnesota.

"(B) Marshall University, West Virginia, on behalf of a consortium of West Virginia colleges and universities.

"(C) George Mason University, along with the University of Virginia and Virginia Tech University.

"(D) Western Transportation Institute.

"(E) Rhode Island Transportation Research Center.

"(F) Northwestern University.".

(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) REPEALS.—Section 5316 and 5317 of title 49, United States Code, and the items relating to such sections in the analysis for chapter 53 of such title, are repealed.

SEC. 5111. ADVANCED VEHICLE TECHNOLOGIES PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of subtitle I of title 49, United States Code (as amended by section 5110 of this Act), is amended by adding at the end the following:

"§5506. Advanced vehicle technologies program

"(a) PURPOSES.—The Secretary of Transportation, in coordination with other government agencies and private consortia, shall encourage and promote the research, development, and deployment of transportation technologies that will use technological advances in multimodal vehicles, vehicle components, environmental technologies, and related infrastructure to remove impediments to an efficient, safe, and cost-effective national transportation system.

"(b) DEFINITION OF ELIGIBLE CONSORTIUM.—In this section, the term 'eligible consortium' means a consortium that receives funding under the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1876), and that comprises 2 or more of the following entities:

"(1) Businesses incorporated in the United States.

"(2) Public or private educational or research organizations located in the United States.

"(3) Entities of State or local governments in the United States.

"(4) Federal laboratories.

"(c) PROGRAM.—The Secretary shall enter into contracts, cooperative agreements, and other transactions as authorized by section 2371 of title 10 with, and make grants to, eligible consortia to promote the development and deployment of innovation in transportation technology services, management, and operational practices.

"(d) ELIGIBILITY CRITERIA.—To be eligible to receive assistance under this section, an eligible consortium shall—

"(1) for a period of not less than the 3 years preceding the date of a contract, cooperative agreement, or other transaction, be organized on a statewide or multistate basis for the purpose of designing, developing, and deploying transportation technologies that address identified technological impediments in the transportation field;

"(2) facilitate the participation in the consortium of small- and medium-sized businesses, utilities, public laboratories and universities, and other relevant entities;

"(3) be actively engaged in transportation technology projects that address compliance in nonattainment areas under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(4) be designed to use Federal and State funding to attract private capital in the form of grants or investments to carry out this section; and

"(5) ensure that at least 50 percent of the funding for the consortium project will be provided by non-Federal sources.

"(e) PROPOSALS.—The Secretary shall prescribe such terms and conditions as the Secretary determines to be appropriate for the content and structure of proposals submitted for assistance under this section.

"(f) REPORTING REQUIREMENTS.—At least once each year, the Secretary shall 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 projects undertaken by the eligible consortia and the progress made in advancing the purposes of this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1999 through 2003, to remain available until expended.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5505 the following:

"5506. Advanced vehicle technologies program.".

SEC. 5112. STUDY OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.

(a) STUDY.—Not later than 120 days after the date of enactment of this Act, 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 (in this section referred to 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 this Act), 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 appropriate to the conduct of the study.

(c) REPORT.—Not later than 5 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 Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 5113. COMMERCIAL REMOTE SENSING PRODUCTS AND SPATIAL INFORMATION TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program to validate commercial remote sensing products and spatial information technologies for application to national transportation infrastructure development and construction.

(b) PROGRAM STAGES.—

(1) FIRST STAGE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish a national policy for the use of commercial remote sensing products and spatial information technologies in national transportation infrastructure development and construction.

(2) SECOND STAGE.—After establishment of the national policy under paragraph (1), the Secretary shall develop new applications of commercial remote sensing products and spatial information technologies for the implementation of the national policy.

(c) COOPERATION.—The Secretary shall carry out this section in cooperation with the Commercial Remote Sensing Program of the National Aeronautics and Space Administration and a consortium of university research centers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2004.

SEC. 5114. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Secretary should—

(1) give high priority to correcting all 2-digit date-related problems in computer systems of the Department of Transportation to ensure that the systems continue to operate effectively in the year 2000 and thereafter;

(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 mission-critical systems of the Department; and

(3) develop contingency plans for those systems that the Secretary of Transportation is unable to correct in time.

SEC. 5115. INTERNATIONAL TRADE TRAFFIC.

(a) STUDY.—The Director shall carry out a study—

(1) to measure the ton-miles and value-miles of international trade traffic carried by highway for each State;

(2) to evaluate the accuracy and reliability of such measures for use in the formula for highway apportionments;

(3) to evaluate the accuracy and reliability of the use of diesel fuel data as a measure of international trade traffic by State; and

(4) to identify needed improvements in long-term data collection programs to provide accurate and reliable measures of international traffic for use in the formula for highway apportionments.

(b) BASIS FOR EVALUATIONS.—The study shall evaluate the accuracy and reliability of measures for use as formula factors based on statistical quality standards developed by the Bureau in consultation with the Committee on National Statistics of the National Academy of Sciences.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study carried out under paragraph (1), including recommendations for changes in law necessary to implement the identified needs for improvements in long-term data collection programs.

SEC. 5116. UNIVERSITY GRANTS.

(a) SEISMIC RESEARCH, UNIVERSITY OF CALIFORNIA AT SAN DIEGO.—

(1) GRANTS.—The Secretary shall make grants to the University of California at San Diego to upgrade earthquake simulation facilities at the University.

(2) FUNDING.—Of the amounts made available under section 5001(a)(1) of this Act, $1,000,000 for each of fiscal years 1999 through 2002 shall be available to carry out this subsection.

(b) GLOBAL CLIMATE RESEARCH, UNIVERSITY OF ALABAMA AT HUNTSVILLE.—

(1) GRANTS.—The Secretary shall make grants to the University of Alabama at Huntsville for global climate research.

(2) FUNDING.—Of the amounts made available under section 5001(a)(1) of this Act, $200,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

(c) ASPHALT RESEARCH, AUBURN UNIVERSITY.—

(1) GRANTS.—The Secretary shall make grants to Auburn University for asphalt research.

(2) FUNDING.—Of the amounts made available under section 5001(a)(1) of this Act, $250,000 for each of fiscal years 1999 and 2000 shall be available to carry out this subsection.

(d) ADVANCED VEHICLE RESEARCH, UNIVERSITY OF ALABAMA AT TUSCALOOSA.—

(1) GRANTS.—The Secretary shall make grants to the University of Alabama at Tuscaloosa for advanced vehicle research, including the study of fuel cell and electric vehicle technology.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $400,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

(e) GEOTHERMAL HEAT PUMP SMART BRIDGE PROGRAM, OKLAHOMA STATE UNIVERSITY.—

(1) GRANTS.—The Secretary shall make grants to Oklahoma State University for the purposes of research, development, and field testing of the Geothermal Heat Pump Smart Bridge Program.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001 shall be available to carry out this subsection.

(f) INTELLIGENT STIFFENER FOR BRIDGE STRESS REDUCTION, UNIVERSITY OF OKLAHOMA.—

(1) GRANTS.—The Secretary shall make grants to the University of Oklahoma, College of Engineering, Center for Structural Control, for the purposes of research, development, and field testing of the Intelligent Stiffener for Bridge Stress Reduction.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002 shall be available to carry out this subsection.

(g) STUDY OF ADVANCED TRAUMA CARE, UNIVERSITY OF ALABAMA AT BIRMINGHAM.—

(1) GRANTS.—The Secretary shall make grants to the University of Alabama at Birmingham for the study of advanced trauma care.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $750,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

(h) CENTER FOR TRANSPORTATION INJURY RESEARCH.—

(1) GRANTS.—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 under section 5001(a)(2) of this Act, $2,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out this subsection.

(i) HEAD AND SPINAL CORD INJURY RESEARCH.—

(1) GRANTS.—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 the amounts made available under section 5001(a)(2) of this Act, $500,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

SEC. 5117. 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) 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 5001(a)(2) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(2) 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 5001(a)(2) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(3) 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 initiated in the 2 largest metropolitan areas in the State of Pennsylvania. The program may locate its database at the facility authorized under paragraph (6).

(B) DESCRIPTION.—The program under this section shall meet the following objectives:

(i) Build an infrastructure of the measurement of various transportation system metrics to aid in planning, analysis, and maintenance of the Department of Transportation, including the buildout, maintenance, and operation of greater than 40 metropolitan area systems with a cost not to exceed $2,000,000 per metropolitan area. For the purposes of this demonstration initiative, a metropolitan area is defined as any area that has a population exceeding 300,000 and that meets several of the criteria established by the Secretary in conjunction with the intelligent vehicle highway systems corridors program.

(ii) Provide private technology commercialization initiatives to generate revenues which will be shared with local Department of Transportations.

(iii) Collect data primarily through wireless transmission along with some shared wide area networks.

(iv) Aggregate data into reports for multipoint data distribution techniques.

(v) Utilize an advanced information system designed and monitored by an entity with experience with the Department of Transportation in the design and monitoring of high reliability, mission critical voice and data systems.

(C) ELIGIBILITY.—In addition to the amounts made available under subparagraph (D), the program authorized under this paragraph shall be eligible for funding under sections 5207 and 5208 of this Act.

(D) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(2) of this Act, $1,700,000 per fiscal year shall be available to carry out this paragraph.

(E) FEDERAL SHARE.—The Federal share of the cost of a program carried out under this paragraph shall be 80 percent of the cost of such program.

(4) 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 5001(a)(1) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(5) 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 5001(a)(1) of this Act, $3,000,000 per fiscal year shall be available to carry out this paragraph.

(6) ADVANCED TRAFFIC MONITORING AND RESPONSE CENTER.—

(A) 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 portions of the Pennsylvania Turnpike system and I–81, coordinate emergency response with State and local governments in the Central Pennsylvania Region and conduct research on emergency response and prototype trauma response.

(B) FUNDING.—

(i) ELIGIBILITY UNDER SECTION 5208.—The center established under this paragraph shall be eligible for funding under section 5208 of this Act.

(ii) ALLOCATION.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(2) of this Act, $1,667,000 per fiscal year shall be available to carry out this paragraph.

(7) 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 5001(a)(2) of this Act, $1,000,000 per fiscal year shall be available to carry out this paragraph.

(8) RECYCLED MATERIALS RESOURCE CENTER.—

(A) ESTABLISHMENT.—The Secretary shall establish at the University of New Hampshire a research program to be known as the "Recycled Materials Resource Center" (referred to in this paragraph as the "Center").

(B) ACTIVITIES.—

(i) IN GENERAL.—The Center shall—

(I) systematically test, evaluate, develop appropriate guidelines for, and demonstrate environmentally acceptable and occupationally safe technologies and techniques for the increased use of traditional and nontraditional recycled and secondary materials in transportation infrastructure construction and maintenance;

(II) make information available to State transportation departments, the Federal Highway Administration, the construction industry, and other interested parties to assist in evaluating proposals to use traditional and nontraditional recycled and secondary materials in transportation infrastructure construction;

(III) encourage the increased use of traditional and nontraditional recycled and secondary materials by using sound science to analyze thoroughly all potential long-term considerations that affect the physical and environmental performance of the materials; and

(IV) work cooperatively with Federal and State officials to reduce the institutional barriers that limit widespread use of traditional and nontraditional recycled and secondary materials and to ensure that such increased use is consistent with the sustained environmental and physical integrity of the infrastructure in which the materials are used.

(ii) SITES AND PROJECTS UNDER ACTUAL FIELD CONDITIONS.—In carrying out clause (i)(III), the Secretary may authorize the Center to—

(I) use test sites and demonstration projects under actual field conditions to develop appropriate performance data; and

(II) develop appropriate tests and guidelines to ensure correct use of recycled and secondary materials in transportation infrastructure construction.

(C) REVIEW AND EVALUATION.—

(i) IN GENERAL.—Not less often than every 2 years, the Secretary shall review and evaluate the program carried out by the Center.

(ii) NOTIFICATION OF DEFICIENCIES.—In carrying out clause (i), if the Secretary determines that the Center is deficient in carrying out subparagraph (B), the Secretary shall notify the Center of each deficiency and recommend specific measures to address the deficiency.

(iii) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to the Center under clause (ii), the Secretary determines that the Center has not corrected each deficiency identified under clause (ii), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination, disqualify the Center from further participation under this section.

(D) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(1) of this Act, $1,500,000 per fiscal year shall be available to carry out this paragraph.

SEC. 5118. DREXEL UNIVERSITY INTELLIGENT INFRASTRUCTURE INSTITUTE.

(a) IN GENERAL.—The Secretary, in cooperation with the State of Pennsylvania, shall establish the Intelligent Infrastructure Institute at Drexel University, Pennsylvania. The Institute shall conduct research, training, technology transfer, construction, maintenance, and other activities to advance infrastructure research.

(b) FUNDING.—The amounts made available by the item numbered 315 in the table contained in section 1602 of this Act shall be available to carry out this section.

(c) AUTHORIZATION.—There is authorized to be appropriated $10,000,000 to carry out subsection (a).

(d) FACILITY.—Funds made available to carry out this section may be used to construct a building to house the Institute.

SEC. 5119. CONFORMING AMENDMENTS.

(a) Section 204(b) of title 23, United States Code, is amended in the last sentence by striking "326" and inserting "504(b)".

(b) Sections 307, 321, 325, and 326 of title 23, United States Code, are repealed.

(c) The analysis for chapter 3 of title 23, United States Code, is amended by striking the items relating to sections 307, 321, 325, and 326.

(d) Section 115(a)(1)(A)(i) of title 23, United States Code, is amended by striking "or 307" and inserting "or 505".

(e) Section 151(d) of title 23, United States Code, is amended by striking "section 307(a)," and inserting "section 502,".

(f) Section 106 of Public Law 89–564 (23 U.S.C. 403 note; 80 Stat. 735) is amended in the third sentence by striking "sections 307 and 403 of title 23, United States Code," and inserting "section 403 and chapter 5 of title 23, United States Code,".

Subtitle C—Intelligent Transportation Systems

SEC. 5201. SHORT TITLE.

This subtitle may be cited as the "Intelligent Transportation Systems Act of 1998".

SEC. 5202. FINDINGS.

Congress finds that—

(1) investments authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914 et seq.) have demonstrated that intelligent transportation systems can mitigate surface transportation problems in a cost-effective manner; and

(2) continued investment in architecture and standards development, research, and systems integration is needed to accelerate the rate at which intelligent transportation systems are incorporated into the national surface transportation network, thereby improving transportation safety and efficiency and reducing costs and negative impacts on communities and the environment.

SEC. 5203. GOALS AND PURPOSES.

(a) GOALS.—The goals of the intelligent transportation system program include—

(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services, and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(2) achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles, with 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 State and local governments to achieve national environmental goals;

(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial vehicles, passenger vehicles, and motorcycles, and including individuals with disabilities; and

(5) improvement of the Nation's ability to respond to emergencies and natural disasters and enhancement of national defense mobility.

(b) PURPOSES.—The Secretary shall implement activities under the intelligent system transportation program to, at a minimum—

(1) expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

(2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for full consideration in the transportation planning process;

(3) improve regional cooperation and operations planning for effective intelligent transportation system deployment;

(4) promote the innovative use of private resources;

(5) develop a workforce capable of developing, operating, and maintaining intelligent transportation systems; and

(6) complete deployment of Commercial Vehicle Information Systems and Networks in a majority of States by September 30, 2003.

SEC. 5204. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing intelligent transportation system program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of such systems as a component of the surface transportation systems of the United States.

(b) POLICY.—Intelligent transportation system operational tests and deployment projects funded pursuant to this subtitle shall encourage and not displace public-private partnerships or private sector investment in such tests and projects.

(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local governments and other public entities, the United States private sector, the Federal laboratories, and colleges and universities, including historically black colleges and universities and other minority institutions of higher education.

(d) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the intelligent transportation system 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.

(e) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

(f) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation system management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

(g) INFORMATION CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall—

(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subtitle; and

(B) on request, make that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) DELEGATION OF AUTHORITY.—

(A) IN GENERAL.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation.

(B) FEDERAL ASSISTANCE.—If the Secretary delegates the responsibility, the entity to which the responsibility is delegated shall be eligible for Federal assistance under this section.

(h) ADVISORY COMMITTEES.—

(1) IN GENERAL.—In carrying out this subtitle, the Secretary may use 1 or more advisory committees.

(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee so used shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(i) 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 intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including innovative and nontraditional methods such as the Information Technology Omnibus Procurement.

(2) INTELLIGENT TRANSPORTATION SYSTEM 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 intelligent transportation system software.

(j) EVALUATIONS.—

(1) GUIDELINES AND REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the evaluation of operational tests and deployment projects carried out under this subtitle.

(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the evaluator so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish evaluation funding levels based on the size and scope of each test or project that ensure adequate evaluation of the results of the test or project.

(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the evaluation of any test, deployment project, or program assessment activity under this subtitle shall not be subject to chapter 35 of title 44.

SEC. 5205. NATIONAL ITS PROGRAM PLAN.

(a) IN GENERAL.—

(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 research and deployment of intelligent transportation systems in the context of major metropolitan areas, smaller metropolitan and rural areas, and commercial vehicle operations;

(B) specify how specific programs and projects will achieve the goals, objectives, and milestones referred to in subparagraph (A), including consideration of the 5- and 10-year timeframes for the goals and objectives;

(C) identify activities that provide for the dynamic development of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation system technologies, including actions taken to establish critical standards; and

(D) establish a cooperative process with State and local governments for determining desired surface transportation system performance levels and developing plans for incorporation of specific intelligent transportation system capabilities into surface transportation systems.

(b) REPORTING.—The plan described in subsection (a) shall be transmitted and updated as part of the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code.

SEC. 5206. NATIONAL ARCHITECTURE AND STANDARDS.

(a) IN GENERAL.—

(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—Consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the Secretary shall develop, implement, and maintain a national architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national architecture shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the United States.

(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary may use the services of such standards development organizations as the Secretary determines to be appropriate.

(b) REPORT ON CRITICAL STANDARDS.—Not later than June 1, 1999, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives identifying which standards are critical to ensuring national interoperability or critical to the development of other standards and specifying the status of the development of each standard identified.

(c) PROVISIONAL STANDARDS.—

(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives identified in subsection (a), the Secretary may establish a provisional standard after consultation with affected parties, and using, to the extent practicable, the work product of appropriate standards development organizations.

(2) CRITICAL STANDARDS.—If a standard identified as critical in the report under subsection (b) is not adopted and published by the appropriate standards development organization by January 1, 2001, the Secretary shall establish a provisional standard after consultation with affected parties, and using, to the extent practicable, the work product of appropriate standards development organizations.

(3) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) or (2) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

(d) WAIVER OF REQUIREMENT TO ESTABLISH PROVISIONAL STANDARD.—

(1) IN GENERAL.—The Secretary may waive the requirement under subsection (c)(2) to establish a provisional standard if the Secretary determines that additional time would be productive or that establishment of a provisional standard would be counterproductive to achieving the timely achievement of the objectives identified in subsection (a).

(2) NOTICE.—The Secretary shall publish in the Federal Register a notice describing each standard for which a waiver of the provisional standard requirement has been granted, the reasons for and effects of granting the waiver, and an estimate as to when the standard is expected to be adopted through a process consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(3) WITHDRAWAL OF WAIVER.—At any time the Secretary may withdraw a waiver granted under paragraph (1). Upon such withdrawal, the Secretary shall publish in the Federal Register a notice describing each standard for which a waiver has been withdrawn and the reasons for withdrawing the waiver.

(e) CONFORMITY WITH NATIONAL ARCHITECTURE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

(2) SECRETARY'S DISCRETION.—The Secretary may authorize exceptions to paragraph (1) for—

(A) projects designed to achieve specific research objectives outlined in the National ITS Program Plan under section 5205 or the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code; or

(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this subtitle, if the Secretary determines that the upgrade or expansion—

(i) would not adversely affect the goals or purposes of this subtitle;

(ii) is carried out before the end of the useful life of such system; and

(iii) is cost-effective as compared to alternatives that would meet the conformity requirement of paragraph (1).

(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in

existence on the date of enactment of this subtitle.

(f) SPECTRUM.—The Federal Communications Commission shall consider, in consultation with the Secretary, spectrum needs for the operation of intelligent transportation systems, including spectrum for the dedicated short-range vehicle-to-wayside wireless standard. Not later than January 1, 2000, the Federal Communications Commission shall have completed a rulemaking considering the allocation of spectrum for intelligent transportation systems.

SEC. 5207. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development and operational tests of intelligent vehicles and intelligent infrastructure systems, and other similar activities that are necessary to carry out this subtitle.

(b) PRIORITY AREAS.—Under the program, the Secretary shall give higher priority to funding projects that—

(1) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems;

(2) focus on crash-avoidance and integration of in-vehicle crash protection technologies with other on-board safety systems, including the interaction of air bags and safety belts;

(3) incorporate human factors research, including the science of the driving process;

(4) facilitate the integration of intelligent infrastructure, vehicle, and control technologies, including magnetic guidance control systems or other materials or magnetics research; or

(5) incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates.

(c) OPERATIONAL TESTS.—Operational tests conducted under this section shall be designed for the collection of data to permit objective evaluation of the results of the tests, derivation of cost-benefit information that is useful to others contemplating deployment of similar systems, and development and implementation of standards.

(d) FEDERAL SHARE.—The Federal share of the cost of operational tests and demonstrations under subsection (a) shall not exceed 80 percent.

SEC. 5208. INTELLIGENT TRANSPORTATION SYSTEM INTEGRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive program to accelerate the integration and interoperability of intelligent transportation systems in metropolitan and rural areas. Under the program, the Secretary shall select for funding, through competitive solicitation, projects that will serve as models to improve transportation efficiency, promote safety (including safe freight movement), increase traffic flow (including the flow of intermodal travel at ports of entry), reduce emissions of air pollutants, improve traveler information, enhance alternative transportation modes, build on existing intelligent transportation system projects, or promote tourism.

(b) SELECTION OF PROJECTS.—Under the program, the Secretary shall give priority to funding projects that—

(1) contribute to national deployment goals and objectives outlined in the National ITS Program Plan under section 5205;

(2) demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memoranda of understanding that clearly define the responsibilities and relations of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support deployment;

(3) encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships, including arrangements that generate revenue to offset public investment costs;

(4) demonstrate commitment to a comprehensive plan of fully integrated intelligent transportation system deployment in accordance with the national architecture and standards and protocols established under section 5206;

(5) are 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 at which Federal funds are sought;

(6) minimize the relative percentage and amount of Federal contributions under this section to total project costs;

(7) ensure continued, long-term operations and maintenance without continued reliance on Federal funding under this subtitle, as evidenced by documented evidence of fiscal capacity and commitment from anticipated public and private sources;

(8) demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills;

(9) mitigate any adverse impacts on bicycle and pedestrian transportation and safety; or

(10) in the case of a rural area, meet other safety, mobility, geographic and regional diversity, or economic development criteria as determined by the Secretary.

(c) FISCAL YEAR LIMITATIONS.—Of the amounts made available to carry out this section for a fiscal year—

(1) not more that $15,000,000 may be used for projects in a single metropolitan area;

(2) not more than $2,000,000 may be used for projects in a single rural area; and

(3) not more than $35,000,000 may be used for projects in a State.

(d) FUNDING LIMITATIONS.—

(1) PROJECTS IN METROPOLITAN AREAS.—Funding under this section for intelligent transportation infrastructure projects in metropolitan areas shall be used primarily for activities necessary to integrate intelligent transportation infrastructure elements that are either deployed or to be deployed with other sources of funds.

(2) OTHER PROJECTS.—For projects outside metropolitan areas, funding provided under this subtitle may also be used for installation of intelligent transportation infrastructure elements.

(e) FUNDING FOR RURAL AREAS.—The Secretary shall allocate not less than 10 percent of funds authorized by section 5001(c)(4)(A) in rural areas for intelligent transportation infrastructure deployment activities funded under this section to carry out intelligent transportation infrastructure deployment activities in rural areas.

(f) FEDERAL SHARE.—

(1) FUNDS MADE AVAILABLE UNDER THIS SECTION.—The Federal share of the cost of a project payable from funds made available under this section shall not exceed 50 percent.

(2) FUNDS MADE AVAILABLE FROM ALL FEDERAL SOURCES.—The total Federal share of the cost of a project payable from all eligible sources (including this section) shall not exceed 80 percent.

(g) CORRIDOR DEVELOPMENT AND COORDINATION.—

(1) IN GENERAL.—The Secretary shall encourage multistate cooperative agreements, coalitions, or other arrangements intended to promote regional cooperation, planning, and shared project implementation for intelligent transportation system projects.

(2) GREAT LAKES ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants under this subsection 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 and other areas of the State.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 under section 5001(c)(4)(A) of this Act, $2,000,000 per fiscal year shall be available to carry out this paragraph.

(3) NORTHEAST ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants under this subsection 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 made available for each of fiscal years 1998 through 2003 under section 5001(c)(4)(A) of this Act, $5,000,000 per fiscal year shall be available to carry out this paragraph.

SEC. 5209. COMMERCIAL VEHICLE INTELLIGENT TRANSPORTATION SYSTEM INFRASTRUCTURE DEPLOYMENT.

(a) IN GENERAL.—The Secretary shall carry out a comprehensive program to deploy intelligent transportation systems that—

(1) improve the safety and productivity of commercial vehicles and drivers; and

(2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

(b) PURPOSE.—The program shall advance the technological capability and promote the deployment of intelligent transportation system applications to commercial vehicle operations, including commercial vehicle, commercial driver, and carrier-specific information systems and networks.

(c) PRIORITY AREAS.—In carrying out the program, the Secretary shall give priority to projects that—

(1) encourage multistate cooperation and corridor development;

(2)(A) improve the safety of commercial vehicle operations; and

(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and generally increase the effectiveness of enforcement efforts;

(3)(A) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; and

(B) promote communication of the information among the States; or

(4) enhance the safe passage of commercial vehicles across the United States and across international borders.

(d) LEVERAGING OF FEDERAL FUNDS.—Federal funds used to carry out the program shall, to the maximum extent practicable—

(1) be leveraged with non-Federal funds; and

(2) be used for activities not carried out through the use of private funds.

(e) FEDERAL SHARE.—The Federal share of the cost of the project payable from funds made available to carry out this section shall not exceed 50 percent. The total Federal share of the cost of the project payable from all eligible sources shall not exceed 80 percent.

SEC. 5210. USE OF FUNDS.

(a) OUTREACH AND PUBLIC RELATIONS LIMITATION.—

(1) IN GENERAL.—For each fiscal year, not more than $5,000,000 of the funds made available to carry out this subtitle shall be used for intelligent transportation system outreach, public relations, displays, scholarships, tours, and brochures.

(2) APPLICABILITY.—Paragraph (1) shall not apply to intelligent transportation system training or the publication or distribution of research

findings, technical guidance, or similar documents.

(b) INFRASTRUCTURE DEVELOPMENT.—Funds made available to carry out this subtitle for operational tests and deployment projects—

(1) shall be used primarily for the development of intelligent transportation system infrastructure; and

(2) to the maximum extent practicable, shall not be used for the construction of physical highway and transit infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

(c) LIFE CYCLE COST ANALYSIS AND FINANCING AND OPERATIONS PLAN.—The Secretary shall require an applicant for funds made available under sections 5208 and 5209 to submit to the Secretary—

(1) an analysis of the life-cycle costs of operation and maintenance of intelligent transportation system elements, if the total initial capital costs of the elements exceed $3,000,000; and

(2) a multiyear financing and operations plan that describes how the project will be cost-effectively operated and maintained.

SEC. 5211. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term "Commercial Vehicle Information Systems and Networks" means the information systems and communications networks that support commercial vehicle operations.

(2) COMMERCIAL VEHICLE OPERATIONS.—The term "commercial vehicle operations"—

(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods, including hazardous materials, and passengers; and

(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations.

(3) CORRIDOR.—The term "corridor" means any major transportation route that includes parallel limited access highways, major arterials, or transit lines.

(4) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term "intelligent transportation infrastructure" means fully integrated public sector intelligent transportation system components, as defined by the Secretary.

(5) INTELLIGENT TRANSPORTATION SYSTEM.—The term "intelligent transportation system" means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

(6) NATIONAL ARCHITECTURE.—The term "national architecture" means the common framework for interoperability adopted by the Secretary that defines—

(A) the functions associated with intelligent transportation system user services;

(B) the physical entities or subsystems within which the functions reside;

(C) the data interfaces and information flows between physical subsystems; and

(D) the communications requirements associated with the information flows.

(7) STANDARD.—The term "standard" means a document that—

(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

(B) may support the national architecture and promote—

(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

(ii) interoperability among intelligent transportation system technologies implemented throughout the States.

(8) STATE.—The term "State" has the meaning given the term under section 101 of title 23, United States Code.

SEC. 5212. PROJECT FUNDING.

(a) USE OF HAZARDOUS MATERIALS MONITORING SYSTEMS.—

(1) 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.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(6) of this Act, $1,500,000 per fiscal year shall be available to carry out this paragraph.

(b) OUTREACH AND TECHNOLOGY TRANSFER ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall continue to support the Urban Consortium's ITS outreach and technology transfer activities.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(5) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(c) TRANSLINK.—

(1) IN GENERAL.—The Secretary shall make grants to the Texas Transportation Institute to continue the Translink Research program.

(2) FUNDING.—Of the amounts allocated for each of fiscal years 1999 through 2001 by section 5001(a)(6) of this Act, $1,300,000 per fiscal year shall be available to carry out this paragraph.

SEC. 5213. REPEAL.

The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title VI (23 U.S.C. 307 note; 105 Stat. 2189).

TITLE VI—OZONE AND PARTICULATE MATTER STANDARDS

SEC. 6101. FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) there is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and the States should receive full funding for the monitoring efforts;

(2) such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) the President of the United States directed the Administrator of the Environmental Protection Agency (referred to in this title as the "Administrator") in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards";

(4) the Administrator has stated that 3 years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable Federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) the Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries.

(b) The purposes of this title are—

(1) to ensure that 3 years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) to ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) to ensure that the schedule for implementation of the July 1997 revisions of the ambient air quality standards for particulate matter and the schedule for the Environmental Protection Agency's visibility regulations related to regional haze are consistent with the timetable for implementation of such particulate matter standards as set forth in the President's Implementation Memorandum dated July 16, 1997.

SEC. 6102. PARTICULATE MATTER MONITORING PROGRAM.

(a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal year 2000 to fund 100 percent of the cost of the establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States, consistent with their respective authorities under the Clean Air Act, shall ensure that the national network (designated in subsection (a)) which consists of the $PM_{2.5}$ monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c)(1) The Governors shall be required to submit designations referred to in section 107(d)(1) of the Clean Air Act for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within 1 year after receipt of 3 years of air quality monitoring data performed in accordance with any applicable Federal reference methods for the relevant areas. Only data from the monitoring network designated in subsection (a) and other Federal reference method $PM_{2.5}$ monitors shall be considered for such designations. Nothing in the previous sentence shall be construed as affecting the Governor's authority to designate an area initially as nonattainment, and the Administrator's authority to promulgate the designation of an area as nonattainment, under section 107(d)(1) of the Clean Air Act, based on its contribution to ambient air quality in a nearby nonattainment area.

(2) For any area designated as nonattainment for the July 1997 $PM_{2.5}$ national ambient air quality standard in accordance with the schedule set forth in this section, notwithstanding the time limit prescribed in paragraph (2) of section 169B(e) of the Clean Air Act, the Administrator shall require State implementation plan revisions referred to in such paragraph (2) to be submitted at the same time as State implementation plan revisions referred to in section 172 of the Clean Air Act implementing the revised national ambient air quality standard for fine particulate matter are required to be submitted. For any area designated as attainment or unclassifiable for such standard, the Administrator shall require the State implementation plan revisions referred to in such paragraph (2) to be submitted 1 year after the area has been so designated. The preceding provisions of this paragraph shall not preclude the implementation of the agreements and recommendations set forth in the Grand Canyon Visibility Transport Commission Report dated June 1996.

(d) The Administrator shall promulgate the designations referred to in section 107(d)(1) of

the Clean Air Act for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard by the earlier of 1 year after the initial designations required under subsection (c)(1) are required to be submitted or December 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the United States Senate no later than 2 years from the date of enactment of this Act.

SEC. 6103. OZONE DESIGNATION REQUIREMENTS.

(a) The Governors shall be required to submit the designations referred to in section 107(d)(1) of the Clean Air Act within 2 years following the promulgation of the July 1997 ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than 1 year after the designations required under subsection (a) are required to be submitted.

SEC. 6104. ADDITIONAL PROVISIONS.

Nothing in sections 6101 through 6103 shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or $PM_{2.5}$ standards.

TITLE VII—MISCELLANEOUS

Subtitle A—Automobile Safety and Information

SEC 7101. SHORT TITLE.

This subtitle may be cited as the "National Highway Traffic Safety Administration Reauthorization Act of 1998".

SEC. 7102. AUTHORIZATIONS OF APPROPRIATIONS.

(a) MOTOR VEHICLE SAFETY ACTIVITIES.—Section 30104 of title 49, United States Code, is amended to read as follows:

"§ 30104. Authorization of appropriations

"There is authorized to be appropriated to the Secretary $81,200,000 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.".

(b) MOTOR VEHICLE INFORMATION ACTIVITIES.—Section 32102 of title 49, United States Code, is amended to read as follows:

"§ 32102. Authorization of appropriations

"There is authorized to be appropriated to the Secretary $6,200,000 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.".

SEC. 7103. IMPROVING AIR BAG SAFETY.

(a) RULEMAKING TO IMPROVE AIR BAGS.—

(1) NOTICE OF PROPOSED RULEMAKING.—Not later than September 1, 1998, the Secretary of Transportation shall issue a notice of proposed rulemaking to improve occupant protection for occupants of different sizes, belted and unbelted, under Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags.

(2) FINAL RULE.—Notwithstanding any other provision of law, the Secretary shall complete the rulemaking required by this subsection by issuing, not later than September 1, 1999, a final rule with any provision the Secretary deems appropriate, consistent with paragraph (1) and the requirements of section 30111, title 49, United States Code. If the Secretary determines that the final rule cannot be completed by that date to meet the purposes of paragraph (1), the Secretary may extend the date for issuing the final rule to not later than March 1, 2000.

(3) EFFECTIVE DATE.—The final rule issued under this subsection shall become effective in phases as rapidly as practicable, beginning not earlier than September 1, 2002, and no sooner than 30 months after the date of the issuance of the final rule, but not later than September 1, 2003. The final rule shall become fully effective for all vehicles identified in section 30127(b), title 49, United States Code, that are manufactured on and after September 1, 2005. Should the phase-in of the final rule required by this paragraph commence on September 1, 2003, then in that event, and only in that event, the Secretary is authorized to make the final rule fully effective on September 1, 2006, for all vehicles that are manufactured on and after that date.

(4) COORDINATION OF EFFECTIVE DATES.—The requirements of S13 of Standard No. 208 shall remain in effect unless and until changed by the rule required by this subsection.

(5) CREDIT FOR EARLY COMPLIANCE.—To encourage early compliance, the Secretary is directed to include in the notice of proposed rulemaking required by paragraph (1) means by which manufacturers may earn credits for future compliance. Credits, on a one-vehicle for one-vehicle basis, may be earned for vehicles certified as being in full compliance under section 30115 of title 49, United States Code, with the rule required by paragraph (2) which are either—

(A) so certified in advance of the phase-in period; or

(B) in excess of the percentage requirements during the phase-in period.

(b) ADVISORY COMMITTEES.—Any government advisory committee, task force, or other entity involving air bags shall include representatives of consumer and safety organizations, insurers, manufacturers, and suppliers.

SEC. 7104. RESTRICTIONS ON LOBBYING ACTIVITIES.

(a) AMENDMENT.—Subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30105. Restriction on lobbying activities

"(a) IN GENERAL.—No funds appropriated to the Secretary shall be available for any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.

"(b) APPEARANCE AS WITNESS NOT BARRED.—Subsection (a) does not prohibit officers or employees of the United States from testifying before any State or local legislative body in response to the invitation of any member of that legislative body or a State executive office.".

(b) CLERICAL AMENDMENT.—The table of contents in subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"30105. Restriction on lobbying activities.".

SEC. 7105. ODOMETERS.

(a) TRANSFERS OF NEW MOTOR VEHICLES.—Section 32705(a) of title 49, United States Code, is amended by adding at the end the following:

"(4)(A) This subsection shall apply to all transfers of motor vehicles (unless otherwise exempted by the Secretary by regulation), except in the case of transfers of new motor vehicles from a vehicle manufacturer jointly to a dealer and a person engaged in the business of renting or leasing vehicles for a period of 30 days or less.

"(B) For purposes of subparagraph (A), the term 'new motor vehicle' means any motor vehicle driven with no more than the limited use necessary in moving, transporting, or road testing such vehicle prior to delivery from the vehicle manufacturer to a dealer, but in no event shall the odometer reading of such vehicle exceed 300 miles.".

(b) EXEMPTED VEHICLES.—Section 32705(a) of title 49, United States Code, as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(5) The Secretary may exempt such classes or categories of vehicles as the Secretary deems appropriate from these requirements. Until such time as the Secretary amends or modifies the regulations set forth in 49 CFR 580.6, such regulations shall have full force and effect.".

SEC. 7106. MISCELLANEOUS AMENDMENTS.

(a) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(i)(1) of title 49, United States Code, is amended by inserting "(including retailers of motor vehicle equipment)" after "dealer" the first time it appears.

(b) TIRES.—Section 30123 of title 49, United States Code, is amended by striking subsections (a), (b), and (c) and by redesignating subsections (d), (e), and (f), as subsections (a), (b), and (c), respectively.

(c) AUTOMATIC OCCUPANT CRASH PROTECTION AND SEAT BELT USE.—Section 30127(g)(1) of title 49, United States Code, is amended by striking "every 6 months" and inserting "annually".

(d) MISCELLANEOUS.—

(1) DEFINITIONS.—

(A) COUNTRY OF ORIGIN.—Section 32304(a)(3)(B) of title 49, United States Code, is amended by inserting before the period the following: ", plus the assembly and labor costs incurred for the final assembly of such engines and transmissions".

(B) FINAL ASSEMBLY PLACE.—Section 32304(a)(5) of title 49, United States Code, is amended by adding at the end the following: "Such term does not include facilities for engine and transmission fabrication and assembly and the facilities for fabrication of motor vehicle equipment component parts which are produced at the same final assembly place using forming processes such as stamping, machining, or molding processes.".

(C) OUTSIDE SUPPLIER CONTENT REPORTING.—Section 32304(a)(9)(A) of title 49, United States Code, is amended to read as follows:

"(A) for an outside supplier—

"(i) the full purchase price of passenger motor vehicle equipment whose purchase price contains at least 70 percent value added in the United States and Canada; or

"(ii) that portion of the purchase price of passenger motor vehicle equipment containing less than 70 percent value added in the United States and Canada that is attributable to the percent value added in the United States and Canada when such percent is expressed to the nearest 5 percent; and".

(2) COUNTRY OF ASSEMBLY.—Section 32304(d) of title 49, United States Code, is amended by adding at the end the following; "A manufacturer may add to the label required under subsection (b) a line stating the country in which vehicle assembly was completed.".

(3) VEHICLE CONTENT PERCENTAGE BY ASSEMBLY PLANT.—Section 32304 of title 49, United States Code, is amended by redesignating subsections (c) through (f) as subsections (f) through (i), respectively, and by adding after subsection (b) the following:

"(c) VEHICLE CONTENT PERCENTAGE BY ASSEMBLY PLANT.—A manufacturer may display separately on the label required by subsection (b) the domestic content of a vehicle based on the assembly plant. Such display shall occur after the matter required to be in the label by subsection (b)(1)(A).".

(4) SUPPLIERS FAILING TO REPORT.—Section 32304 of title 49, United States Code, is amended by adding after subsection (c), as added by paragraph (3), the following:

"(d) VALUE ADDED DETERMINATION.—If a manufacturer or allied supplier requests information in a timely manner from one or more of

its outside suppliers concerning the United States/Canadian content of particular equipment, but does not receive that information despite a good faith effort to obtain it, the manufacturer or allied supplier may make its own good faith value added determinations, subject to the following:

"(1) The manufacturer or allied supplier shall make the same value added determinations as would be made by the outside supplier, that is, whether 70 percent or more of the value of equipment is added in the United States and/or Canada.

"(2) The manufacturer or allied supplier shall consider the amount of value added and the location in which the value was added for all of the stages that the outside supplier would be required to consider.

"(3) The manufacturer or allied supplier may determine that the value added in the United States and/or Canada is 70 percent or more only if it has a good faith basis to make that determination.

"(4) A manufacturer and its allied suppliers may, on a combined basis, make value added determinations for no more than 10 percent, by value, of a carline's total parts content from outside suppliers.

"(5) Value added determinations made by a manufacturer or allied supplier under this paragraph shall have the same effect as if they were made by the outside supplier.

"(6) This provision does not affect the obligation of outside suppliers to provide the requested information.".

(5) ACCOUNTING FOR THE VALUE OF SMALL PARTS.—Section 32304 of title 49, United States Code, is amended by adding after subsection (d), as added by paragraph (4), the following:

"(e) SMALL PARTS.—The country of origin of nuts, bolts, clips, screws, pins, braces, gasoline, oil, blackout, phosphate rinse, windshield washer fluid, fasteners, tire assembly fluid, rivets, adhesives, and grommets, of any system, subassembly, or component installed in a vehicle shall be considered to be the country in which such parts were included in the final assembly of such vehicle.".

(e) STUDY.—The National Highway Traffic Safety Administration shall conduct a study of the benefits to motor vehicle drivers of a regulation to require the installation in a motor vehicle of an interior device to release the trunk lid. Not later than 18 months after the date of the enactment of this Act, the Administration shall submit a report on the results of the study to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 7107. IMPORTATION OF MOTOR VEHICLE FOR SHOW OR DISPLAY.

(a) IMPORTATION OF NONCOMPLYING MOTOR VEHICLES.—Section 30114 of title 49, United States Code, is amended by striking "or competitive racing events" and inserting "competitive racing events, show, or display".

(b) TRANSITION RULE.—A person who is the owner of a motor vehicle located in the United States on the date of enactment of this Act may seek an exemption under section 30114 of title 49, United States Code, as amended by subsection (a) of this section, for a period of 6 months after the date regulations of the Secretary of Transportation promulgated in response to such amendment take effect.

Subtitle B—Railroads

SEC. 7201. 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. 7202. 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 $17,500,000 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. 7203. 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 or modification thereof, 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 estimated 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.

Calculation of the cost of a direct loan shall include the effects of changes in loan terms resulting from the exercise by the borrower of an option included in the loan contract.

"(C) The cost of a loan guarantee shall be the net present value, at the time when the guaranteed loan is disbursed, of the following estimated cash flows:

"(i) Payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments.

"(ii) Payments to the Government, including origination and other fees, penalties, and recoveries.

Calculation of the cost of a loan guarantee shall include the effects of changes in loan terms resulting from the exercise by the guaranteed lender of an option included in the loan guarantee contract, or by the borrower of an option included in the guaranteed loan contract.

"(D) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of a direct loan or loan guarantee contract, and the current estimate of the net present value of the remaining cash flows under the terms of the contract, as modified.

"(E) In estimating net present values, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the cash flows of the direct loan or loan guarantee for which the estimate is being made.

"(F) When funds are obligated for a direct loan or loan guarantee, the estimated cost shall be based on the current assumptions, adjusted to incorporate the terms of the loan contract, for the fiscal year in which the funds are obligated.

"(2) The term 'current' has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(3) 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 and financing arrangements that defer payment for more than 90 days, including the sale of a government asset on credit terms. The term does not include the acquisition of a federally guaranteed loan in satisfaction of default claims.

"(4) 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.

"(5) 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.

"(6) 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.

"(7) 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.

"(8) The term 'modification' means any Government action that alters the estimated cost of an outstanding direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) from the current estimate of cash flows. This includes the sale of loan assets, with or without recourse, and the purchase of guaranteed loans. This also includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of outstanding direct loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments) such as a change in collection procedures.

"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 or enhance 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 $3,500,000,000 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 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.

SEC. 7204. 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.

Subtitle C—Comprehensive One-Call Notification

SEC. 7301. FINDINGS.

Congress finds that—

(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power, and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate or untimely marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and

(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification systems that operate under such programs.

SEC. 7302. ONE-CALL NOTIFICATION PROGRAMS.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by adding at the end thereof the following:

"CHAPTER 61—ONE-CALL NOTIFICATION PROGRAMS

"Sec.
"6101. Purposes.
"6102. Definitions.
"6103. Minimum standards for State one-call notification programs.
"6104. Compliance with minimum standards.
"6105. Review of one-call system best practices.
"6106. Grants to States.
"6107. Authorization of appropriations.
"6108. Relationship to State laws.

"§ 6101. Purposes

"The purposes of this chapter are—

"(1) to enhance public safety;

"(2) to protect the environment;

"(3) to minimize risks to excavators; and

"(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the voluntary adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

"§ 6102. Definitions

"In this chapter, the following definitions apply:

"(1) ONE-CALL NOTIFICATION SYSTEM.—The term "one-call notification system" means a system operated by an organization that has as 1 of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities in order to prevent damage to underground facilities in the course of such excavation.

"(2) STATE ONE-CALL NOTIFICATION PROGRAM.—The term "State one-call notification program" means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

"(3) STATE.—The term 'State' means a State, the District of Columbia, and Puerto Rico.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"§ 6103. Minimum standards for State one-call notification programs

"(a) MINIMUM STANDARDS.—In order to qualify for a grant under section 6106, a State one-call notification program shall, at a minimum, provide for—

"(1) appropriate participation by all underground facility operators;

"(2) appropriate participation by all excavators; and

"(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

"(b) APPROPRIATE PARTICIPATION.—In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with—

"(1) damage to types of underground facilities; and

"(2) activities of types of excavators.

"(c) IMPLEMENTATION.—A State one-call notification program also shall, at a minimum, provide for—

"(1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions;

"(2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and

"(3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a de minimis risk to public safety or the environment.

"(d) PENALTIES.—To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for—

"(1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program;

"(2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or for parties that repeatedly fail to provide timely and accurate marking after the required call has been made to a one-call notification system;

"(3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator;

"(4) equitable relief; and

"(5) citation of violations.

"§ 6104. Compliance with minimum standards

"(a) REQUIREMENT.—In order to qualify for a grant under section 6106, each State shall submit to the Secretary a grant application under subsection (b). The State shall submit the application not later than 2 years after the date of enactment of this chapter.

"(b) APPLICATION.—

"(1) Upon application by a State, the Secretary shall review that State's one-call notification program, including the provisions for the implementation of the program and the record of compliance and enforcement under the program.

"(2) Based on the review under paragraph (1), the Secretary shall determine whether the State's one-call notification program meets the minimum standards for such a program set forth in section 6103 in order to qualify for a grant under section 6106.

"(3) In order to expedite compliance under this section, the Secretary may consult with the State as to whether an existing State one-call notification program, a specific modification thereof, or a proposed State program would result in a positive determination under paragraph (2).

"(4) The Secretary shall prescribe the form and manner of filing an application under this section that shall provide sufficient information about a State's one-call notification program for the Secretary to evaluate its overall effectiveness. Such information may include the nature and reasons for exceptions from required participation, the types of enforcement available, and such other information as the Secretary deems necessary.

"(5) The application of a State under paragraph (1) and the record of actions of the Secretary under this section shall be available to the public.

"(c) ALTERNATIVE PROGRAM.—A State is eligible to receive a grant under section 6106 if the State maintains an alternative one-call notification program that provides protection for public safety, excavators, and the environment that is equivalent to, or greater than, protection provided under a program that meets the minimum standards set forth in section 6103.

"(d) REPORT.—Within 3 years after the date of the enactment of this chapter, the Secretary shall begin to include the following information in reports submitted under section 60124 of this title—

"(1) a description of the extent to which each State has adopted and implemented the minimum Federal standards under section 6103 or maintains an alternative program under subsection (c);

"(2) an analysis by the Secretary of the overall effectiveness of each State's one-call notification program and the one-call notification systems operating under such program in achieving the purposes of this chapter;

"(3) the impact of each State's decisions on the extent of required participation in one-call notification systems on prevention of damage to underground facilities; and

"(4) areas where improvements are needed in one-call notification systems in operation in each State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purposes of this chapter have been substantially achieved, no further report under this section shall be required.

"§ 6105. Review of one-call system best practices

"(a) STUDY OF EXISTING ONE-CALL SYSTEMS.—Except as provided in subsection (d), the Secretary, in consultation with other appropriate Federal agencies, State agencies, one-call notification system operators, underground facility operators, excavators, and other interested parties, shall undertake a study of damage prevention practices associated with existing one-call notification systems.

"(b) PURPOSE OF STUDY OF DAMAGE PREVENTION PRACTICES.—The purpose of the study is to gather information in order to determine which existing one-call notification systems practices appear to be the most effective in protecting the public, excavators, and the environment and in preventing disruptions to public services and damage to underground facilities. As part of the study, the Secretary shall consider, at a minimum—

"(1) the methods used by one-call notification systems and others to encourage participation by excavators and owners of underground facilities;

"(2) the methods by which one-call notification systems promote awareness of their programs, including use of public service announcements and educational materials and programs;

"(3) the methods by which one-call notification systems receive and distribute information from excavators and underground facility owners;

"(4) the use of any performance and service standards to verify the effectiveness of a one-call notification system;

"(5) the effectiveness and accuracy of mapping used by one-call notification systems;

"(6) the relationship between one-call notification systems and preventing damage to underground facilities;

"(7) how one-call notification systems address the need for rapid response to situations where the need to excavate is urgent;

"(8) the extent to which accidents occur due to errors in marking of underground facilities, untimely marking or errors in the excavation process after a one-call notification system has been notified of an excavation;

"(9) the extent to which personnel engaged in marking underground facilities may be endangered;

"(10) the characteristics of damage prevention programs the Secretary believes could be relevant to the effectiveness of State one-call notification programs; and

"(11) the effectiveness of penalties and enforcement activities under State one-call notification programs in obtaining compliance with program requirements.

"(c) REPORT.—Within 1 year after the date of the enactment of this chapter, the Secretary shall publish a report identifying those practices of one-call notification systems that are the most and least successful in—

"(1) preventing damage to underground facilities; and

"(2) providing effective and efficient service to excavators and underground facility operators.

The Secretary shall encourage each State and operator of one-call notification programs to adopt and implement those practices identified in the report that the State determines are the most appropriate.

"(d) SECRETARIAL DISCRETION.—Prior to undertaking the study described in subsection (a), the Secretary shall determine whether timely information described in subsection (b) is readily available. If the Secretary determines that such information is readily available, the Secretary is not required to carry out the study.

"§ 6106. Grants to States

"(a) IN GENERAL.—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

"(1) the overall quality and effectiveness of one-call notification systems in the State;

"(2) communications systems linking one-call notification systems;

"(3) location capabilities, including training personnel and developing and using location technology;

"(4) record retention and recording capabilities for one-call notification systems;

"(5) public information and education;

"(6) participation in one-call notification systems; or

"(7) compliance and enforcement under the State one-call notification program.

"(b) STATE ACTION TAKEN INTO ACCOUNT.—In making grants under this section, the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including legislative and regulatory actions taken by the State after the date of enactment of this chapter.

"(c) FUNDING FOR ONE-CALL NOTIFICATION SYSTEMS.—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

"§ 6107. Authorization of appropriations

"(a) FOR GRANTS TO STATES.—There are authorized to be appropriated to the Secretary to provide grants to States under section 6106 $1,000,000 for fiscal year 2000 and $5,000,000 for fiscal year 2001. Such funds shall remain available until expended. .

"(b) FOR ADMINISTRATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out sections 6103, 6104, and 6105 for fiscal years 1999, 2000, and 2001.

"(c) GENERAL REVENUE FUNDING.—Any sums appropriated under this section shall be derived from general revenues and may not be derived from amounts collected under section 60301 of this title.

"§ 6108. Relationship to State laws

"Nothing in this chapter preempts State law or shall impose a new requirement on any State or mandate revisions to a one-call system.".

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle III of such title is amended by adding at the end thereof the following:

"61. ONE-CALL NOTIFICATION PROGRAMS ..... 6101".

Subtitle D—Sportfishing and Boating Safety

SEC. 7401. SHORT TITLE; AMENDMENT OF 1950 ACT.

(a) SHORT TITLE.—This subtitle may be cited as the "Sportfishing and Boating Safety Act of 1998".

(b) AMENDMENT OF 1950 ACT.—Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of the 1950 Act, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777 et seq.).

SEC. 7402. OUTREACH AND COMMUNICATIONS PROGRAMS.

(a) DEFINITIONS.—Section 2 of the 1950 Act (16 U.S.C. 777a) is amended—

(1) by indenting the left margin of so much of the text as precedes "(a)" by 2 ems;

(2) by inserting "For purposes of this Act—" after the section heading;

(3) by striking "For the purpose of this Act the" in the first paragraph and inserting "(1) the";

(4) by indenting the left margin of so much of the text as follows "include—" by 4 ems;

(5) by striking "(a)", "(b)", "(c)", and "(d)" and inserting "(A)", "(B)", "(C)", and "(D)", respectively;

(6) by striking "department." and inserting "department;"; and

(7) by adding at the end the following:

"(2) the term 'outreach and communications program' means a program to improve communications with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the Nation's aquatic resources, and to further safety in fishing and boating; and

"(3) the term 'aquatic resource education program' means a program designed to enhance the public's understanding of aquatic resources and sportfishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.".

(b) FUNDING FOR OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4 of the 1950 Act (16 U.S.C. 777c) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(2) by inserting after subsection (b) the following:

"(c) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Of the balance of each such annual appropriation remaining after making the distribution under subsections (a) and (b), respectively, an amount equal to—

"(1) $5,000,000 for fiscal year 1999;

"(2) $6,000,000 for fiscal year 2000;

"(3) $7,000,000 for fiscal year 2001;

"(4) $8,000,000 for fiscal year 2002; and

"(5) $10,000,000 for fiscal year 2003;

shall be used for the National Outreach and Communications Program under section 8(d). Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary of the Interior for that program may be expended by the Secretary under subsection (e).";

(3) in subsection (d), as redesignated, by inserting ", for an outreach and communications program" after "Act";

(4) in subsection (d), as redesignated, by striking "subsections (a) and (b)," and inserting "subsections (a), (b), and (c),";

(5) by adding at the end of subsection (d), as redesignated, the following: "Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to $2,500,000 may be used for the National Outreach and Communications Program under section 8(d) in addition to the amount available for that program under subsection (c). No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this Act. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register."; and

(6) in subsection (e), as redesignated, by striking "subsections (a), (b), and (c)," and inserting "subsections (a), (b), (c), and (d),".

(c) INCREASE IN STATE ALLOCATION.—Section 8 of the 1950 Act (16 U.S.C. 777g) is amended—

(1) by striking "12 ½ percentum" each place it appears in subsection (b) and inserting "15 percent";

(2) by striking "10 percentum" in subsection (c) and inserting "15 percent";

(3) by inserting "and communications" in subsection (c) after "outreach"; and

(4) by redesignating subsection (d) as subsection (f); and by inserting after subsection (c) the following:

"(d) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—

"(1) IMPLEMENTATION.—Within 1 year after the date of enactment of the Sportfishing and Boating Safety Act of 1998, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

"(2) CONTENT.—The plan shall provide—

"(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

"(B) for the establishment of a national program.

"(3) SECRETARY MAY MATCH OR FUND PROGRAMS.—Under the plan, the Secretary may obligate amounts available under subsection (c) or (d) of section 4 of this Act—

"(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach and communications program under the plan; or

"(B) to fund contracts with States or private entities to carry out such a program.

"(4) REVIEW.—The plan shall be reviewed periodically, but not less frequently than once every 3 years.

"(e) STATE OUTREACH AND COMMUNICATIONS PROGRAM.—Within 12 months after the completion of the national plan under subsection (d)(1), a State shall develop a plan for an outreach and communications program and submit it to the Secretary. In developing the plan, a State shall—

"(1) review the national plan developed under subsection (d);

"(2) consult with anglers, boaters, the sportfishing and boating industries, and the general public; and

"(3) establish priorities for the State outreach and communications program proposed for implementation.".

SEC. 7403. CLEAN VESSEL ACT FUNDING.

Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is amended to read as follows:

"(b) USE OF BALANCE AFTER DISTRIBUTION.—

"(1) FISCAL YEAR 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

"(2) FISCAL YEAR 1999.—For fiscal year 1999, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $74,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $10,000,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(B) The balance remaining after the application of subparagraph (A) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(3) FISCAL YEARS 2000–2003.—For each of fiscal years 2000 through 2003, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $82,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(B) $8,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 6404(d) of the Sportfishing and Boating Safety Act of 1998.

"(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred for each such fiscal year to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(4) TRANSFER OF CERTAIN FUNDS.—Amounts available under subparagraph (A) of paragraph (2) and subparagraphs (A) and (B) of paragraph (3) that are unobligated by the Secretary of the Interior after 3 fiscal years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.".

SEC. 7404. BOATING INFRASTRUCTURE.

(a) PURPOSE.—The purpose of this section is to provide funds to States for the development and maintenance of facilities for transient nontrailerable recreational vessels.

(b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C. 777g), as amended by section 6402, is amended by adding at the end thereof the following:

"(g) SURVEYS.—

"(1) NATIONAL FRAMEWORK.—Within 6 months after the date of enactment of the Sportfishing and Boating Safety Act of 1998, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

"(2) STATE SURVEYS.—Within 18 months after such date of enactment, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

"(3) EXCEPTION.—Paragraph (2) does not apply to a State if, within 18 months after such date of enactment, the Secretary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

"(4) FUNDING.—A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.".

(c) PLAN.—Within 6 months after submitting a survey to the Secretary under section 8(g) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C.

777g(g)), as added by subsection (b) of this section, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of facilities for transient nontrailerable recreational vessels, and access to those facilities, to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

(d) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior shall obligate amounts made available under section 4(b)(3)(B) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950, as amended by this Act, to make grants to any State to pay not more than 75 percent of the cost to a State of constructing, renovating, or maintaining facilities for transient nontrailerable recreational vessels.

(2) PRIORITIES.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(A) consist of the construction, renovation, or maintenance of facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c);

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) DEFINITIONS.—For purposes of this section, the term—

(1) "nontrailerable recreational vessel" means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure;

(2) "facilities for transient nontrailerable recreational vessels" includes mooring buoys, daydocks, navigational aids, seasonal slips, safe harbors, or similar structures located on navigable waters, that are available to the general public (as determined by the Secretary of the Interior) and designed for temporary use by nontrailerable recreational vessels; and

(3) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 7405. BOAT SAFETY FUNDS.

(a) AVAILABILITY OF ALLOCATIONS.—Section 13104(a) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking "3 years" and inserting "2 years"; and

(2) in paragraph (2), by striking "3-year" and inserting "2-year".

(b) EXPENDITURES.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following: "Subject to paragraph (2) and subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the sum of (A) the amount appropriated from the Boat Safety Account for that fiscal year and (B) the amount transferred to the Secretary under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)).";

(2) in subsection (a)(2), by striking "appropriated" and inserting "available"; and

(3) by striking subsection (c) and inserting the following:

"(c) Of the amount transferred for each fiscal year to the Secretary of Transportation under paragraphs (2) and (3) of section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), $5,000,000 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title, of which $2,000,000 shall be available to the Secretary only to ensure compliance with chapter 43 of this title. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.".

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 13106 of title 46, United States Code, is amended to read as follows:

"§ 13106. Authorization of appropriations".

(2) The chapter analysis for chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13106 and inserting the following:

"13106. Authorization of appropriations.".

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE AND BUDGET OFFSETS

Subtitle A—Transportation Discretionary Spending Guarantee

SEC. 8101. DISCRETIONARY SPENDING CATEGORIES.

(a) ESTABLISHMENT OF SEPARATE CATEGORIES.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) FY1999.—In paragraph (3), strike "and" at the end of subparagraph (B) and after subparagraph (C) add the following new subparagraphs:

"(D) for the highway category: $21,885,000,000 in outlays; and

"(E) for the mass transit category: $4,401,000,000 in outlays.

(2) FY2000.—In paragraph (4), strike "and" at the end of subparagraph (A) and at the end add the following new subparagraphs:

"(C) for the highway category: $24,436,000,000 in outlays; and

"(D) for the mass transit category: $4,761,000,000 in outlays;".

(3) FY2001.—In paragraph (5), strike the comma and insert "—" after "2001", insert "(A)" before "for" and indent the new subparagraph and move it 2 ems to the right, strike "and" at the end of such subparagraph, and at the end add the following new subparagraphs:

"(B) for the highway category: $26,204,000,000 in outlays; and

"(C) for the mass transit category: $5,190,000,000 in outlays;".

(4) FY2002.—In paragraph (6), strike the comma and insert "—" after "2002", insert "(A)" before "for", indent the new subparagraph and move it 2 ems to the right, and add at the end the following new subparagraphs:

"(B) for the highway category: $26,977,000,000 in outlays; and

"(C) for the mass transit category: $5,709,000,000 in outlays; and".

(5) FY2003.—After paragraph (6), add the following new paragraph:

"(7) with respect to fiscal year 2003—

"(A) for the highway category: $27,728,000,000 in outlays; and

"(B) for the mass transit category: $6,256,000,000 in outlays;".

(b) OFFSETTING ADJUSTMENT IN DISCRETIONARY SPENDING LIMITS.—

(1) ADJUSTMENT OF NONDEFENSE CATEGORY FOR FY1999.—The discretionary spending limit set forth in section 251(c)(3)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $25,173,000,000 in outlays.

(2) ADJUSTMENT OF DISCRETIONARY CATEGORY FOR FY2000.—The discretionary spending limit set forth in section 251(c)(4)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,045,000,000 in outlays.

(3) ADJUSTMENT OF DISCRETIONARY SPENDING LIMIT FOR FY2001.—The discretionary spending limit set forth in section 251(c)(5)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,329,000,000 in outlays.

(4) ADJUSTMENT OF DISCRETIONARY SPENDING LIMIT FOR FY2002.—The discretionary spending limit set forth in section 251(c)(6)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,675,000,000 in outlays.

(c) DEFINITIONS OF HIGHWAY CATEGORY AND MASS TRANSIT CATEGORY.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "(A)" after "(4)" and by adding at the end the following new subparagraphs:

"(B) The term 'highway category' refers to the following budget accounts or portions thereof that are subject to the obligation limitations on contract authority set forth in the Transportation Equity Act for the 21st Century:

"(i) 69–8083–0–7–401 (Federal-Aid Highways).

"(ii) 69–8020–0–7–401 (Highway Traffic Safety Grants).

"(iii) 69–8048–0–7–401 (National Motor Carrier Safety Program).

"(iv) 69–8016–0–7–401 (Operations and Research NHTSA).

"(C) The term 'mass transit category' refers to the following budget accounts or portions thereof that are subject to the obligation limitations on contract authority provided in the Transportation Equity Act for the 21st Century and for which appropriations are provided pursuant to authorizations contained in that Act (except that appropriations provided pursuant to section 5338(h) of title 49, United States Code, as amended by this section, shall not be included in this category):

"(i) 69–8191–0–7–401 (Mass Transit Capital Fund).

"(ii) 69–8350–0–7–401 (Trust Fund Share of Expenses).

"(iii) 69–1129–0–1–401 (Formula Grants).

"(iv) 69–1120–0–1–401 (Administrative expenses).

"(v) 69–1136–0–1–401 (University Transportation Centers).

"(vi) 69–1137–0–1–401 (Transit Planning and Research).

"(D) SPECIAL RULE.—(i) Any outlays in excess of the discretionary spending limit set forth in section 251(c) for the highway or mass transit category, as adjusted, for the budget year shall be considered nondefense category outlays or discretionary category outlays.

"(ii) If the obligation limitations for accounts in the highway or mass transit category provided in an appropriation Act for a fiscal year exceed the obligation limitations set forth in section 8103 of the Transportation Equity Act for the 21st Century for that year, as adjusted, the estimated outlays flowing for each outyear from such excess obligations calculated pursuant to

clause (iii) shall be attributed to the discretionary category in that outyear.

"(iii) For purposes of clause (ii), outlays from excess obligations shall be determined using the average of the spendout rates for that category in the baseline.".

(d) ADJUSTMENT TO HIGHWAY AND MASS TRANSIT CATEGORIES.—Section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by—

(1) striking "When" and inserting:

"(A) CONCEPTS AND DEFINITIONS.—When"; and

(2) adding at the end the following:

"(B) ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—(i) When the President submits the budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall include adjustments to the highway category for the budget year and each outyear as provided in clause (ii)(I)(cc).

"(ii)(I)(aa) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in subclause (II) plus any amount previously calculated under item (bb) for that year.

"(bb) OMB shall take the current estimate of highway receipts for the budget year and subtract the estimated level of receipts for that year.

"(cc) OMB shall take the sum of the amounts calculated under items (aa) and (bb), add that sum to the amount of obligations set forth in section 8103 of the Transportation Equity Act for the 21st Century for the highway category for the budget year, and calculate the outlay change resulting from that change in obligations relative to that amount for the budget year and each outyear using current estimates. After making the calculation under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year by adding the sum of the amounts calculated under items (aa) and (bb).

"(II) The estimated level of highway receipts for the purposes of this clause are—

"(aa) for fiscal year 1998, $22,164,000,000;

"(bb) for fiscal year 1999, $32,619,000,000;

"(cc) for fiscal year 2000, $28,066,000,000;

"(dd) for fiscal year 2001, $28,506,000,000;

"(ee) for fiscal year 2002, $28,972,000,000; and

"(ff) for fiscal year 2003, $29,471,000,000.

"(III) In this clause, the term 'highway receipts' means the governmental receipts credited to the highway account of the Highway Trust Fund.

"(C)(i) In addition to the adjustment required by subparagraph (B), when the President submits the budget under section 1105 of title 31, United States Code, for fiscal years 2000, 2001, 2002, or 2003, OMB shall calculate and the budget shall include for the budget year and each outyear an adjustment to the limits on outlays for the highway category and the mass transit category equal to—

"(I) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (D), as adjusted, using current technical assumptions; minus

"(II) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

"(ii) The adjustment made pursuant to clause (i) in the fiscal years 2002 and 2003 budget submissions of the President under section 1105(a) of title 31, United States Code, shall not exceed 4 percent plus cumulative carryovers. In this clause, the term 'cumulative carryovers' means the total of each amount by which outlays for the highway and mass transit category for any fiscal year are less than the outlay limit for that category, as adjusted, for that year less any amount of carryover used in the previous year.

"(D)(i) When OMB and CBO submit their final sequester report for fiscal year 1999, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2000 through 2003 from obligations at the levels specified in section 8103 of the Transportation Equity Act for the 21st Century using current assumptions.

"(ii) When the President submits the budget under section 1105 of title 31, United States Code, for fiscal years 2000, 2001, 2002, or 2003, OMB shall adjust the estimates made in clause (i) by the adjustments by subparagraphs (B) and (C).

"(E) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.".

(e) ENFORCEMENT OF GUARANTEE.—Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"9. It shall not be in order to consider any bill or joint resolution, or any amendment thereto or conference report thereon, that would cause obligation limitations to be below the level for any fiscal year set forth in section 8103 of the Transportation Equity Act for the 21st Century, as adjusted, for the highway category or the mass transit category, as applicable.".

SEC. 8102. CONFORMING THE PAYGO SCORECARD WITH THIS ACT.

Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 of changes in direct spending outlays and receipts for any fiscal year resulting from this title.

SEC. 8103. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the highway category is—

(1) for fiscal year 1999, $25,883,000,000;

(2) for fiscal year 2000, $26,629,000,000;

(3) for fiscal year 2001, $27,158,000,000;

(4) for fiscal year 2002, $27,767,000,000; and

(5) for fiscal year 2003, $28,233,000,000.

(b) MASS TRANSIT CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category is—

(1) for fiscal year 1999, $5,365,000,000;

(2) for fiscal year 2000, $5,797,000,000;

(3) for fiscal year 2001, $6,271,000,000;

(4) for fiscal year 2002, $6,747,000,000; and

(5) for fiscal year 2003, $7,226,000,000.

For purposes of this subsection, the term "obligation limitations" means the sum of budget authority and obligation limitations.

Subtitle B—Veterans' Benefits

SEC. 8201. SHORT TITLE.

This subtitle may be cited as the "Veterans Benefits Act of 1998".

SEC. 8202. PROHIBITION ON ESTABLISHMENT OF SERVICE-CONNECTION FOR DISABILITIES RELATING TO USE OF TOBACCO PRODUCTS.

(a) WARTIME DISABILITY COMPENSATION.—Section 1110 of title 38, United States Code, is amended by striking out "or abuse of alcohol or drugs" and inserting in lieu thereof ", abuse of alcohol or drugs, or use of tobacco products".

(b) PEACETIME DISABILITY COMPENSATION.—Section 1131 of such title is amended by striking out "or abuse of alcohol or drugs" and inserting in lieu thereof ", abuse of alcohol or drugs, or use of tobacco products".

(c) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to any claims for compensation received by the Secretary of Veterans Affairs before, on, or after the date of enactment of this Act.

(2) The amendments made by this section shall not apply in the case of any such claims adjudicated by the Secretary before such date of enactment for which a service-connection was established for a disability on the basis of the use of tobacco products.

SEC. 8203. TWENTY PERCENT INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—

(1) INCREASE IN RATES.—Section 3015 of title 38, United States Code, is amended—

(A) in subsection (a)(1), by striking out "$400" and inserting in lieu thereof "$528 (as increased from time to time under subsection (g))"; and

(B) in subsection (b)(1), by striking out "$325" and inserting in lieu thereof "$429 (as increased from time to time under subsection (g))".

(2) CPI ADJUSTMENT.—Subsection (g) of such section is amended by striking out "beginning on or after October 1, 1994" and all that follows through "such rates" and inserting in lieu thereof ", the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsections (a)(1) and (b)(1)".

(3) TECHNICAL AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by striking out "subsections (b), (c), (d), (e), (f), and (g) of" in the matter preceding paragraph (1); and

(B) in subsection (b)—

(i) by striking out "Except as provided in subsections (c), (d), (e), (f), and (g), in" and inserting in lieu thereof "In"; and

(ii) by inserting "(except as provided in the succeeding subsections of this section)" after "under this chapter shall".

(4) EFFECTIVE DATES.—The amendments made by this subsection shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998. However, no adjustment in rates of educational assistance shall be made under subsection (g) of section 3015 of title 38, United States Code, as amended by paragraph (2), for fiscal year 1999.

(b) SELECTED RESERVE EDUCATIONAL ASSISTANCE.—

(1) INCREASE IN RATES.—Paragraph (1) of section 16131(b) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking out "$190" and inserting in lieu thereof "$251 (as increased from time to time under paragraph (2))";

(B) in subparagraph (B), by striking out "$143" and inserting in lieu thereof "$188 (as increased from time to time under paragraph (2))"; and

(C) in subparagraph (C), by striking out "$95" and inserting in lieu thereof "$125 (as increased from time to time under paragraph (2))".

(2) CPI ADJUSTMENT.—Paragraph (2) of such section is amended by striking out "beginning on or after October 1, 1994" and all that follows through "such rates" and inserting in lieu thereof ", the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subparagraphs (A), (B), and (C) of paragraph (1)".

(3) TECHNICAL AMENDMENT.—Paragraph (1) of such section is further amended by striking out "in paragraph (2) and".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998. However, no adjustment in rates of educational assistance shall be made

under paragraph (2) of section 16131(b) of title 10, United States Code, as amended by paragraph (2), for fiscal year 1999.

SEC. 8204. INCREASE IN ASSISTANCE AMOUNT FOR SPECIALLY ADAPTED HOUSING.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking out "$38,000" and inserting in lieu thereof "$43,000"; and

(2) in subsection (b)(2), by striking out "$6,500" and inserting in lieu thereof "$8,250".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to limitations under section 2102 of such title on assistance furnished to a veteran under section 2101 of such title on or after October 1, 1998.

SEC. 8205. INCREASE IN AMOUNT OF ASSISTANCE FOR AUTOMOBILE AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Section 3902(a) of title 38, United States Code, is amended by striking out "$5,500" and inserting in lieu thereof "$8,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to assistance furnished under section 3902 of such title on or after October 1, 1998.

SEC. 8206. INCREASE IN AID AND ATTENDANCE RATES FOR VETERANS ELIGIBLE FOR PENSION.

Effective October 1, 1998, the maximum annual rates of pension in effect as of September 30, 1998, under the following provisions of chapter 15 of title 38, United States Code, are increased by $600:

(1) Subsections (d)(1), (d)(2), (f)(2), and (f)(4) of section 1521.

(2) Section 1536(d)(2).

SEC. 8207. ELIGIBILITY OF CERTAIN REMARRIED SURVIVING SPOUSES FOR REINSTATEMENT OF DEPENDENCY AND INDEMNITY COMPENSATION UPON TERMINATION OF THAT REMARRIAGE.

(a) RESTORATION OF PRIOR ELIGIBILITY.—Section 1311 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of dependency and indemnity compensation to such person as the surviving spouse of the veteran if the remarriage is terminated by death, divorce, or annulment unless the Secretary determines that the divorce or annulment was secured through fraud or collusion.

"(2) If the surviving spouse of a veteran ceases living with another person and holding himself or herself out openly to the public as that person's spouse, the bar to granting that person dependency and indemnity compensation as the surviving spouse of the veteran shall not apply.

"(3) The first month of eligibility for payment of dependency and indemnity compensation to a surviving spouse by reason of this subsection shall be the later of the month after—

"(A) the month of the termination of such remarriage, in the case of a surviving spouse described in paragraph (1); or

"(B) the month of the cessation described in paragraph (2), in the case of a surviving spouse described in that paragraph.".

(b) EFFECTIVE DATE.—No payment may be made by reason of section 1311(e) of title 38, United States Code, as added by subsection (a), for any month before October 1998.

SEC. 8208. EXTENSION OF PRIOR REVISION TO OFFSET RULE FOR DEPARTMENT OF DEFENSE SPECIAL SEPARATION BENEFIT PROGRAM.

The amendment made by section 653 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2583) to subsection (h)(2) of section 1174 of title 10, United States Code, shall apply to any payment of separation pay under the special separation benefits program under section 1174a of that title that was made during the period beginning on December 5, 1991, and ending on September 30, 1996.

SEC. 8209. SENSE OF CONGRESS CONCERNING RECOVERY FROM TOBACCO COMPANIES OF COSTS OF TREATMENT OF VETERANS FOR TOBACCO-RELATED ILLNESSES.

It is the sense of the Congress—

(1) that the Attorney General or the Secretary of Veterans Affairs, as appropriate, should take all steps necessary to recover from tobacco companies amounts corresponding to the costs which would be incurred by the Department of Veterans Affairs for treatment of tobacco-related illnesses of veterans, if such treatment were authorized by law; and

(2) that the Congress should authorize by law the treatment of tobacco-related illnesses of veterans upon the recovery of such amounts.

Subtitle C—Temporary Student Loan Provision.

SEC. 8301. TEMPORARY STUDENT LOAN PROVISION.

(a) FFEL INTEREST RATES.—

(1) AMENDMENT.—Section 427A of the Higher Education Act of 1965 (20 U.S.C. 1077a) is amended—

(A) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(B) by inserting after subsection (i) the following new subsection:

"(j) INTEREST RATES FOR NEW LOANS BETWEEN JULY 1, 1998 AND OCTOBER 1, 1998.—

"(1) IN GENERAL.—Notwithstanding subsection (h), but subject to paragraph (2), with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

"(2) IN SCHOOL AND GRACE PERIOD RULES.—Notwithstanding subsection (h), with respect to any loan under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest for interest which accrues—

"(A) prior to the beginning of the repayment period of the loan; or

"(B) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall be determined under paragraph (1) by substituting '1.7 percent' for '2.3 percent'.

"(3) PLUS LOANS.—Notwithstanding subsection (h), with respect to any loan under section 428B for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to the lesser of—

"(A)(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 3.1 percent; or

"(B) 9.0 percent.

"(4) CONSULTATION.—The Secretary shall determine the applicable rate of interest under this subsection after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.".

(2) CONFORMING AMENDMENT.—Section 428B(d)(4) (20 U.S.C. 1078–2(d)(4)) is amended by striking "section 427A(c)" and inserting "section 427A for loans made under this section".

(b) SPECIAL ALLOWANCES.—

(1) AMENDMENT.—Section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) is amended by adding at the end the following new subparagraph:

"(G) LOANS DISBURSED BETWEEN JULY 1, 1998, AND OCTOBER 1, 1998.—

"(i) IN GENERAL.—Subject to paragraph (4) and clauses (ii), (iii), and (iv) of this subparagraph, and except as provided in subparagraph (B), the special allowance paid pursuant to this subsection on loans for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, shall be computed—

"(I) by determining the average of the bond equivalent rates of 91-day Treasury bills auctioned for such 3-month period;

"(II) by subtracting the applicable interest rates on such loans from such average bond equivalent rate;

"(III) by adding 2.8 percent to the resultant percent; and

"(IV) by dividing the resultant percent by 4.

"(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, and for which the applicable rate of interest is described in section 427A(j)(2), clause (i)(III) of this subparagraph shall be applied by substituting '2.2 percent' for '2.8 percent'.

"(iii) PLUS LOANS.—In the case of any loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, and for which the applicable rate of interest is described in section 427A(j)(3), clause (i)(III) of this subparagraph shall be applied by substituting '3.1 percent' for '2.8 percent', subject to clause (v) of this subparagraph.

"(iv) CONSOLIDATION LOANS.—This subparagraph shall not apply in the case of any consolidation loan.

"(v) LIMITATION ON SPECIAL ALLOWANCES FOR PLUS LOANS.—In the case of PLUS loans made under section 428B and disbursed on or after July 1, 1998, and before October 1, 1998, for which the interest rate is determined under 427A(j)(3), a special allowance shall not be paid for such loan for such unless the rate determined under subparagraph (A) of such section (without regard to subparagraph (B) of such section) exceeds 9.0 percent.".

(2) CONFORMING AMENDMENTS.—Section 438(b)(2) of such Act is further amended—

(A) in subparagraph (A), by striking "(E), and (F)" and inserting "(E), (F), and (G)";

(B) in subparagraph (B)(iv), by striking "(E), or (F)" and inserting "(E), (F), or (G)"; and

(C) in subparagraph (C)(ii), by striking "In the case" and inserting "Subject to subparagraph (G), in the case".

(c) DIRECT LOAN INTEREST RATES.—Section 455(b) (20 U.S.C. 1087e(b)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) TEMPORARY INTEREST RATE PROVISION.—

"(A) RATES FOR FDSL AND FDUSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on

June 30, be determined on the preceding June 1 and be equal to—

"(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

"(B) IN SCHOOL AND GRACE PERIOD RULES.—Notwithstanding the preceding paragraphs of this subsection, with respect to any Federal Direct Stafford Loan or Federal Direct Unsubsidized Stafford Loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest for interest which accrues—

"(i) prior to the beginning of the repayment period of the loan; or

"(ii) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C), shall be determined under subparagraph (A) by substituting '1.7 percent' for '2.3 percent'.

"(C) PLUS LOANS.—Notwithstanding the preceding paragraphs of this subsection, with respect to Federal Direct PLUS Loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall be determined under subparagraph (A)—

"(i) by substituting '3.1 percent' for '2.3 percent'; and

"(ii) by substituting '9.0 percent' for '8.25 percent'.".

Subtitle D—Block Grants for Social Services

SEC. 8401. BLOCK GRANTS FOR SOCIAL SERVICES.

(a) REDUCTION OF GRANTS.—Section 2003(c) of the Social Security Act (42 U.S.C. 1397b(c)) is amended by striking paragraphs (7) and (8) and inserting the following:

"(7) $2,380,000,000 for the fiscal year 1997;

"(8) $2,380,000,000 for the fiscal year 1998;

"(9) $2,380,000,000 for the fiscal year 1999;

"(10) $2,380,000,000 for the fiscal year 2000; and

"(11) $1,700,000,000 for the fiscal year 2001 and each fiscal year thereafter.".

(b) LIMITATION ON AMOUNT OF TANF FUNDS TRANSFERABLE.—Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

"(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—

"(A) IN GENERAL.—A State may use not more than the applicable percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.

"(B) APPLICABLE PERCENT.—For purposes of subparagraph (A), the applicable percent is 4.25 percent in the case of fiscal year 2001 and each succeeding fiscal year.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1998.

TITLE IX—AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

SEC. 901. 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. 902. 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 of tax on heavy trucks and trailers).

(E) Section 4071(d) (relating to termination of tax on tires).

(F) Section 4081(d)(1) (relating to termination of tax on gasoline, diesel fuel, and kerosene).

(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) (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 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 "2005".

(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 Transportation Equity Act for the 21st Century.

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 enactment of the Transportation Equity Act for the 21st Century.".

(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 Transportation Equity Act for the 21st Century,

as such section and Acts are in effect on the date of enactment of the Transportation Equity Act for the 21st Century.".

(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.

(f) CLERICAL AMENDMENTS.—

(1) Paragraph (1) of section 9503(b) is amended by striking subparagraph (C), by striking "and tread rubber" in subparagraph (D), and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) Clause (i) of section 9503(c)(2)(A) is amended by adding "and" at the end of subclause (II), by striking subclause (III), and by redesignating subclause (IV) as subclause (III).

(3) Clause (ii) of section 9503(c)(2)(A) is amended by striking "gasoline, special fuels, and lubricating oil" each place it appears and inserting "fuel".

SEC. 903. EXTENSION AND MODIFICATION OF TAX BENEFITS FOR ALCOHOL FUELS.

(a) EXTENSION OF TAX BENEFITS.—

(1) EXTENSION.—The following provisions are each amended by striking "2000" each place it appears and inserting "2007":

(A) Section 4041(b)(2)(C) (relating to termination of reduction in tax for qualified methanol and ethanol fuel).

(B) Section 4041(k)(3) (relating to termination of rates relating to fuels containing alcohol).

(C) Section 4081(c)(8) (relating to termination of special rate for taxable fuels mixed with alcohol).

(D) Section 4091(c)(5) (relating to termination of reduced rate of tax for aviation fuel in alcohol mixture, etc.).

(2) EXTENSION OF REFUND AUTHORITY.—Paragraph (4) of section 6427(f) (relating to refund for gasoline, diesel fuel, and aviation fuel used

to produce certain alcohol fuels), as amended by the Taxpayer Relief Act of 1997, is amended by striking "1999" and inserting "2007".

(3) CREDIT FOR ALCOHOL USED AS A FUEL.—Paragraph (1) of section 40(e) (relating to termination of credit for alcohol used as a fuel) is amended—

(A) by striking "December 31, 2000" in subparagraph (A) and inserting "December 31, 2007", and

(B) by striking "January 1, 2001" and inserting "January 1, 2008".

(4) TARIFF SCHEDULE.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are each amended in the effective period column by striking "10/1/2000" each place it appears and inserting "10/1/2007".

(b) MODIFICATION.—

(1) IN GENERAL.—Subsection (h) of section 40 (relating to alcohol used as fuel) is amended to read as follows:

"(h) REDUCED CREDIT FOR ETHANOL BLENDERS.—

"(1) IN GENERAL.—In the case of any alcohol mixture credit or alcohol credit with respect to any sale or use of alcohol which is ethanol during calendar years 2001 through 2007—

"(A) subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting 'the blender amount' for '60 cents',

"(B) subsection (b)(3) shall be applied by substituting 'the low-proof blender amount' for '45 cents' and 'the blender amount' for '60 cents', and

"(C) subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting 'the blender amount' for '60 cents' and 'the low-proof blender amount' for '45 cents'.

"(2) AMOUNTS.—For purposes of paragraph (1), the blender amount and the low-proof blender amount shall be determined in accordance with the following table:

In the case of any sale or use during calendar year:	*The blender amount is:*	*The low-proof blender amount is:*
2001 or 2002	*53 cents*	*39.26 cents*
2003 or 2004	*52 cents*	*38.52 cents*
2005, 2006, or 2007	*51 cents*	*37.78 cents.".*

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(b)(2) is amended—

(i) in subparagraph (A)(i), by striking "5.4 cents" and inserting "the applicable blender rate", and

(ii) by redesignating subparagraph (C), as amended by subsection (a)(1)(A), as subparagraph (D) and by inserting after subparagraph (B) the following:

"(C) APPLICABLE BLENDER RATE.—For purposes of subparagraph (A)(i), the applicable blender rate is—

"(i) except as provided in clause (ii), 5.4 cents, and

"(ii) for sales or uses during calendar years 2001 through 2007, 1/10 of the blender amount applicable under section 40(h)(2) for the calendar year in which the sale or use occurs.".

(B) Subparagraph (A) of section 4081(c)(4) is amended to read as follows:

"(A) GENERAL RULES.—

"(i) MIXTURES CONTAINING ETHANOL.—Except as provided in clause (ii), in the case of a qualified alcohol mixture which contains gasoline, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, the applicable blender rate (as defined in section 4041(b)(2)(C)) per gallon,

"(II) in the case of 7.7 percent gasohol, the number of cents per gallon equal to 77 percent of such applicable blender rate, and

"(III) in the case of 5.7 percent gasohol, the number of cents per gallon equal to 57 percent of such applicable blender rate.

"(ii) MIXTURES NOT CONTAINING ETHANOL.—In the case of a qualified alcohol mixture which contains gasoline and none of the alcohol in which consists of ethanol, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, 6 cents per gallon,

"(II) in the case of 7.7 percent gasohol, 4.62 cents per gallon, and

"(III) in the case of 5.7 percent gasohol, 3.42 cents per gallon.".

(C) Section 4081(c)(5) is amended by striking "5.4 cents" and inserting "the applicable blender rate (as defined in section 4041(b)(2)(C))".

(D) Section 4091(c)(1) is amended by striking "13.4 cents" each place it appears and inserting "the applicable blender amount" and by adding at the end the following: "For purposes of this paragraph, the term 'applicable blender amount' means 13.3 cents in the case of any sale or use during 2001 or 2002, 13.2 cents in the case of any sale or use during 2003 or 2004, 13.1 cents in the case of any sale or use during 2005, 2006, or 2007, and 13.4 cents in the case of any sale or use during 2008 or thereafter.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2001.

SEC. 904. 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, and

"(2) no interest accruing after September 30, 1998, on any obligation held by such Fund shall be credited to such Fund.

The Secretary shall cancel obligations held by the Highway Trust Fund to reflect the reduction in the balance 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. 905. PROVISIONS RELATING TO AQUATIC RESOURCES TRUST FUND.

(a) INCREASED TRANSFERS.—

(1) Subparagraph (D) of section 9503(b)(4), as amended by section 911, is amended by striking "exceeds 11.5 cents per gallon," and inserting "exceeds—

"(i) 11.5 cents per gallon with respect to taxes imposed before October 1, 2001,

"(ii) 13 cents per gallon with respect to taxes imposed after September 30, 2001, and before October 1, 2003, and

"(iii) 13.5 cents per gallon with respect to taxes imposed after September 30, 2003, and before October 1, 2005,".

(2) Clause (ii) of section 9503(c)(4)(A) is amended by adding at the end the following new flush sentence:

"In making the determination under subclause (II) for any fiscal year, the Secretary shall not take into account any amount appropriated from the Boat Safety Account in any preceding fiscal year but not distributed."

(b) EXPANSION OF EXPENDITURE AUTHORITY FROM BOAT SAFETY ACCOUNT.—Section 9504(b)(2) (relating to expenditures from Sport Fish Restoration Account) is amended—

(1) in subparagraph (A) by striking "October 1, 1988), and" and inserting "the date of the enactment of the Transportation Equity Act for the 21st Century),",

(2) in subparagraph (B) by striking "November 29, 1990" and inserting "the date of the enactment of the Transportation Equity Act for the 21st Century", and

(3) by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) to carry out the purposes of section 7404(d) of the Transportation Equity Act for the 21st Century (as in effect on the date of the enactment of such Act), and".

(c) 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 enactment of the Transportation Equity Act for the 21st Century".

(d) 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.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 906. REPEAL OF 1.25 CENT TAX RATE ON RAIL DIESEL FUEL.

(a) IN GENERAL.—Section 4041(a)(1)(C)(ii) (relating to rate of tax on trains) is amended—

(1) in subclause (II), by striking "October 1, 1999" and inserting "November 1, 1998", and

(2) in subclause (III), by striking "September 30, 1999" and inserting "October 31, 1998".

(b) CONFORMING AMENDMENTS.—

(1) Section 6421(f)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "November 1, 1998", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "October 31, 1998".

(2) Section 6427(l)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "November 1, 1998", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "October 31, 1998".

SEC. 907. ADDITIONAL QUALIFIED EXPENSES AVAILABLE TO NONAMTRAK STATES.

(a) IN GENERAL.—Section 977(e)(1)(B) of the Taxpayer Relief Act of 1997 (defining qualified expenses) is amended—

(1) by striking "and" at the end of clause (iii), and

(2) by striking clause (iv) and inserting the following:

"(iv) capital expenditures related to State-owned rail operations in the State,

"(v) any project that is eligible to receive funding under section 5309, 5310, or 5311 of title 49, United States Code,

"(vi) any project that is eligible to receive funding under section 103, 130, 133, 144, 149, or 152 of title 23, United States Code,

"(vii) the upgrading and maintenance of intercity primary and rural air service facilities, and the purchase of intercity air service between primary and rural airports and regional hubs,

"(viii) the provision of passenger ferryboat service within the State,

"(ix) the provision of harbor improvements within the State, and

"(x) the payment of interest and principal on obligations incurred for such acquisition, upgrading, maintenance, purchase, expenditures, provision, and projects."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 977 of the Taxpayer Relief Act of 1997.

SEC. 908. 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. 909. 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 during—

"(i) such quarter, or

"(ii) any prior quarter (for which no other claim has been filed) during such taxable year, 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. 910. ELECTION TO RECEIVE TAXABLE CASH COMPENSATION IN LIEU OF NONTAXABLE QUALIFIED TRANSPORTATION FRINGE BENEFITS.

(a) NO CONSTRUCTIVE RECEIPT.—

(1) IN GENERAL.—Paragraph (4) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(4) NO CONSTRUCTIVE RECEIPT.—No amount shall be included in the gross income of an employee solely because the employee may choose between any qualified transportation fringe and compensation which would otherwise be includible in gross income of such employee.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1997.

(b) INFLATION ADJUSTMENT ONLY AFTER 1999.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(6) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amounts contained in subparagraphs (A) and (B) of paragraph (2) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

"(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.".

(2) CONFORMING AMENDMENTS.—Section 132(f)(2) is amended—

(A) by striking "$60" in subparagraph (A) and inserting "$65", and

(B) by striking "$155" in subparagraph (B) and inserting "$175".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1998.

(c) INCREASE IN MAXIMUM EXCLUSION FOR EMPLOYER-PROVIDED TRANSIT PASSES.—

(1) IN GENERAL.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking "$65" and inserting "$100".

(2) NEW BASE PERIOD FOR INFLATION ADJUSTMENT.—Subparagraph (A) of section 132(f)(6) is amended by adding at the end the following flush sentence:

"In the case of any taxable year beginning in a calendar year after 2002, clause (ii) shall be applied by substituting 'calendar year 2001' for 'calendar year 1998' for purposes of adjusting the dollar amount contained in paragraph (2)(A).".

(3) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2001.

SEC. 911. 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) Subparagraph (D) of section 9503(b)(4) is amended to read as follows:

"(D) in the case of gasoline and special motor fuels used as described in paragraph (4)(D) or (5)(B) of subsection (c), section 4041 or 4081 with respect to so much of the rate of tax as exceeds 11.5 cents per gallon,".

(3) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

SEC. 912. IDENTIFICATION OF LIMITED TAX BENEFITS SUBJECT TO LINE ITEM VETO.

For purposes of part C of title X of the Congressional Budget and Impoundment Control Act of 1974 (relating to line item veto), the Joint Committee on Taxation has determined that this title does not contain any limited tax benefit (as defined in such part).

And the Senate agree to the same.

Pursuant to the order of the House on April 1, 1998, the Speaker appointed the following conferees for consideration of the House bill (except title XI) and the Senate amendment (except title VI), and modifications committed to conference:

BUD SHUSTER,
THOMAS E. PETRI,
SHERWOOD L. BOEHLERT,
JAY KIM,
STEPHEN HORN,
TILLIE K. FOWLER,
RICHARD H. BAKER,
ROBERT W. NEY,
JACK METCALF,
JAMES L. OBERSTAR,
NICK RAHALL,
ROBERT A. BORSKI,
ROBERT E. WISE, JR.,
JIM CLYBURN,
BOB FILNER,

As additional conferees from the Committee on Commerce, for consideration of provisions in the House bill and Senate amendment relating to the Congestion Mitigation and Air Quality Improvement Program; and sections 124, 125, 303, and 502 of the House bill; and sections 1407, 1601, 1602, 2103, 3106, 3301–3302, 4101–4104, and 5004 of the Senate amendment and modifications committed for conference:

TOM BLILEY,
MICHAEL BILIRAKIS,
JOHN D. DINGELL,
Provided that Mr. Tauzin is appointed in lieu of Mr. Bilirakis for consideration of sections 1407, 2103, and 3106 of the Senate amendment.
BILLY TAUZIN,

As additional conferees from the Committee on Ways and Means, for consideration of title XXI of the House bill and title VI of the Senate amendment, and modifications committed to conference:

JIM NUSSLE,
KENNY C. HULSHOF,

As additional conferees from the Committee on Ways and Means, for consideration of

title XXI of the House bill and title VI of the Senate amendment, and modifications committed to conference:

CHARLES B. RANGEL,
Managers on the Part of the House.

From the Committee on Environment and Public Works:

JOHN W. CHAFEE,
JOHN WARNER,
BOB SMITH,
DIRK KEMPTHORNE,
JIM INHOFE,
CRAIG THOMAS,
CHRISTOPHER S. BOND,
TIM HUTCHINSON,
WAYNE ALLARD,
MAX BAUCUS,
DANIEL PATRICK MOYNIHAN,
HARRY REID,
BOB GRAHAM,
JOSEPH LIEBERMAN,
BARBARA BOXER,

From the Committee on Finance:

WILLIAM V. ROTH, Jr.,
CHUCK GRASSLEY,
ORRIN HATCH,
JOHN BREAUX,
KENT CONRAD,

From the Committee on Banking, Housing, and Urban Affairs:

ALFONSE D'AMATO,
PHIL GRAMM,
PAUL SARBANES,
CHRIS DODD,

From the Committee on Commerce, Science, and Transportation:

ERNEST HOLLINGS,

From the Committee on the Budget:

PETE DOMENICI,
DON NICKLES,
PATTY MURRAY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—FEDERAL-AID HIGHWAYS

SHORT TITLE, TABLE OF CONTENTS

House bill

The title of the House bill is the "Building Efficient Surface Transportation And Equity Act of 1998," "BESTEA." Section 1 of the House bill also includes a table of contents.

Senate amendment

The title of the Senate amendment is the "Intermodal Surface Transportation Efficiency Act of 1998," of "ISTEA II." Section 1 of the Senate amendment also includes a table of contents for the bill.

Conference substitute

The Conference adopts a substitute provision. The title of the bill is "Transportation Equity Act for the 21st Century" or "TEA 21."

DEFINITIONS

House bill

The House bill includes definitions for two terms in the free-standing provisions. The term "Interstate System" has the meaning given the term by section 101 of title 23 of the United States Code. The term "Secretary" is the Secretary of Transportation.

Senate amendment

For the purpose of the free-standing provisions, the Senate amendment defines the term "Secretary" as the Secretary of Transportation.

Conference substitute

The conference adopts the House provision.

SAVINGS CLAUSE

House bill

The House bill provides that amendments made by this Act shall not affect any apportionment or allocations of any funds that occurred before the date of enactment of this Act unless the bill specifically directs that the allocation or apportionment be modified.

Senate amendment

The Senate amendment contains no provision similar to the House savings clause.

Conference substitute

The Conference does not include the House provision.

AMENDMENTS TO TITLE 23

House bill

Section 101 of the House bill directs that each amendment in the bill, or repeal of a section or other provision of law, is an amendment to title 23 of the United States Code unless the bill states otherwise.

Senate amendment

The Senate amendment contains no provision comparable to the Hose provision.

Conference substitute

The conference report adopts the House provision.

SHORT TITLE FOR TITLE I

House bill

The House bill contains no comparable provision.

Senate amendment

The Senate amendment includes a short title for the first title of the bill covering highway programs. This title may be cited as the "Surface Transportation Act of 1998".

Conference substitute

The conference report does not include the Senate provision.

DIVISION OR SEGMENTATION OF PROJECTS

House bill

The House bill authorizes a State carrying out a project with Federal funds to divide or segment the project provided that the division or segmentation complies with the requirements of the National Environmental Policy Act of 1969.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference adopts the House provision. This provision clarifies that by listing high priority projects in subsection 127(c) of this Act and similar projects in previous legislation, Congress is establishing the limits of the projects for purposes of eligibility for associated Federal-aid highway funding. The listing or identification of a project is not intended to define the scope of the project for purposes of complying with all Federal requirements, including those of the National Environmental Policy Act (NEPA). As the associated Federal-aid highway funding for these projects typically is not sufficient to finance the Federal share of all improvements within the project limits, Congress recognizes that a State needs the flexibility to advance logical segments of the overall project. Any segment of a project must still have to connect logical termini, have independent utility, and not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. This provision does not waive safety or contracting requirements for the underlying segment.

In the case of the South Lawrence Trafficway in Kansas, the State may advance the segment between U.S. 59 and Kansas Route 10 as a non-Federally funded project without triggering NEPA.

TECHNICAL AMENDMENT METROPOLITAN PLANNING SET ASIDE

House bill

Section 104(e) amends the metropolitan planning set aside provision of section 104(f) of title 23, United States Code by deleting the references to outdated funding programs and providing that the set aside shall not be deducted from funds for the Recreational Trails Program.

Senate amendment

Section 1112(b)(1) makes minor technical amendments to the metropolitan planning set aside provision in section 104(f) of title 23, United States Code.

Conference substitute

The Conference adopts the House provision.

AUDITS OF THE HIGHWAY TRUST FUND

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1102(e) amends section 104(i) of title 23, United States Code to authorize the Secretary to use administrative funds to reimburse the Office of Inspector General of the Department of Transportation for annual audits of financial statements in accordance with section 3521 of title 31, United States Code.

Conference substitute

The Conference adopts the Senate provision.

NOTICE TO THE STATES

House bill

Section 104(d) makes technical corrections to section 104 of title 23, United States Code. It also directs the Secretary to transmit to Congress within 21 days a written statement setting forth the reason for not making an apportionment in a timely manner. This section has been included in response to the withholding of apportionments in fiscal year 1997. The apportionments were held up for several months due to an error in crediting receipts into the Highway Trust Fund. Ultimately, a correction was made resulting in the redistribution of nearly $1 billion in federal-aid highway funds. The withholding was done administratively. This amendment would require a written explanation of any withholding in the future.

Senate amendment

Section 1102(f)(1) makes technical corrections to section 104 of title 23, United States Code.

Conference substitute

The Conference adopts the House provision.

TECHNICAL AMENDMENTS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1102(f)(1) and (2) make technical corrections to section 104 of title 23, United States Code.

Conference substitute

The Conference adopts the Senate provision.

REPEAL OF SECTION 150

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1102(g)(2) repeals section 150 of title 23, United States Code. Section 150 provided for the allocation of funds based on an outdated concept of urban systems.

Conference substitute

The Conference adopts the Senate provision.

SURFACE TRANSPORTATION OBLIGATIONS IN URBAN AREAS

House bill

Subsection 108(g) extends the current provision in subsection 133(f) requiring the proportional obligation of surface transportation program funds made available for urban areas over the period from 1998 through 2003.

Senate amendment

Section 1104 continues current procedure in subsection 133(f) of title 23, United States Code regarding the sub-allocation of surface transportation program ("STP") funds to urbanized areas. The purpose of this requirement is to ensure that the obligation rate of the STP funds for urbanized areas within a State is consistent with the larger obligation rate for all Federal-aid highway apportionments within the State. This section amends current law to require States to comply with obligation rates over two equal three-year periods, as opposed to the existing requirement of complying over a single six-year period.

Conference substitute

The Conference adopts the Senate provision.

EMERGENCY RELIEF

House bill

Section 117(a)(1) makes several technical corrections to the Federal share payable section under the Emergency Relief Program.

Senate amendment

Section 1105 restates the eligibility for highway and bridge projects and the funding requirements for the emergency relief ("ER") program. ER funds can be used only for emergency repairs done to restore essential highway traffic, to minimize the extent of damage resulting from a natural disaster or catastrophic failure, or to protect the remaining facility. The Secretary is also authorized to borrow amounts necessary from any program under title 23 for emergency relief work. Any additional funds used shall be reimbursed with future ER appropriations. The purpose of allowing the Secretary to borrow funds from title 23 programs is to provide a "cushion" to allow project work to continue if all ER program funds are used. This section also amends current law, which limits the availability of ER funds to two years, to make them available until expended.

Conference substitute

The Conference adopts the Senate provision.

ACCESS TO KENNEDY CENTER

House bill

Section 117(e) requires 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, to conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts. The bill authorizes $500,000 to be taken out of the Highway Trust fund for the study.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference adopts the House provision.

SMITHSONIAN TRANSPORTATION PROGRAM

House bill

Section 117(f) provides assistance to the Smithsonian Institute for transportation-related activities, including exhibitions and educational outreach programs, the acquisition of transportation-related artifacts, and transportation-related research programs. The bill authorizes $5 million annually for this assistance.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitution

The Conference adopts the House provision with a reduction in the annual authorization to $1 million.

RECREATIONAL TRAILS

House bill

Section 114 codifies the Recreational Trails Program authorized in ISTEA as Section 205 of Title 23. The program distributes to States a portion of gas tax revenues attributable to non-highway use for trail projects. The Secretary is required to administer this program for the purpose of providing and maintaining recreational trails. The Federal share for the program is 50 percent of cost. Certain other Federal programs can be used as matching funds. Eligible costs include educational programs, the development, construction and rehabilitation of trails, and the acquisition of easements. The existing ISTEA provision relating to recreational trails is repealed. The Secretary is to encourage the use of youth conservation or service corps in completing appropriate trails projects.

The 30 percent figures under the Assured Access to Funds requirement and the 40 percent figure under the Diversified Trail Use requirement are minimum requirements that could be exceeded. States should not treat their projects as if they were meeting three mutually exclusive categories. There can be overlap between the Diversified Trail use requirement and the Assured Access requirements. There should be diversified motorized use projects, diversified non-motorized use projects, and projects that benefit both motorized and non-motorized use simultaneously.

Senate amendment

Section 1107 continues the existing Recreational Trails Program. Under this provision, the Recreational Trails Program is to be funded through contract authority from the Highway Trust Fund. The annual contract authority is as follows: $17,000,000 for fiscal year 1998; $20,000,000 for fiscal year 1999; $22,000,000 for fiscal year 2000; $23,000,000 for fiscal year 2001; $24,000,000 for fiscal year 2002; and $25,000,000 for fiscal year 2003. The provision of current law relating to the National Recreational Trails funding is repealed.

The Federal share payable for projects under the Recreational Trails Program is increased from 50 percent to 80 percent. In addition to the Department of Transportation, other Federal agencies may contribute additional funds for a Recreational Trails project. However, the Department of Transportation share for any individual project may not exceed 80 percent; the combined share of all Federal agencies may not exceed 95 percent. The Federal share for this program is consistent with the Federal share available for other Federal-aid projects.

This section retains the current requirement regarding the States' use of annual apportionments: at least 30 percent of Federal funds must be used to facilitate non-motorized recreation; another 30 percent of the funds must be used for motorized recreational purposes. A State must use the remaining amount of funds for diverse recreational purposes, including both motorized and nonmotorized recreational trail use. Experience with implementing Recreational Trail projects in the past has shown that project sponsors for nonmotorized trail projects were significantly disadvantaged in meeting the higher non-Federal matching requirements.

To the extent practicable and consistent with other requirements, States are to give consideration to projects that benefit the natural environment or mitigate and minimize impacts to the environment.

The amount that the Secretary may deduct to pay the costs for administration of the program is reduced from three percent to one percent.

Conference substitute

The Conference substitute adopts the Senate language with several modifications. The substitute clarifies that a State may use funds appropriated under this section for construction of new trails only if the construction is permissible under some other law or is otherwise required by a statewide comprehensive outdoor recreational plan in effect required by the Land and Water Conservation Found Act. It places a cap on the amount that a state can expend on educational programs to promote safety and environmental protection at 5% of annual apportionments.

The substitute provision also modifies existing law to exclude all small states with a total land area of less than 3,500,000 acres from the requirement to expend annual apportionments for trails and trails related projects in a ratio of 40% diverse use, 30% motorized use and 30% nonmotorized use. The substitute further provides that a State trail advisory committee may waive the trails diversity requirement if the State notifies the Secretary that the State does not have sufficient projects to meet the diversity requirements.

It adds a new section which allows States to make grants under section 104(h) to private organizations, municipal, county, state

and Federal governmental entities after considering guidance from the recreational advisory committee for uses consistent with this section.

TERMINATION OF RECREATIONAL TRAILS ADVISORY COMMITTEE

House bill

Subsection 114(d) terminates the Recreational Trail Advisory Committee by the end of fiscal year 2000.

Senate amendment

Section 1208(c) terminates the National Recreational Trails Advisory Committee as soon as is practicable. The Advisory Committee was established in ISTEA and tasked to (1) review the allocation and utilization of moneys under the Recreational Trails program; (2) establish review criteria for trail-side and trail-head facilities; and (3) recommend changes in Federal policy to advance the purposes of the program. The Advisory Committee has completed these tasks and is no longer necessary. This provision does not affect the State advisory committees that are responsible for implementing the Recreational Trails Program.

Conference substitute

The Conference adopts the House provision.

ENCOURAGEMENT OF YOUTH CONSERVATION CORPS

House bill

Subsection 114(c) encourages the use of qualified youth conservation or service corps to construct and maintain recreational trail projects.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference adopts the House provision.

VALUE PRICING PILOT PROGRAM

House bill

Section 119 establishes a variable pricing pilot program. The Secretary may enter into cooperative agreements with up to 15 States to conduct and monitor the pilot projects. The Federal share for a pilot program is 80 percent of the total cost of the program, although the Federal share for any portion of a project may be up to 100 percent. The provision authorizes full Federal participation in the start-up, development, and pre-implementation costs associated with a pilot program for up to three years.

Single occupancy vehicles that are part of a pilot program may operate in high occupancy vehicle (HOV) lanes.

Pilot programs must include an analysis of how the program affects low income drivers.

Senate amendment

Section 1108 renames the congestion pricing pilot program as the value pricing pilot program and codifies the program in title 23, United States Code.

A number of States and local governments have used funds provided under ISTEA to complete feasibility studies and implementation of value pricing projects. This section provides funding and additional flexibility to allow States to continue to implement these projects. In addition, it expands the program, increasing the number of pilot programs eligible for funding from five to 15, and lifting the restriction that only three projects can be conducted on the Interstate System. Funds available under this section may be used for all pre-implementation and design costs to give States more flexibility to study options for different types of value pricing projects.

This section also includes an exemption from the HOV requirement of Section 102(b) of title 23 to permit single occupancy vehicles to operate in HOV lanes if the vehicles are part of a value pricing program.

It is expected that each value pricing project will include a thorough evaluation of the project's effects, including its impacts on congestion, air quality, transit use, and other social and economic effects.

Conference substitute

The Conference adopts the Senate provision with two modifications. First, it prohibits federal funding of pre-implementation, development and startup costs after three years as provided in the House bill. Second, it requires each pilot program to include, where appropriate, an analysis of the impact of the program on low income drivers.

HIGHWAY USE TAX EVASION PROJECTS

House bill

Section 122 amends section 1040 to specify that all funds provided for this program are contract authority. It requires funding provided under this section to be used to create an automated fuel reporting system to improve the tracking of motor fuels subject to Federal and state excuse taxes.

Senate amendment

Section 1109 eliminates two obsolete tax evasion study requirements in current law. It eliminates the annual report on motor fuel tax enforcement activities and the report on the feasibility and desirability of using dye and markers to aid in motor fuel tax enforcement activities.

This section codifies and expands the successful tax evasion program in section 1040 of ISTEA. It provides $5 million in contract authority for each of fiscal years 1998 through 2003 to continue joint FHWA–IRS–State motor fuel tax compliance projects across the Nation, as established in section 1040 of ISTEA. All costs of tax evasion projects are to be paid by the Federal Government.

This section also authorizes an additional $8 million for the Secretary to complete the development of an excise fuel reporting system, as well as $2 million annually for the operation and maintenance of the system. This system will provide essential information regarding data on import and refinery production of motor fuel to compare with terminal fuel receipts and fuel deliveries. This new program, along with the continuing program, is necessary to help ensure that the successful, coordinated regional and national approach to combat fuel tax fraud can continue and improve.

The Conference adopts the Senate provision with one modification. The substitute expressly provides the excise fuel reporting system with contract authority.

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

House bill

Section 137 amends section 217 of title 23 to make a number of clarifying changes and to require that bicyclists and pedestrians be included in the planning process and to allow electric bicycles on trails when State or local regulations permit. The provision clarifies the requirements under section 109(n) of title 23 related to the impact on non-motorized transportation of a Federal-aid highway project. It also requires that bicycle safety be taken into account when States undertake rail-highway crossing projects under section 130 of the title 23. Such safety devices shall include installation and maintenance of audible traffic signal and audible signs.

Senate amendment

Section 1110 builds on ISTEA by expanding the amount of funds available to be used to encourage bicycling and walking as alternative modes of transportation. This provision amends section 217 of title 23, United States Code, to include the construction of pedestrian walkways as an eligible use of a State's National Highway System (NHS) apportionments under the same criteria by which bicycle transportation facilities currently are eligible. This section eliminates the restriction on the use of NHS funds for the construction of bicycle transportation facilities on land adjacent to the Interstate System and amends current law to allow the safe accommodation of bicycles on highway bridges located on fully access-controlled highways, if the bridge is being replaced or rehabilitated with Federal funds. The Department is encouraged to work with the States to ensure that bicycling and pedestrian interests are represented in State and MPO decisionmaking.

The planning provisions in sections 134 and 135 of title 23 are amended to provide that bicyclists and pedestrians shall be given consideration in the comprehensive Statewide and metropolitan planning processes, and that the inclusion of bicycle and pedestrian facilities shall be considered, where appropriate and permitted, in conjunction with all new construction and reconstruction of transportation facilities.

Conference substitute

The Conference adopts the House provision with modifications. The substitute clarifies that safety devices such as installation of audible traffic signals and audible signs shall be considered where appropriate. It also retains current law section 217(i) which clarifies that eligible bicycle projects must be principally for transportation, rather than recreation, purposes.

HIGHWAY AND STREET DESIGN STANDARDS

House bill

Subsection 137(d) requires a study of highway and street design standards to accommodate bicycles.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference does not include a study requirement.

DESIGN GUIDANCE

House bill

Subsection 137(f) requires the Department of Transportation, in cooperation with the American Association of State Highway and Transportation Officials (AASHTO), the Institute of Transportation Engineers, and other interested organizations, to issue within one year design guidance to accommodate bicycle and pedestrian travel.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference adopts the House provision with two modifications. First, the substitute clarifies that the guidance must include recommendations to amend and update AASHTO policies relating to highway and street design standards. Second, it extends the deadline for the issuance of the guidance to 18 months.

DISADVANTAGED BUSINESS ENTERPRISES

House bill

Subsection 102(b) continues the Disadvantaged Business Enterprise provisions. It also allows an entity or person that is prevented under Federal court order from complying with the DBE provision to continue to be eligible to receive Federal funds. The Comptroller General is required to conduct a study of the DBE program within three years of enacted of this act. Recent court decisions have established new standards for review of the constitutionality of programs such as the DBE provisions enacted in prior surface transportation acts and that the courts are now determining whether the DBE programs comply with those standards. The Department of Transportation is reviewing the DBE program in light of recent court rulings and has proposed new regulations to ensure that the program withstands constitutional muster. Section 102(b) of the reported bill makes no changes to these provisions preferring to let the courts resolve these issues. However, the Committee will continue to monitor DOT's administration of this program and gage the impact of court decisions on these provisions.

This provision is intended to ensure that grant recipients under this Act will continue to be eligible to continue to receive federal funds even if a federal court has entered a final order finding the DBE program to be unconstitutional.

The possibility of legal challenges that may affect a limited number of States or transit agencies. This provision is intended to ensure that any affected recipients will not be unfairly penalized for complying with a final order of a Federal court finding the DBE program to be unconstitutional.

Senate amendment

Section 1111 continues the provisions in current law regarding the disadvantaged businesses enterprise (DBE) program. The DBE program, which originated in the Surface Transportation Assistance Act of 1982, requires that 10 percent of the funds provided under title I of this Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals, except to the extent that the Secretary of Transportation determines otherwise.

In 1995, the Supreme Court decided Adarand v Pena, which heightened the standard of judicial review applicable to Federal affirmative action programs. The case involved a Caucasian subcontractor who submitted a low bid on a Federal lands highway construction contract, but lost to a company that was certified as "disadvantaged." Adarand filed suit, alleging that he was denied the equal protection guaranteed by the Fifth amendment. The Court agreed in a 5-4 decision that Federal race classifications, such as the DBE program, must be subject to strict scrutiny. In other words, the program must: (1) serve a compelling government interest, and (2) be narrowly tailored to address that compelling interest, which in this case is fighting discrimination.

It is important to note that the Supreme Court did not strike down the DBE program or any other Federal affirmative action program. That means that if the program in question meets the new test outlined by the Court, it is Constitutional and may continue to exist. In the case of the DBE program, the Department of Transportation has determined that the Constitutional concerns can be addressed through changes in the Department's regulations. To that end, the Department has proposed a number of regulations intended to address the "narrow tailoring" requirements of "strict scrutiny" by (1) giving priority to race-neutral measures in meeting program goals, and (2) limiting the potential adverse effects of the program on other parties.

Conference substitute

The Conference adopts the Senate provision.

FEDERAL SHARE PAYABLE

House bill

Section 134(c) technically changes to the Federal share on certain projects from a strict percentage to a limitation. This will allow for an increased non-Federal share at a State's option. It does not allow the Secretary to impose a lower match.

Senate amendment

Section 1112(a) amends section 120 of title 23, United States Code, to allow a State, if it chooses, to reduce the Federal share of a Federal-aid highway project. This change will give States the flexibility to carry out more projects than would be possible with a straight 20 percent non-Federal share. Nothing in this section is intended to require a State to lower the Federal share payable on any project funded under this title.

Conference substitute

The Conference adopts the Senate provision.

Increased Federal Share for Transit Vehicles

House bill

Subsection 120(a) amends section 120 of title 23 to provide that the Federal share of priority control systems for transit vehicles may be up to 100 percent.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision.

Credit for Non-Federal Share

House bill

Subsection 120(b) allows States to apply toll revenues used for specified capital improvements to their non-Federal share requirement for title 23 projects and for chapter 53 of title 49. To receive this credit, a State must maintain its average non-Federal transportation capital expenditure for the preceding three fiscal years.

Senate amendment

Section 1112(a)(2) codifies a provision established in ISTEA which allows States to apply toll revenues used for specified capital improvements to their non-Federal share requirement for title 23 projects. To receive this credit, a State must meet a maintenance of effort test, and therefore, must maintain its average non-Federal transportation capital expenditure for the preceding three fiscal years. The provision allows a State to drop a "high year" from the three year maintenance of effort test, if that year is at least 30 percent greater than the average for the two other preceding years.

Conference substitute

The Conference adopts the House provisions with modifications. The substitute language includes the exception clause for the maintenance of effort test provided for in the Senate language. In addition, the substitute language clarifies that payments on transportation-related bonds are considered a "transportation expenditure".

Toll Road Credits

House bill

Subsection 133(e) clarifies that private entity expenditures for construction of specific toll roads in Southern California may be credited to the State's non-Federal share.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with modifications. The substitute amends section 120 of title 23 and provides that private entity expenditures used to construct toll roads open to traffic may be used toward the matching share in all States.

Interstate Reconstruction Pilot Program

House bill

Subsection 120(c) creates an Interstate System Reconstruction and Rehabilitation Pilot Program. This program allows up to three facilities to be tolled, provided the toll revenues are used to improve that facility. Any State wishing to participate in the pilot program must enter into an agreement with the Secretary to ensure that no toll revenues are diverted to another facility or purpose. The provision specifies eligibility and selection criteria.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The conference adopted the House provision to allow a State to toll segments of the Interstate system. The provision allows up to three states to participate provided that revenues generated from the tolls will be used to reconstruct, improve or maintain the facility. The conferees understand that certain segments of the Interstate require substantial maintenance and rehabilitation funding above available resources, such as Interstate 80 in Pennsylvania.

Technical Amendment—Federal Share Payable

House bill

Paragraph 104(e)(2) provides a technical conforming amendment to section 120.

Senate amendment

Paragraph 1112(b)(1) provides a technical amendment to 23 U.S.C. 120 concerning the Federal share payable for title 23 projects to conform subsections 120(a) and (b) to subsection 120(i), which allows the State to determine a lower Federal share.

Conference substitute

The Conference adopts the House provision.

Technical Amendment—Federal Share Payable

House bill

The House bill contains no comparable provision.

Senate amendment

Paragraph 1112(b)(2) provides a technical amendment to 23 U.S.C. 120 to conform this subsection to 23 U.S.C. 121, relating to payments made to States for the cost of construction.

Conference substitute

The Conference adopts the Senate provision.

Study: Highway Economic Requirement

House bill

The House bill contains no comparable provision.

Senate amendment

Subsection 1113(a) requires the General Accounting Office (GAO) to report to Congress

on the Department's methodology for determining highway needs using the Highway Economic Requirement System (HERS), a computer program developed to use economic criteria and engineering criteria in estimating highway investment requirements. The GAO is required to provide Congress with an assessment of the extent to which the model is useful in estimating an optimal level of highway infrastructure investment three years after this Act is enacted.

Conference substitute

The Conference adopts the Senate provision.

Study: International Roughness Index

House bill

The House bill contains no comparable provision.

Senate amendment

Subsection 1113(b) requires the Comptroller General to submit a report to the Congress on the International Roughness Index (IRI), an index that is being used to measure the pavement quality of the Federal-aid highway system. The IRI is a data input used in the HERS model. Concerns have been raised as to the reliability of the IRI measurement across different manufacturers and types of pavements and this study shall indicate the extent to which the IRI measurement is reliable.

Conference substitute

The Conference adopts the Senate provision.

Report: Rates of Obligation

House bill

The House bill contains no comparable provision.

Senate amendment

Subsection 1113(c) requires the Secretary to report annually on the rates of obligation of funds apportioned under Federal-aid highway programs. The report shall include information regarding funding category or subcategory, type of improvement, and substrate geographic area.

Conference substitute

The Conference adopts the Senate provision with a modification to clarify that the report shall include all final apportioned programs.

109 Study: Procurement Practices

House bill

Subsection 139(b) requires the GAO to evaluate procurement practices and project delivery. The study shall access the impact a utility company's failure to relocate in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects.

Senate amendment

Subsection 1113(d) requires the General Accounting Office (GAO) to conduct a study on Federal-aid highway procurement practices and project delivery. The study shall access the impact that a utility company's failure to relocate in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects.

Conference substitute

The Conference adopts the House provision.

Definitions

House bill

Section 143 organizes the definitions for title 23 alphabetically.

Senate amendment

Section 1114 provides definitions for the terms "Federal-aid highway funds" and "Federal-aid highway program." These phrases are used throughout title 23, but are not defined in current law. The addition of these clarifying definitions is not intended to change the implementation of any section under current law. The section reorganizes the Definitions for title 23 alphabetically.

Conference substitute

Unresolved.

Definitions: Enhancements

House bill

Section 143 amends the definition of a transportation enhancement activity. It specifies that a transportation enhancement activity must have a direct link to surface transportation. It also expands the definition to allow the removal of graffiti and litter among the list of eligible activities, as well as environmental mitigation to reduce vehicle-caused wildlife mortality while maintaining habitat connectivity. In addition, it adds construction of tourist and welcome centers as an eligible activity.

Senate amendment

Subsection 1223(d) amends subsection 101(a) by providing that tourist and welcome center facilities associated with scenic or historic highway programs are eligible for funding under the enhancement program.

Conference substitute

The Conference adopts the House provision with modifications. The substitute requires that transportation enhancement activities have a relationship, rather than a direct link, to surface transportation. It does not include graffiti and litter removal as eligible activities. It retains the Senate provision regarding eligibility of tourist and welcome centers. In order to be eligible under the enhancement program, the tourist or welcome center (whether a new facility or existing facility) does not have to be on a designated scenic or historic byway, but there must be a clear link to scenic or historical sites. It adds transportation-related museums as an eligible activity.

Definitions: Operational Improvement

House bill

Subsection 143 of the House bill provides technical amendments to, but does not change the definition of operational improvement from current law.

Senate amendment

This section revises the definition of "operational improvement" in section 101(a) of title 23, United States Code, to include the installation, operation, or maintenance of certain Intelligent Transportation Systems infrastructure projects. The installation, operation or maintenance of communications systems, roadway weather information and prediction systems, and other improvements designated by the Secretary that enhance roadway safety during adverse weather are also incorporated into the revised definition.

Conference substitute

The Conference adopts the House provision.

Hazard Elimination

House bill

Subsection 143 of the House bill provides technical amendment to, but does not change this definition from current law.

Senate amendment

Subparagraph 1404(b)(1)(A) amends the definition of "highway safety improvement project" by deleting the reference to "highway".

Conference substitute

The Conference adopts the House provision with a modification. The reference to "highway" is deleted. In carrying out this provision, States should minimize any negative impact on safety and access for bicyclists and pedestrians in accordance with Section 217 of title 23, U.S.C.

Project Approval and Oversight

House bill

Section 143 amends section 101 of title 23 by providing a definition for "project agreement." It is defined as the formal instrument required under the project agreement provision in title 23.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with a modification. It provides a conforming amendment to recognize that section 110 regarding project agreements is repealed and the portion of the provision relating to project agreements is moved to section 106.

Cooperative Federal Lands Program

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1115 establishes a new section 207 in chapter 2 of title 23, United States Code, which provides a funding source for public roads or bridges owned by States or their political subdivisions that cross, are adjacent to, or provide access to, Federal lands and Indian reservations (including reservoirs owned by the Army Corps of Engineers). The purpose of this program is to supplement the efforts of the Federal government in developing and maintaining roads or bridges that serve federally owned land and Indian reservations (including reservoirs owned by the Army Corps of Engineers).

The Cooperative Federal Lands Transportation Program ensures that funding will be provided for projects in States where greater than 4.5 percent of the land within the state borders is held in trust or owned by the Federal government. Funds are provided directly to these States for projects that provide access to Federal lands and Indian reservations. This section provides $74 million in contract authority per year from the Highway Trust Fund.

Conference substitute

The Conference does not adopt the Senate provision, but transfers the $74 million in contract authority to the Federal Lands Highway Program.

Bridge Set Aside for New Jersey

House bill

The House bill contains no comparable provision.

Senate amendment

The Secretary is required to set-aside $20 million each fiscal year from the I-4R program and allocate it to any State that: (1) receives less in the bridge apportionment factors used in the Interstate and National Highway System program and the Surface Transportation Program compared with the funds a State received under the bridge program in 1997; and (2) was apportioned at least $125 million in 1997. These funds shall be available for highway bridge projects.

States that have transferred more than 10 percent of the funds apportioned under the bridge program in 1995 through 1997 to other Federal-aid transportation projects are not eligible for an allocation from this program.

Conference substitute

The Conference does not adopt the Senate provision.

Bridge Set Aside Missouri

House bill

The House bill contains no comparable provision.

Senate amendment

The Secretary is required to set-aside $15 million each fiscal year from the I–4R program and allocate it to any State whose bridges have an average life of at least 46 years as of the date of enactment of this Act.

States that have transferred more than 10 percent of the funds apportioned under the bridge program in 1995 through 1997 to other Federal-aid transportation projects are not eligible for an allocation from this program.

Conference substitute

The Conference does not adopt the Senate provision.

Bridge Set Aside Arkansas

House bill

The House bill contains no comparable provision.

Senate amendment

The Secretary is required to allocate $10 million to States that meet specific per capita personal income and Federal-aid Highway apportionment criteria from the I–4R program.

Conference substitute

The Conference does not adopt the Senate provision.

National Highway System Components

House bill

Subsection 106(c) modifies the National Highway System to include intermodal connectors on the map submitted to Congress by the Secretary on May 24, 1996.

Senate amendment

Section 1121 establishes the National Highway System (NHS) as those routes and transportation facilities depicted on maps submitted by the Secretary with the report "Pulling Together: The National Highway System and its Connections to Major Terminals."

Conference substitute

The Conference adopts the Senate provision with minor technical clarifications.

Study: Intermodal Freight Connectors

House bill

Subsection 106(h) directs the Secretary to report to Congress not later than 24 months after the date of enactment of this Act on the condition of and the improvements made to connectors on the National Highway System that serve intermodal freight transportation facilities.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with modifications to clarify that the purpose of the report is to identify impediments to improving intermodal connectors including impediments related to the planning process, availability of funding, and other issues identified by the Secretary.

National Highway System Sign Competition

House bill

Subsection 106(h) directs the Secretary to conduct a national competition among children under the age of 14 to design a logo sign for the National Highway System.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

Safety Belt Extension, NH

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1124 modifies section 355 of the National Highway System Designation Act of 1995 to permit New Hampshire to meet the safety belt use law required under section 153 of title 49, United States Code, through a performance requirement. Through the end of fiscal year 2000, New Hampshire is deemed to have met the safety belt use requirements of section 153 upon certification by the Secretary that the State has achieved: (1) a safety belt use rate in each of fiscal years 1997 through 2000 of not less than 50 percent; and (2) a safety belt use rate in each succeeding fiscal year thereafter of not less than the national average safety belt use rate.

Conference substitute

The Conference adopts the Senate provision with a minor technical amendment.

Study: Uniformed Police Officers

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1126 requires the Secretary of Transportation to conduct a study on the extent and effectiveness of the use by various States of uniformed police officers on Federal-aid highway construction projects. Some States use police officers extensively on their highway construction projects, while other States are virtually no police officers for work zone traffic control. Work zone safety has been a high priority issue for the Federal Highway Administration (FHWA), traffic engineering professionals, and highway agencies. This section requires the Department of Transportation to submit a report to Congress on the results of the study not later than 2 years after the effective date of this section.

Conference substitute

The Conference adopts the Senate provision with a modification to require that the study be conducted in consultation with law enforcement organizations.

Contracting for Engineering and Design Services

House bill

Section 140 amends section 112 of title 23 clarifies that quality based selection process requirements for design and engineering services and other contracting procedures will apply unless a State has in the past adopted alternative procedures to increase competition. Requirements must be met for any phase of a project funded in whole or in part with Federal funds.

Senate amendment

This provision amends section 112(b)(2) of title 23 of the United States Code to promote competition and provide the greatest value for Federal aid system projects. It clarifies that the time period for states to have legislatively enacted alternative requirements to Qualifications Based Selection (QBS) Procedures for obtaining engineering and design services has ended. Additionally, it requires that the Federal Acquisition Regulations (FAR) be used for consistent and equitable contract administration, accounting, and audits while providing for the use of FAR QBS simplified acquisition procedures for contracts under $100,000. Finally, clarification is provided that requires the Secretary to establish a certification procedure to ensure that any legislation enacted by a State since November 28, 1995 to exercise its option complies with the time frames and substantive criteria contained in Section 307 of PL 104–59.

Conference substitute

The Conference adopts a substitute provision.

Ambassador Bridge, Michigan

House Bill

Subsection 133(a) makes the facilities necessary to connect the Ambassador Bridge in Detroit, Michigan to the Interstate System eligible to receive funds apportioned under the National Highway System and the Surface Transportation program.

Senate amendment

Section 1129 provides eligibility for the Ambassador Bridge in Detroit, Michigan under the surface transportation program and the National Highway System program.

Conference substitute

The Conference adopts the Senate provision.

Cuyahoga River Bridge

House bill

Subsection 113(b) makes the Cuyahoga River in Ohio eligible to receive funds apportioned under the congestion mitigation and air quality improvement program.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House bill with a modification. The bridge is eligible to receive funds from the surface transportation program.

National Defense Highway

House bill

Section 131 authorizes an amount not to exceed $16 million per year for fiscal years 1998 through 2003 from the Interstate Maintenance component for the reconstruction of a highway or portion of highway outside of the United States that is important to national defense.

Senate amendment

Section 1131 authorizes an amount not to exceed $16 million per year for fiscal years 1998 through 2003 from the Interstate Maintenance component for the reconstruction of a highway or portion of highway outside of the United States that is important to national defense.

Conference substitute

The Conference adopts the provision.

High Risk Road Safety Improvement Program

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 110 creates a new program within the Federal-aid highway program to fund construction and operational projects that improve the safety of high risk roads. States are to allocate funds under this program to those projects that have the highest benefit. Up to fifty percent of funds under this program can be transferred to other Federal-aid highway programs.

Conference substitute

The Conference does not adopt the House provision.

Road Safety Awareness and Improvement Program

House bill

Subsection 110(c) authorizes a roadway safety awareness and improvement program funded from the high risk road safety program. The activities of the program should be carried out cooperatively between the Department of Transportation, States, and other safety organizations.

Senate amendment

The Senate bill contains no comparable provision.

Conference Substitute

The Conference does not adopt the House provision.

High Cost Interstate Program

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 113 establishes a new program 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; it must be ready to go to construction; the State must agree to not transfer funds apportioned under the Interstate Maintenance Program; and the funds must be obligated within one year. Two thirds of the funds are allocated to the States in the ratio that each State's cost of eligible projects bear to the total national cost of eligible projects. For the years 1998 through 2003, however, those funds are to be distributed based on the Interstate Maintenance Program formula. The remainder of the funds are allocated on a discretionary basis. If funds cannot be used in any given fiscal year, the extra funds are apportioned to all States as Interstate Maintenance funds. Projects must be included within the planning process. The Secretary of Transportation is required to report on the expected future need to reconstruct the Interstate System and to recommend methods for apportioning the funds.

Conference Substitute

The Conference does not adopt the House provision.

Infrastructure Awareness Program

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 132(a) authorizes the Secretary to fund the production of a documentary about infrastructure to promote infrastructure awareness. A total of $1 million in contract authority is authorized for each of the fiscal years 1998 through 2000 from the Highway Trust Fund, other than the Mass Transit Account.

Conference substitute

The Conference adopts the House provision with modifications. The substitute states that a total of 40 percent of the total project of $4.8 million will be provided from the Highway Trust Fund and the remaining 60 percent is required to be provided by the private sector. Credit is given for funds received to date. The substitute provides a total of $1 million for each of the fiscal years 1998 and 1999, and $.88 million in 2000 from the Highway Trust Fund, other than the Mass Transit Account.

New York Avenue Authority, DC

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 142 establishes a New York Avenue Authority to develop an improvement plan for the New York Avenue Corridor in the District of Columbia. The authority is eligible to receive funding under the National Corridor Planning and Development program.

Conference substitute

The Conference does not adopt the House provision.

Administrative Takedown

Senate bill

Section 1201 reduces that administrative subsection 104(a) of title 23, United States Code, which requires the Secretary to deduct funds from certain Federal-aid highway apportionments from the current 3¾ percent to an amount not to exceed 1½ percent administer the Federal-aid highway program. The reduction reflects that this Act provides non-administrative items, such as research and intelligent transportation system activities that were formerly funded from the takedown with separate funding elsewhere. This modification in the administrative takedown will provide a clear distinction between the Department's administrative expenses and its research activities and other expenses.

House bill

Subsection 104(a) allows the Secretary to deduct from sums authorized to be apportioned for expenditures on the Federal-aid highway program for Administrative expenses a sum not to exceed 1 percent of all sums so apportioned for the Federal-aid highway program.

Conference substitute

The Conference adopts the Senate bill.

Real Property Acquisition

Senate bill

Section 1201 amends sections 108 and 323 of title 23, United States Code, to expand the flexibility provided to State and local governments to compete for land resources. It provides for the advanced acquisition of real property not only for highway projects, but for all transportation improvements under title 23. This section removes restrictive language and outdated programs, revises language, and adds opportunities for State and local governments to utilize early property acquisition when necessary, while retaining maximum flexibility to leverage the use of Federal funds.

The provision provides an alternative means of leveraging Federal funds apportioned to each State by providing a credit based on the value of publicly-owned lands incorporated within a federally-funded project. This provision is consistent with the credits already permitted for donated real property and services. The provisions added by this section expand the choices available to State and local governments in fashioning financial strategies to best serve their transportation objectives.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with a modification to clarify that costs of services are not eligible as a credit for non-federal share.

Payments to States for Construction

Senate bill

Section 1204 amends section 121 of title 23, United States Code to remove a restriction that applies the Federal/non-Federal matching share requirement to each payment a State receives. The revised section 121 makes the requirement applicable to total project costs rather than to individual voucher payments. The increased flexibility provided by these changes will result in a simplified program that is easier for State departments of transportation to administer. The changes recognize that the important restriction is that the total project meets the Federal share requirement. The changes also make the Federal-aid highway program more compatible with other Federal programs, particularly the Federal mass transportation program, where projects are often administered jointly by FHWA and Federal Transit Administration.

House bill

Subsection 134(d) amends title 23 to remove a restriction which applies the Federal/non-Federal matching rate to each payment that a State receives. This amendment will make the Federal-aid highway more like other Federal programs, including the Transit program, hence giving the States greater flexibility in managing their funds.

Conference substitute

The Conference adopts the House provision with a modification. This provision is retained as separate section as in the Senate bill.

Proceeds from the Sale or Lease of Real Property

Senate bill

Current section 156 of title 23, United States Code, requires States to charge fair market value for the use of airspace acquired in connection with a federally funded project. Section 1205 expands the requirement in section 156 to apply to the net income generated by a State's lease, sale, or other use of all real property acquired with Federal financial assistance. The revised section applies the same standard to all real property interests acquired with Federal-aid highway funds. As in current law, the Secretary may grant exceptions for social, environmental, or economic purposes.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with the inclusion of clarifying report language. The purpose of this exception retained in this provision is to give the States (with the Secretary's approval) the flexibility to charge less than fair market value for lands bought with Highway Trust Fund dollars if the lands, once sold or leased, would be used for some purpose of public benefit that would outweigh the general desire to receive fair market value for the property, such as if the lands would be used as parkland or as a recreation area.

Metric Conversion at the State Option

Senate bill

Section 1206 amends section 205 of the National Highway System Designation Act of 1995 which states that the Secretary shall not require States to use or plan to use the metric system before September 30, 2000. This provision allows States to choose when and if to implement the metric system with respect to designing, advertising, or preparing plans, specifications, timetables, or other documents, for a Federal-aid highway project. This section does not require any State to modify its current use of the metric system for Federal-aid highway projects.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Report on Obligations

Senate bill

Section 1207 amends section 104 of title 23, United States Code, to require the Secretary to submit to Congress an annual, rather than monthly, report on States' obligations for Federal-aid highways, highway safety construction programs, and unobligated balances.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Termination of Right-of-Way Revolving Fund

Senate bill

Subsection 1208(a) terminates the right-of-way revolving fund. The right-of-way revolving fund is revised in section 108(c) of title 23, to provide an expiration and closeout period for obligations already authorized from the fund. This program was terminated as a revolving loan fund because of the new rules required of all credit programs in the Credit Reform Act of 1990. Credits based on conversion or reimbursements are to be applied to the Highway Trust Fund rather than to the revolving fund. Twenty-three States currently have active right-of-way revolving fund projects. This section provides for a 20-year close out period from the date that right-of-way funds were advanced to give these States sufficient time to complete these unfinished projects.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Termination of Pilot Toll Collection Program

Senate bill

Subsection 1208(b) terminates a tolling pilot program that has accomplished its intended purpose. Pilot toll agreements that were executed under subsection 129(k) of title 23 are still valid.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Termination of the Bridge Commission

Senate bill

1208(d) repeals the 1962 Bridge Commission Act. Public Law 87–441 relates to bridge commissions and authorities created by Act of Congress. It provides for Federal approval of such commissions' memberships and requires annual audits. A commission ceases to exist by transferring ownership of the bridge to the States. Initially, five bridge commissions were subject to the act. Today, only one commission remains, the White County Bridge Commission, which operates the New Harmony Bridge across the Wabash River between Indiana and Illinois. While under this act, the FHWA has the authority to appoint commissioners and review the commission's financial operations, these actions could be administered more effectively and efficiently at the State or local level. This provision removes this unnecessary Federal oversight of the White County Bridge Commission.

House bill

Subsection 134(h) repeals a requirement that the Federal government oversee certain bridge commissions created by Congress in Public Law 87–441. Such duties would be assumed by State and local governments.

Conference substitute

The Conference finds the provisions in both the House and Senate bills to be substantially equivalent.

Transfer of Highway Transit Funds

Senate bill

Section 122 adds a new subsection to section 104 of title 23, United States Code, to provide for the program-wide, rather than project-by-project, transfer and administration of transit funds made available for highway projects and highway funds made available for transit projects. This revision will streamline the administration of highway and transit funds by State departments of transportation.

This provision also requires the Secretary to administer funds made available under title 23 or chapter 53 of title 49 and transferred to Amtrak in accordance with Subtitle V of title 49. Funds made available under title 23 or chapter 53 of title 49 and transferred to other eligible passenger rail projects and activities shall be administered as the Secretary determines appropriate. The non-Federal share provisions in title 23 or chapter 53 of title 49 will continue to apply to the transferred funds.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provisions with a modification. Amtrak transferability is not adopted.

Project Approval and Oversight

Senate bill

Section 1222 amends section 106 of title 23, United States Code, which addresses Federal and State responsibilities for surface transportation projects. This section permits the Secretary to discharge to the States with their approval the Secretary's responsibilities under title 23 for the design, plans, specifications, estimates, contract awards, and inspection of projects on the National Highway System (NHS). Under current law, States voluntarily oversee such activities for projects carried out with Surface Transportation Program (STP) funds, but not for NHS projects.

House bill

Subsection 501(a) consolidates and codifies the current practices used by the Secretary to approve and oversee Federal-aid highway projects and further streamlines that process. This section requires that for projects on the NHS (including the Interstate system), the Secretary and each State will enter into an agreement as to the appropriate level of Federal oversight. The Secretary may not assume a greater degree of responsibility than under current law. For all non-NHS projects, the States will assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects. For projects on the NHS but not on the Interstate system, then a State shall assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects unless the State or the Secretary determines that such assumption is not appropriate.

Conference substitute

The Conference adopts a substitute provision. The substitute requires that the State shall assume the Secretary's responsibilities under this title for design, plans, specifications, estimates, contract awards and inspection of projects unless the State determines otherwise. In addition, the State may assume responsibility for projects on the NHS but not on the Interstate system unless the State or Secretary determines otherwise.

In any case where States must meet surface quality regulations set forth by the Federal Highway Administration, they may look for leadership to a private Midwestern engineering institute which has served as a State certifying contractor for the past eleven years. The FHWA may work with this institution in carrying out this National certification program and use the existing expertise in the area.

Financial Plan

Senate bill

Section 1222(f) requires the Secretary to prepare a financial plan for any projects with an estimated total cost of $1 billion or more.

House bill

Section 504 requires the preparation of a financial plan for any highway or transit project costing over $1 billion and that is proposed to be funded with Federal funds.

Conference substitute

The Conference adopts the Senate provisions with a modification. The provision is codified in title 23 and title 49.

Standards

Senate bill

Subsection 1222(b) eliminates the requirement that the Secretary of Transportation issue Interstate maintenance guidelines and adds that safety considerations of a project may be met by phase construction.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provisions with a modification. The substitute language clarifies that the safety considerations are to be consistent with an operative safety management system or a statewide transportation improvement program approved by the Secretary.

Repeal of Sections 100 and 117

Senate bill

Section 1222(c) repeals sections 110 and 117.

House bill

Section 501 repeals sections 110 and 117.

Conference substitute

The Conference finds provisions in both the House and Senate bills to be substantially equivalent.

Surface Transportation Innovative Financing

Senate bill

Subsection 1223(a) codifies the Department of Transportation's current administrative policy regarding innovative mechanisms applicable to transportation enhancement projects. It gives States additional flexibility by allowing them to calculate non-Federal share for enhancement projects in several ways: on a project, multiple project, or program basis. A State's average annual

non-Federal share of transportation enhancement projects must be at least 20 percent; however, because of the new provision, it is feasible for a single project to have a 100 percent Federal share.

In addition, this section also reduces the current quarterly, project-by-project State certification and notification requirements to annual, program-wide approval of each State's project agreement. The current requirement that payments made by the Secretary to the States under section 133 could not exceed the Federal share of costs incurred as of the date the State requested payments is eliminated.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Surface Transportation Program Encouragement of Youth Conservation Corps

Senate bill

The Senate bill contains no comparable provision.

House bill

Subsection 108(h) encourages the use of youth corps to perform transportation enhancement projects.

Conference substitute

The Conference adopts the House provision.

Surface Transportation Program Approval

Senate bill

Subsection 1223(b) amends section 133 of title 23 to reduce the current quarterly, project-by-project State certification and notification requirements to annual, program-wide approval of each State's project agreement.

House bill

Subsection 108(f) changes the program approval process for the Surface Transportation Program from a quarterly to an annual basis.

Conference substitute

The Conference finds both the House and Senate provisions substantially equivalent.

Payments

Senate bill

Subsection 1223(c) eliminates the current requirement that payments made by the Secretary to the States under section 133 of title 23, U.S.C. not exceed the Federal share of costs incurred as of the date the State requested payment. This simply reflects the Department of Transportation's current administrative policy regarding innovative financing mechanisms applicable to transportation enhancement projects. Innovative financing techniques will give States additional flexibility by allowing them to calculate the non-Federal share for enhancements projects on either a project, multiple project, or program basis. A State's average annual non-Federal share of transportation enhancement projects must be at least 20 percent. A single project, however, may have a 100 percent Federal share, but each State's annual enhancements programs must comply with the 20 percent non-Federal match requirement.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Design Build Contracting

Senate bill

Section 1224 provides authority, after two years of enactment of this Act, for State transportation departments to use the design-build approach for construction of eligible title 23 project segments. Design-build is an innovative method of highway contracting that is not allowed under current law. It differs from traditional contracting in that it combines, rather than separates, responsibility for the design and construction phases of a highway project. This section allows States to use their State design-build contracting procedures in statute or procedures authorized under section 303M of the Federal Property and Administrative Services Act of 1949.

The benefits of the design-build approach include greater accountability for quality and costs, less time spent coordinating designer and builder activities, firmer knowledge of project costs, and a reduced burden in administering contracts. Design-build is particularly advantageous for accelerating project delivery. For example, a study of 11 design-build projects in Florida found that this innovative contracting method produced significant improvements in project performance as compared to non-design-build projects. The average design-build construction time was 21.1 percent shorter than the average for non-design-build projects. In addition, actual design-build procurement times were 54 percent less than the normal design procurement time allocated for projects using traditional contracting methods. The design-build projects also produced a 4.7 percent reduction in after-bid changes to the contract.

Despite the potential advantages of design-build, it may not be an appropriate method for carrying out every highway project. Therefore, this section provides minimum cost requirements for potential design-build projects. To qualify for the award of a design-build contract, the cost of each usable segment of a highway project must be at least $50,000,000. In the case of an Intelligent Transportation Systems project, the total cost of the project must exceed $10,000,000.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with modifications. It allows States to use any design-build selection procedures determined appropriate by the Secretary and requires the Secretary to submit a report to Congress within 5 years after enactment of this Act. This report will analyze the effectiveness of design-build contracting procedures.

Use of Consultants (Selection Process)

Senate bill

Section 1225(c) allows a State to procure consultant services under a single contract for preparation of both the environmental analysis and subsequent engineering and design services if the State has conducted an independent multi-disciplined review of the objectivity of the analysis.

House bill

Section 104(b) allows a State to procure consultant services under one contract for the preparation of any environmental analysis as well for subsequent engineering and design services if the State has conducted a review of the objectivity of the analysis.

Conference substitute

The Conference adopts the House provision.

Eligibility of Ferry Boats

Senate bill

Section 1232 clarifies that the construction of ferry boats and ferry terminal facilities are eligible uses of National Highway System (NHS), Surface Transportation Program (STP), and Congestion Mitigation and Air Quality Improvement program (CMAQ) funds. This simply clarifies how the program is currently administered and does not amend or weaken any of the underlying eligibility requirements of the NHS, STP, or CMAQ programs.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference does not adopt the Senate provision.

Eligibility of Projects on the National Highway System

Senate bill

Section 1234 amends section 103 of title 23, United States Code, to include publicly owned intracity or intercity passenger rail capital projects, including Amtrak, as an eligible activity for National Highway System (NHS) program funds under the same criteria that apply currently to transit and non-NHS highway projects. NHS funding eligibility is amended also to include natural habitat enhancement and encourage the use of approved private-sector mitigation banks for wetlands lost through highway construction. Preference is given, to the extent practicable, to banks if they are in accordance with federal guidelines on mitigation banking and are within the service of the impacted wetland.

This section also adds the following new items to the list of projects eligible for NHS funding: (1) publicly owned intracity or intercity passenger rail or bus terminals, including those owned by Amtrak; (2) publicly owned intermodal surface freight transfer facilities, other than seaports and airports located at, or adjacent to, the NHS or connections to the NHS; (3) infrastructure-based Intelligent Transportation Systems capital improvements; and (4) publicly owned components of magnetic levitation (MAGLEV) systems.

This section also adds to the list of eligible NHS projects a paragraph applicable only to projects on the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, permitting these territories to use their NHS apportionments for any STP-eligible project, any airport, and any seaport.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with a modification. The substitute does not include eligibility for intracity and intercity passenger rail under this program.

Minor Collectors

Senate bill

The Senate bill contains no comparable provision.

House bill

Subsection 108(e) allows up to 15 percent of surface transportation program funds apportioned for areas of less than 5,000 in population to be used on minor collectors.

Conference substitute

The Conference adopts the House provision with modifications.

Design Flexibility

Senate bill

Section 1236 clarifies section 109 of title 23 regarding the Secretary's responsibilities regarding planned future traffic needs and the Secretary's responsibilities in reviewing State plans for proposed highway projects. This modification eliminates the requirement that the Secretary ensure that a State plan for a highway project must accompany future traffic demands. The revised section only requires that the Secretary ensure that future traffic needs were considered.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference does not adopt the Senate provision.

State Infrastructure Banks

Senate bill

Section 1301 codifies the State Infrastructure Bank (SIB) Pilot Program authorized in the NHS Designation Act of 1995. This section includes modifications to increase the flexibility of the SIB program. The current 10-State limit on the number of participants in the SIB program is eliminated, thus enabling any State to establish a State Infrastructure Bank. The percentage limitation regarding funds a State can transfer to use State infrastructure banks is eliminated. The 10-state limit unnecessarily restricted States from pursuing this financial mechanism and the percentage limitation unnecessarily limits States' use of this mechanism. The need to maintain separate highway and transit accounts also imposed an accounting burden on States that was inconsistent with financial flexibility desired in a financing entity such as a State Infrastructure Bank.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts a substitute provision. The conference adopts a four State pilot program. The participating States are Missouri, California, Florida, and Rhode Island.

Transportation Infrastructure Finance and Innovation Act

Senate bill

Subtitle C, Chapter 2 establishes a Federal credit assistance program for major surface transportation projects under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA).

House bill

The House bill contains no comparable provision.

Conference agreement

The conference adopts the Senate provision, with certain modifications. The TIFIA program is designed to assist major surface transportation projects with their own revenue streams, which can attract substantial private capital with a limited Federal investment. This program offers the sponsors of large transportation projects a new tool to leverage limited Federal resources, stimulate additional investment in our Nation's infrastructure, and encourage greater private sector participation in meeting our transportation needs.

Eligible projects for TIFIA assistance include any projects eligible under title 23 (highway and transit capital projects) as well as international bridges and tunnels, inter-city passenger bus and rail facilities and vehicles (including Amtrak and magnetic levitation systems), and publicly-owned intermodal freight facilities. Examples of the types of projects which may benefit from this program are the Woodrow Wilson Bridge, the Farley/Pennsylvania Station project in New York City and the State of Florida's proposed high-speed rail project between Miami, Orlando and Tampa. Project sponsors may be governmental units, private entities, or public-private partnerships. The Conferees wish to reiterate language concerning the Florida high-speed rail project in the Senate committee report section on TIFIA. This project represents an effort by the State of Florida to bring a new technology to the United States by using an innovative public-private partnership that does not rely on Federal grant support. The State of Florida's request for a Federal loan equal to ⅓ of project costs should receive favorable consideration from the Department of Transportation, provided it meets program criteria.

To be eligible for credit assistance, a project must meet certain threshold criteria. It must cost at least $100 million or 50 percent of a State's annual apportionment of Federal-aid funds, whichever is less. (For intelligent transportation system projects, the minimum cost is $30 million, due to the substantial capacity enhancements attainable with but a limited investment.) The project also must have the potential to be self-supporting from user charges or other non-Federal dedicated funding sources, be on a State's transportation plan and, at the time of funding, be on a fiscally-constrained State transportation improvement program. An application for credit assistance may be submitted by a State or local government or other entity. The Secretary will select among potential candidates based on various criteria, including the project's regional or national significance, its potential economic benefits, its credit-worthiness, the degree of private sector participation, and other factors.

Forms of assistance that can be provided under this program consist of direct loans, loan guarantees, and lines of credit. In all cases the Federal role will be that of a minority investor, with Federal participation limited to not more than 33 percent of total project costs. The Secretary is authorized to enter into agreements with project sponsors containing terms and conditions designed to assist the projects in leveraging additional funds, while ensuring that the program operates in a fiscally-prudent manner. The State in which a project is located may identify a State or local government entity to assist the Secretary in servicing the Federal credit instrument.

The Secretary may provide credit assistance to demonstrate to the capital markets the viability of making transportation infrastructure investments where returns depend on residual project cash flows after servicing senior municipal revenue bonds or other capital markets debt. An objective of the program is to help the financial markets develop the capability ultimately to supplant the role of the Federal government in helping finance the costs of large projects of national significance. That is why loan guarantees are limited to major institutional lenders, such as defined benefit pension funds, which may be potential providers in the future of supplemental and subordinate capital for projects. The Conference would like the Secretary to encourage Federal borrowers to prepay their direct loans or guaranteed loans as soon as practicable from excess revenues or the proceeds of municipal or other capital market debt obligations. The Secretary also may sell off direct loans to third parties or into the capital markets, if such transactions can be arranged upon favorable terms.

The Conference recognizes that the Congress enacted the Deficit Reduction Act of 1984 provision prohibiting the combination of Federal guarantees with tax-exempt debt, because of concerns that such a double-subsidy could result in the creation of a "AAA" rated security superior to U.S. Treasury obligations. Accordingly, any project loan backed by a loan guarantee as provided in TIFIA must be issued on a taxable basis.

The Conference wants to ensure that projects receiving TIFIA assistance are financially-sound. Each project, at the time of its application for assistance, is required to furnish a preliminary rating opinion letter from one of the bond rating agencies identified by the Securities and Exchange Commission as a "Nationally Recognized Statistical Rating Organization," indicating that the project's senior debt obligations have the potential to achieve an investment-grade bond rating. The Secretary shall consult with the Office of Management and Budget, each rating agency providing such an opinion letter, and any other financial experts the Secretary deems necessary, in order to determine the credit instrument's appropriate subsidy cost (capital reserve) pursuant to the Federal Credit Reform Act of 1990. Until such time as a formal investment-grade rating is assigned, the Secretary shall not extend credit in an amount exceeding the estimated subsidy cost. The Conference believes that analytical techniques that are widely-accepted by the capital markets, such as those used by the rating agencies to evaluate the financial stability of municipal bond insurance companies, should be drawn upon to estimate the appropriate subsidy cost.

TIFIA expressly requires that projects adhere to Title VI of the Civil Rights Act, the National Environmental Policy Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act. the Conference also recognizes that highway and transit capital projects assisted under TIFIA will retain adequate protections for labor in terms of prevailing wages, as required under title 23 provisions.

The bill provides $530 million of contract authority, funded from the Highway Trust Fund, to fund the budgetary or subsidy costs of the Federal credit instruments between fiscal years 1999–2003: $80 million in fiscal year 1999; $90 million in fiscal year 2000; $110 million in fiscal year 2001; $120 million in fiscal year 2002; and $130 million in fiscal year 2003. (As with other Federal credit programs, the non-budgetary or financing costs of the Federal credit instruments will be funded from the General Fund.). The bill caps the nominal amount of credit instruments supported by this contract authority at $1.2 billion for each of fiscal years 1998 and 1999; $1.8 billion for fiscal years 2000 and 2001; and $2.0 billion for fiscal years 2002 and 2003.

The Conferees are aware that present Federal income tax law prohibits the use of direct or indirect Federal guarantees in combination with tax-exempt debt (section 149(b) of the Internal Revenue Code of 1986. The TIFIA provisions of the conference agreement do not override or otherwise modify this provision of the Code.

The Conference finds that developing, implementing, and evaluating financial assistance programs such as TIFIA is a crucial

mission of the Department of Transportation. To ensure the financial and programmatic success of TIFIA, the conference strongly encourages the Secretary to establish an organizational structure within the Department in which financial assistance activities and programs can be closely coordinated and monitored.

In order to evaluate the effectiveness of this program, the Secretary is required to submit a report to Congress within four years of the date of enactment of this bill. The report should summarize the program's financial performance to date, and recommend whether the objectives of the program would be best met by continuing the program under the authority of the Secretary, establishing a Government corporation of Government-sponsored enterprise to administer the program, or by relying upon the capital markets to fund projects of regional and national significance without Federal participation.

Operation Lifesaver

Senate bill

Section 1401 continues funding for the Operation Lifesaver program and requires a total of $500,000 for each of fiscal years 1998 through 2003 to be set-aside by the Secretary from surface transportation program funds. The funds shall be used for public education programs designed to reduce the number of accidents, deaths and injuries at highway-rail intersections and within railroad rights-of-way.

House bill

Section 104(c) extends authority for funding for Operation Lifesaver.

Conference substitute

The Conference finds both the House and Senate provision to be substantially equivalent.

Railway-Highway Crossings

Senate bill

Section 1403 amends section 130 of title 23 United States Code, and expands the eligibility of railway-highway funds to include trespassing countermeasures in the vicinity of the crossing, safety education, enforcement of traffic laws and publicly sponsored projects at privately owned railway-highway crossings. States are required to report to the Department on completed crossing projects funded under this subsection for inclusion in the DOT/American Association of Railroads National Grade Crossing Inventory.

This section eliminates the requirement that half the funds authorized under section 130 be available for installation of protective devices at railway-highway crossings. These activities, however, remain eligible for funding under this section.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference does not adopt the Senate provision.

Hazard Elimination Program

Senate bill

Section 1404 expands the eligibility of the current hazard elimination program to include a full range of safety improvements for bicyclists and pedestrians, including multimodal and community safety programs, and spot improvement programs for rapid-response of low costs hazards, such as potholes, roadway and trail debris, and unsafe drainage gates is eligible for funding under this program. This section also makes traffic calming measures eligible for hazard elimination funds. The prohibition on States using hazard elimination funds to correct hazards on routes on the Interstate system is eliminated. This section also revises the reference to "highway safety improvement project" in subsection 152(b) to read "safety improvement project" to reflect the multimodal focus of the hazard elimination program.

House bill

Section 138 requires that hazards to bicyclists are included in the hazardous locations inventory.

Conference substitute

The Conference adopts the Senate provision with modifications. It clarifies that to be eligible under this section, a project must be related to a public surface transportation facility. The Conference substitute does not allow public transportation vehicles to be eligible for these funds, nor does it allow the Secretary to determine additional appropriate projects. In carrying out this section, States should minimize any negative impact on safety and access for bicyclists and pedestrians in accordance with section 217.

Specialized Hauling

Senate bill

The Senate bill contains no comparable provisions.

House bill

Subsection 134(j) requires a study of the impact of truck weight standards on specialized hauling vehicles.

Conference substitute

The Conference adopts the House provision with a modification to require the study include, but not be limited to, an analysis of the economic, safety, and infrastructure impacts of truck weight standards.

Access for Motorcycles

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 135 specifies that State or local governments may not restrict access of motorcycles to any highway facility for which Federal-aid funds were used.

Conference substitute

The Conference adopts the House provision with modifications to clarify that this provision only applies to Federally-assisted highways open to traffic and will not override or affect the applicability of any local jurisdiction's safety laws.

232 Metropolitan Planning

Senate bill

Section 1601 retains the current structure and most of the metropolitan planning provisions found in section 134 of title 23. It retains the current project selection process set forth in ISTEA.

This section makes the following substantive changes to current law. First, this section streamlines the 16 metropolitan planning factors found in current law into seven issues to be considered in the planning process. Second, it gives States flexibility to move projects within a 3-year Transportation Improvement Program without FHWA approval if the Governor and metropolitan planning organization agree. Third, it eliminates the requirement that transportation improvement programs identify the source of funds for individual projects by Federal funding category. Fourth, this section adds freight shippers to the list of stakeholders to be given opportunities to comment on plans and transportation improvement programs (TIPs). Finally, it provides that, for urbanized areas designated after the enactment of this Act, metropolitan area boundaries shall cover at least the urbanized area and the area expected to become urbanized within the 20-year forecast period and shall require the agreement of the Governor and MPO. Such boundaries are not required to include the entire ozone or carbon monoxide nonattainment areas, as identified under the Clean Air Act.

House bill

Section 124 amends section 134 of title 23 by setting seven general goals and objectives that may be considered in the planning process. They include: supporting economic vitality; increasing safety and security; increasing accessibility and mobility; protecting the environment; integrating the transportation system; promoting efficiency; and preserving existing facilities. These replace the existing list of nineteen planning factors. The language also includes fostering economic growth and development to the list of reasons that is in the national interest.

The section makes a number of technical changes to section 134(g) regarding long range plans. It also allows metropolitan planning organizations to include projects that would be funded if additional resources were available. The inclusion of such projects is for illustrative purposes only. The bill requires that a TIP be updated at least every three years. It also allows the metropolitan planning organizations to include projects that they would advance if additional resources were available.

Conference substitute

The Conference substitute adopts a combination of both the Senate and House provisions. The substitute retains the basic current metropolitan planning structure and processes. As included in both bills, the 16 planning factors are streamlined to seven general factors to be considered in the planning process. In considering the relationship between transportation and quality of life, metropolitan planning organizations are encouraged to consider the interaction between transportation decisions and local land use decisions appropriate to each area. The language clarifies that the failure to consider any specific factor in formulating plans, projects, programs, strategies and certification of planning processes is not reviewable in court. The Conference substitute also adopts the House provision including economic growth and development as a general requirement in metropolitan planning.

As included in both bills, freight shippers and providers of freight transportation services are included on the list of persons to be given opportunities to comment on metropolitan long-range plans and programs (TIPs) along with the addition of representatives of users of public transit. The Conference substitute also adopts the House provision allowing MPOs to include an illustrative list of projects that would be included on the TIP if additional resources were available. The illustrative list does not affect the fiscal constraint requirement of the TIP.

The Conference substitute clarifies that the expansion or designation of existing or new metropolitan planning organization boundaries due to the imposition of any new air quality standards will not automatically occur and such boundaries will be determined by agreement of the governor and the affected local governments.

Statewide Planning

Senate bill

Section 1602 retains the current structure and most of the statewide planning provisions found in section 135 of title 23. It retains the current project selection process set forth in ISTEA. This section makes the following substantive changes to current law. First, it streamlines the 20 statewide planning factors found in current law into seven broader issues to be considered in the planning process. Second, it gives States flexibility to move projects within a 3-year Transportation Improvement Program (TIP) without FHWA approval or action if the Governor and metropolitan planning organization agree. Third, it eliminates the requirement that transportation improvement programs must identify the source of funds for individual projects by Federal funding category. Finally, this section adds freight shippers to the list of stakeholders to be given opportunities to comment on plans and statewide transportation improvement programs (STIPs).

House bill

Section 125 amends section 135 of title 23 by setting the scope of the planning process. States, to the extent they determine appropriate, may consider goals and objectives in the planning process, including supporting economic vitality, increasing safety and security, increasing accessibility and mobility, protecting the environment, integrating the transportation system, promoting efficiency, and preserving existing facilities. These considerations replace the existing planning factors.

Freight shippers and freight providers are added to the list of groups that shall be allowed a reasonable opportunity to comment on the proposed long-range plan and on the proposed State transportation improvement plan. It requires that in rural areas, the transportation program be developed by the State in cooperation with local elected officials. It also allows the State to include projects that it would fund if additional resources were available. Projects undertaken pursuant to the high risk road safety program are added to the list of projects that must be selected by the State in consultation with affected local officials.

This section also includes a provision to study the effectiveness of local planning.

Conference substitute

The Conference substitute adopts a combination of both the Senate and House provisions. The substitute retains the basic statewide planning structure and processes. As included in both bills the 20 planning factors are streamlined to seven general factors to be considered in the state planning process. The language clarifies that the failure to consider any specific factor in formulating plans, projects, programs, strategies and certification of planning processes is not reviewable in court.

As included in both bills, freight shippers and providers of freight transportation services are included on the list of persons to be given opportunities to comment on statewide long-range plans and programs (TIPs), along with the addition of representatives of users of public transit. The Conference substitute also adopts the House provision allowing States to include an illustrative list of projects that would be included in the TIP if additional resources were available. The illustrative list does not affect the fiscal constraint requirements of the TIP.

The Conference substitute adopts the Senate provision, allowing States flexibility to move projects within a three-year transportation improvement program without separate approval or action by the Federal Highway Administration if the MPO concurs. The substitute also includes a provision requiring States to consult with local officials with responsibility for transportation when formulating plans and programs.

Technical Correction Federal Aid/National Highway System

Senate bill

Subsection 1701(a) amends section 103 of title 23, United States Code, to reflect that the National Highway System (NHS) has been designated by Congress. It consolidates several sections of title 23 regarding Interstate system designations and the process for adding segments to the Interstate. This section addresses interstate construction funds and unobligated balances of Interstate substitute funds, as these programs no longer exist.

The NHS consists of an interconnected system of principal arterial routes that serve major population center sand intermodal transportation facilities. Its components include the Interstate System and other urban and rural principal aerials and highways (including toll facilities) that provide motor vehicle access between major population centers, border crossings, intermodal transportation facilities, and routes important to defense within the United States. The mileage of the NHS is limited to 178,250 miles. This mileage is equal to the base amount of 155,000 miles, established in current law, plus the 15 percent increase permitted under current law. The Secretary may make modifications to the NHS routes proposed by a State if the Secretary determines that the modification meets the same criteria established under current law. Modification proposals must be coordinated among the State, local and regional officials.

An Interstate System route is to be selected by joint action of the State transportation agencies of the State in which the route is located and the adjoining States in cooperation with local and regional officials, and subject to the approval of the Secretary. The mileage of the Interstate System is limited to 43,000, an increase from the 41,000 mile limit under current law.

House bill

Subsection 106(a) strikes existing provision for the interim eligibility and approval of the National Highway System.

Conference substitute

The Conference adopts the Senate provision.

Corridor 10 Modification for West Virginia

Senate bill

The Senate bill contains no comparable provision.

House bill

Subsection 106(J) designates certain portions of Route 10 in West Virginia as part of the National Highway System.

Conference substitute

The Conference does not adopt the House provision.

Nondiscrimination

Senate bill

Section 1703 amends section 324 of title 23, U.S.C. by moving the provision on discrimination on the basis of sex to section 140 as subsection (d). Under current law, both of these sections address discrimination.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

State Transportation Department

Senate bill

Section 1704 makes technical corrections to section 302 of title 23, United States Code. It changes the term "state highway department" to "state transportation department" to emphasize and reflect the intermodal focus of these departments. It eliminates the requirement for a secondary road unit as there is no longer a secondary system and secondary plans have been eliminated. It also establishes that compliance with section 302, as revised by this section shall have no effect on the eligibility of costs. This subsection eliminates 302(b) regarding the construction of projects on the secondary system.

House bill

Section 134(g) amends title 23 to clarify that section 302 does not limit reimbursement of eligible indirect costs to State and local governments. This will make the Federal-aid Highway program consistent with other Federal programs, reducing an administrative burden caused by requiring States to develop separate accounting systems.

Conference substitute

The Conference adopts the Senate provision.

Signing Survey

Senate bill

The Senate bill contains no comparable provision.

House bill

Subsection 133(h) requires the Secretary to conduct a study to determine the practices in the States for specific service food signs.

Conference substitute

The Conference adopts the House provision with modifications. The substitute provides language to clarify that recommendations for modifications to the Manual on Uniform Traffic Control Devices for Streets and Highways that result from this study should be made only if appropriate.

Amendments to Title 23 (De-icing)

Senate bill

Section 1806 make anti-icing and de-icing compositions that are agriculturally derived, environmentally acceptable, and minimally corrosive eligible for use on bridges under the surface transportation program and on Interstate and National Highway System bridges.

House bill

Subsections 107(d) and 108(b) makes certain anti-icing and de-icing compositions used on bridges eligible under the bridge program and under the surface transportation program.

Conference substitute

The Conference adopts the House provision with modifications. The substitute deletes the reference to agriculturally-derived compositions, but environmentally acceptable compositions in general are acceptable. In addition, it ensures, that all bridges are able to use these anti-icing and de-icing components.

Penn Station Board, NY

Senate bill

Section 1810 allows the Secretary of Transportation, the Federal Railroad Administrator and their designees to serve as ex-officio members of the Board of Directors of the

Pennsylvania Station Redevelopment Corporation.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Union Station Board, DC

Senate bill

This provision allows the Secretary of Transportation, the Federal Railroad Administrator and their designees to serve as ex-officio members of the Board of Directors of the Union Station Redevelopment Corporation.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Study Southwest Border Infrastructure

Senate bill

Section 1813 requires the Secretary to conduct a comprehensive assessment of the state of transportation infrastructure on the southwest border between the United States and Mexico. The Secretary is required to submit the report to Congress one year after the date of enactment of this Act.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with a modification to ensure that the assessment of the adequacy of law enforcement and narcotics abatement activities include their relationship to infrastructure in the border area.

Report on Utilization Potential

Senate bill

Section 1817 requires the Secretary to conduct a study of ferry transportation in the United States, including the territories, to identify existing ferry operations and develop information on the ferry routes. The Secretary is to submit the report to Congress within one year of enactment of this Act.

House bill

Section 121(b) requires the Secretary to conduct a study of ferry transportation in the United States, including the territories, to identify existing ferry operations and to identify potential domestic ferry routes. The provision requires the report to be submitted to Congress.

Conference substitute

The Conference adopts the House provision with modifications. The substitute adds language to ensure the report includes identification of funding sources for ferry construction, and the potential for high speed and alternative-fueled ferry services. It also states that the report be submitted to the Committee on the Environment and Public Works of the United States Senate, rather than the Commerce, Science and Transportation Committee.

Life Cycle Cost Analysis

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 139(a) requires life cycle costs analysis on every project under title 23 and requires the analysis to conform with the Executive Order on Infrastructure Investment.

Conference substitute

The Conference adopts the House provision with modifications. Subsection (a) eliminates the mandate that States conduct life-cycle costing procedures on each usable project segment of $5 million or more on the National Highway System. The Secretary of Transportation shall develop a set of procedures to be issued as recommendations to the States for conducting analyses of the life-cycle costs for projects on the National Highway System. In making a recommendation, the Secretary shall consult with AASHTO and include the principles identified in Executive Order 12893.

Life-cycle cost analysis is a process to reduce costs and improve quality and performance. In order to achieve these goals, the Secretary's recommendations shall suggest a uniform analysis period and uniform discount rates as established in OMB Circular A–94 for all Federal-aid National Highway System projects. The recommendation shall incorporate factors such as a documented, vigorous maintenance schedule user costs, and the life of the project. The States are encouraged to use the recommendations to the maximum extent possible on National Highway System projects.

Roadside Safety Technologies

Senate bill

Section 3107 requires the Secretary to issue guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions. States are to use this guidance in evaluating the safety and cost-effectiveness of using different crash cushion designs or other safety appurtenances.

Houser bill

Subsection 126(a) requires the issuance of guidance to the States on the proper uses of various types of crash cushions. The States shall use such guidance to evaluate the use of such devices.

Conference substitute

The Conference adopts the House provision with a modification to extend the report deadline to 18 months after enactment, rather than one year.

Traffic Flow and Roadside Safety Applications of Road Barriers

Senate bill

The Senate bill contains no comparable provision.

House bill

Subsection 126(b) requires the Secretary to conduct a study on the use of moveable barrier technologies. The provision requires the Secretary to submit a report to Congress no later than one year after enactment of this Act, and to provide the report to States for their use on appropriate projects on Federal-aid Highways.

Conference substitute

The Conference adopts the House provisions with modifications. The substitute provides language clarifying the States can use the results of the study at their discretion. In addition, the deadline for the report is extended to 18 months rather than 1 year after date of enactment.

Study: Vehicle Weight Enforcement

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 412 directs the Secretary to conduct a study on the effectiveness and deterrent value of State laws and regulations pertaining to penalties for violations of commercial motor vehicle weight laws. The Secretary shall issue a report to Congress not later than two years after enactment.

Conference substitute

The Conference adopts the House provision.

Worker Safety

Workers engaged in repair, demolition, and maintenance of existing highways, highway structures, and other construction projects frequently are exposed to hazardous materials including lead and asbestos. It is well established that even though safeguards to protect workers are supposed to be placed, frequently they are not adequately followed.

In 1992, NIOSH conducted a study of contamination of workers' homes with hazardous chemicals and substances transported from the workplace, the study found that such incidents have resulted in a wide range of health effects and death among workers' families exposed to toxic substances and infectious agents.

Seven Federal statutes provide Federal agencies with some mechanisms for responding to or preventing workers' home contamination. Twenty rules or standards in the Code of Federal Regulations, including regulations promulgated by the Environmental Protection Agency and OSHA, address workers' home contamination or have elements that serve to protect worker's families.

Contamination of workers' homes by hazardous substances transported from the workplace must be minimized. To accomplish this, it is essential that all workers are equipped with suitable protective, reusable clothing, and that such clothing is either disposed of properly or laundered in certified laundry facilities that assure that contamination found in the clothing do not result in exposure in the home, exposure to workers handling the clothing, or become environmental pollutants.

Adequate safeguards and facilities exist and the Federal government through enforcement of current Federal regulations should make a greater effort to assure that these safeguards are followed. It is economically beneficial, safe for workers and their families, and environmentally sound to required recyclable or reusable work clothes when engaged in workplace activities involved exposure to hazardous substances. Only licensed laundry facilities, in compliance with Federal standards, should be utilized for the laundering of such clothing.

Uniform Transferability

House bill

Section 505 creates a new uniform transferability of Federal-aid highway funds in section 110 in title 23. The provision applies to any highway program or set-aside within a program which does not allow at least 50 percent of the apportioned or set-aside funds to be transferred to another category. The provision allows any State to transfer up to 50 percent of any funds apportioned to it, as well as any funds within that apportionment that have special requirements or constitute a set aside, to any other category of funds.

The section also sets rules for the transferability of certain funds set-aside within the Surface Transportation Program. For funds set-aside for the hazard mitigation and rail-highway grade crossing programs, a State may not transfer a mandatory minimum level. For funds set-aside for transportation enhancements, up to 50 percent of the funds above the level received by a State in Fiscal Year 1996 are available to be transferred. For

funds apportioned for the Congestion Mitigation and Air Quality program, States may transfer up to 50 percent of the increase over its Fiscal Year 1997 apportionment.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

Midcourse Correction

House bill

Section 508 directs the Secretary to withhold certain funds for fiscal 2001 until August 1, 2001 unless Congress enacts a law making midcourse corrections to the highway and transit programs. At a minimum, the midcourse correction must include a funding distribution for the high cost interstate program, approve a system of performance bonuses, approve an Appalachian development highway system program, and approve projects within the transit capital program.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

Flexibility of Safety Programs

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1233 gives additional flexibility to safety set-aside requirements. This provision requires each State to set aside 2 percent of its Surface Transportation Program (STP) apportionment for railway-highway crossings; 2 percent of its STP funds for hazard elimination activities; and 6 percent of its STP funds for railway-highway crossings or hazard elimination activities.

Additional discretion is given to each State to transfer up to 100 percent of its 6 percent STP safety set-aside funds to its section 402 safety program or to its Motor Carrier Safety program allocation. The requirement that half the funds authorized and expended under section 130 be available for installation of protective devices at railway-highway crossings is eliminated. The revised section, however, retains this use as an eligible activity.

Conference substitute

The Conference adopts the Senate provision with a modification. The substitute does not allow transfers to the section 402 safety program or the motor carrier safety program.

Railway Crossing Hazard Elimination

House bill

Section 104(c) extends the High Speed Rail Corridors grade crossing program. Funding for the High Speed Rail Corridors grade crossing program is increased to $5.25 million per year. In addition, the subsection specifically designates the Minneapolis/St. Paul, Minnesota, to Chicago, Illinois, segment as a part of the Midwest High Speed Rail Corridor (also known as the Chicago Hub). The Minnesota, Wisconsin, and Illinois Departments of Transportation have completed preliminary feasibility studies on the Minneapolis/St. Paul-Chicago segment and the Federal Railroad Administration has provided funding for the segment under the Next Generation High Speed Rail Corridor program.

Senate amendment

Section 1402 authorizes $5 million to be set-aside from Surface Transportation Program funds in each of fiscal years 1998 to 2003 to be allocated by the Secretary to address railway-highway crossing hazards in five existing high speed rail passenger corridors and the authority to select three additional corridors. The Secretary is to consider ridership volume, maximum speeds, benefits to non-riders such as congestion relief, State and local financial support and the cooperation of the owner of the right-of-way.

The previously selected rail corridors under the program: (1) San Diego to Sacramento, CA; (2) Detroit, MI to Milwaukee, WI; (3) Miami to Tampa, FL; (4) Washington, D.C. to Charlotte, NC; (5) Vancouver, B.C. to Eugene, OR. The New York City-Albany-Buffalo high speed Empire Corridor as an example of a project that meets the intent of this section because of its current travel at high rates of speed and its level of ridership.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute includes funding for site specific corridors that were included in both the Senate and House bills. It also makes improvements to the Minneapolis/St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.

Gulf Coast Corridor

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1402 requires the Secretary to expend funds under the railway-highway crossing hazard elimination in high speed rail corridors program for a Gulf Coast high speed railway corridor.

Conference substitute

The Conference adopts the Senate provision.

ENVIRONMENTAL STREAMLINING

House bill

Section 502 establishes a coordinated environmental review process for highway construction projects so that whenever practicable, all environmental reviews, analyses, opinions and any permits, licenses, or approvals that must be issued by a Federal agency are conducted concurrently and within cooperatively established time periods. The time periods must be consistent with those established by the Council on Environmental Quality (CEQ) in implementing NEPA. Agreed upon time periods may be extended by the Secretary, if, upon good cause shown, the Secretary and the Federal agency determine that an extension is necessary as a result of new information that could not reasonably have been anticipated when the time periods for review were established; In the event that an agency fails to complete its review or analysis within an agreed upon time period, the Secretary may close the record.

The House bill further directs the Secretary, in consultation with CEQ, to establish a State environmental review delegation pilot demonstration program to allow a limited number of States to assume responsibility for implementing NEPA for highway projects. The pilot program is authorized for three years.

Senate amendment

Section 1225 requires the Secretary to develop an integrated decisionmaking process for surface transportation projects. Using the environmental review process under the National Environmental Policy Act (NEPA), the section establishes a mechanism to coordinate the permitting process for surface transportation projects, encouraging consolidation of Federal, State, local and Tribal decisionmaking to the maximum extent practicable, and early consideration of environmental impacts. The section further encourages the use of collaborative, problem solving and consensus building approaches to implement the integrated process.

Conference substitute

The Conference adopts the House language with the following three modifications. First, the provisions establishing a pilot program to delegate responsibility for compliance with the requirements of NEPA to up to eight States is deleted. Second, the language directing agencies to provide due consideration to the determination of the Secretary with respect to the purpose and need of a highway project is deleted. Third, the conference substitute clarifies that the authority of the Secretary to close the record in the event that another agency fails to meet an agreed-upon deadline for completing its environmental review of a proposed project is limited to the record with respect to the matter before the Secretary.

Both the House and Senate bills seek to address the same concerns; the delays, unnecessary duplication of effort, and added costs often associated with the current process for reviewing and approving surface transportation projects. The U.S. Department of Transportation has, through its administrative initiatives, attempted to address some of these problems. Legislation is appropriate, however, to further improve the integration and coordination of decisions relating to highway projects. Better and earlier coordination among the agencies involved in the decisionmaking process for highway projects should help reduce conflicts and their associated delays and costs.

The fundamental goals of the environmental streamlining provisions are to establish an integrated review and permitting process that identifies key decision points and potential conflicts as early as possible; integrates the NEPA process as early as possible; encourages full and early participation by all relevant agencies that must review a highway construction project or issue a permit, license, approval or opinion relating to the project; and establishes coordinated time schedules for agencies to act on a project.

To accomplish these goals, the Conference substitute adopts the House provision encouraging the Secretary to enter into memoranda of agreement (MOAs) with the agencies responsible for reviewing the environmental documents prepared under NEPA or for conducting other environmental reviews, analyses, opinions or issuing any licenses, permits or approvals relating to a project. It is expected that Federal, State and other agencies involved in reviewing and approving a project, or components of a project, will use the MOA process to establish cooperatively determined time periods to complete their work and, more generally, to describe how, and the extent to which, the various permitting requirements and environmental reviews relating to the project will be integrated. MOAs may include a variety of interagency agreements. In order to avoid subsequent conflicts and delays on a project, agencies are encouraged to solicit early public input in the development of an MOA.

The Conference substitute retains the House provisions regarding the joint development of time periods for each agency involved in the review and approval of a

project to complete its review. The language further provides that any environmental reviews, including those required under NEPA, conducted with respect to a project shall generally be done concurrently unless conducting a concurrent review would result in a significant adverse effect on the environment, would substantively alter Federal law, or would not be possible without information developed during the review process. This last exception is intended to ensure that agencies are not put in the position of having to complete environmental reviews before they have sufficient information to conduct a meaningful review.

The provisions relating to the Secretary's authority to close the record have been modified to clarify the extent of the Secretary's authority to issue a record of decision for a project in the event that another agency fails to meet the agreed upon deadline for completing its review of any environmental documents required for the project under NEPA. The Secretary's authority to close the record authority does not extend to reviews, analyses, opinions or decisions conducted by another agency on any permit, license or approval issued by that agency. For example, if a project requires the Corps of Engineers to issue a permit under section 404 of the Clean Water Act, the Secretary may not restrict the Corps' review with respect to its decision to issue the 404 permit, even if the Corps fails to meet a deadline set forth in a MOA with the Secretary. Therefore, the conference substitute includes language affirming that the Secretary's authority to close the record is limited to the record on the matter pending before the Secretary. This still allows the Secretary to issue a record of decision on a highway project, even if other agencies have not completed their review of the environmental documents required under NEPA for the project.

The conference substitute allows the additional costs associated with Federal agencies complying with this streamlined process to be considered eligible projects expenses under the Federal-aid highway program. Such costs may only be for the additional amount the Secretary determines are necessary to Federal agencies to meet the time periods for environmental review where such time periods are less than the customary time for such review.

For purposes of this section, the term Federal agency includes any Federal agency or State agency carrying out affected responsibilities by operation of Federal law.

These provisions makes a number of significant procedural changes and improvements to the process for reviewing and approving highway projects. It is expected that the Secretary will publish regulations, after public notice and comments, to implement these new procedures.

APPLICABILITY OF NEPA

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1602(h) of the Senate bill reaffirms that the requirements of the National Environmental Policy Act (NEPA) do not apply to State plans and programs developed pursuant to sections 134 or 135 of title 23, United States Code.

Conference substitute

The Conference substitute adopts the Senate language. This provision is consistent with current law and practice. To date, State transportation plans and programs developed under sections 134 or 135 of title 23, United States Code, and decisions by the Secretary regarding those plans or programs, have not been considered to be Federal actions for purposes of NEPA. Nothing in this provision, however, is intended to prohibit a State from applying NEPA early in the decisionmaking making process for surface transportation projects, including at the planning stage, if it so chooses. Individual projects included in plans or programs continue to be subject to NEPA.

Repeat Offenders

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1405 establishes a new program to address the growing problem of repeat, hardcore drunk drivers with high alcohol concentrations. The section requires States to enact and enforce penalties for drunk drivers who have an alcohol concentration of .15 or greater, and who have been convicted of a second or subsequent drunk driving offense within 5 years. Minimum penalties shall include a license suspension of not less than 1 year, an assessment of the individual's abuse of alcohol and recommended treatment regimes as appropriate, and either an assignment of 30 days community service or 5 days of imprisonment.

States failing to enact or enforce the described minimum penalties for repeat drunk drivers with high alcohol concentrations by fiscal year 2000, will have 1½ percent of their INHS and STP funds transferred to fund alcohol-impaired driving programs. For fiscal year 2002 and 2003, States that have failed to enact or enforce a repeat intoxicated driver law will be required to transfer 3 percent of their NHS and STP funds for alcohol-impaired driving programs.

Conference substitute

The Conference adopts the Senate provisions with modifications. Instead of withholding funds, the substitute language the States in noncompliance to transfer funds to safety programs.

Seat Belt Incentive Grant

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1406 establishes a new program to encourage States to promote and increase seat belt usage in passenger motor vehicles. This new program provides incentive grants to States that either obtain a State seat belt use rate above the national average, or increase the State seat belt usage. The Secretary shall determine annually: 1) those States that achieved a usage rate higher than the national average, and the amount of Federal government budget savings from Federal medical insurance programs associated with the higher seat belt usage rate; or 2) those States that realized an increase in the seat belt rate compared with the State's base rate, and the resulting Federal government budget savings from Federal medical insurance-programs.

Under this section, the Secretary is required to allocate to each State in fiscal years 1999 through 2003 the amount of Federal medical savings that resulted from either increases in seat belt usage over the national average or increases over the State's base rate. This section provides $60 million for fiscal year 1998; $70 million for fiscal year 1999; $80 million for fiscal year 2000; $90 million for fiscal year 2001; and $100 million for each of fiscal years 2000 and 2003.

Conference substitute

The Conference adopts the Senate provision.

Scenic Byways Center, Duluth, Minnesota

House bill

Section 118(c) authorizes $1.5 million for each fiscal years 1998 through 2003 to establish a center for national scenic byways in Duluth, Minnesota. This center would provide technical communications and network support for nationally designated byway routes.

Senate amendment

The Senate contains no comparable provision.

Conference substitute

The Senate adopts the House provision. It is the Conferees intent that the Center for the National Scenic Byways be staffed by the regional planning agency located in Northeastern Minnesota. The regional planning agency located in Northeastern Minnesota has experience in transportation planning, tourism planning, resource planning, economic development and community planning. The regional planning agency has demonstrated its ability to manage scenic byway projects, develop a technical information network and provide national leadership in supporting the National Scenic Byway Program.

Wetland Restoration Pilot Program

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1503 authorizes the Secretary to establish a national wetland restoration pilot program. This discretionary pilot program shall fund restoration projects to offset the degradation of wetlands resulting from highway construction projects carried out before December 27, 1977. The Secretary is required to submit a report on the results of the program every three years. This provision provides contract authority in the amount of $12 million for fiscal year 1998; $13 million for fiscal year 1999; $14 million for fiscal year 2000; $17 million for fiscal year 2001; $20 million for fiscal year 2002; and $24 million for fiscal year 2003 to carry out this program.

This section is devoted to historic losses of wetlands only. Funds provided in this program are not intended to reward State departments of transportation for knowingly degrading wetlands through highway construction. Therefore, the funds provided in this section are not to be used to mitigate wetlands losses from current and future highway projects or from projects carried out after December 1977.

Conference substitute

The Conference adopts the Senate provision.

TITLE II—HIGHWAY SAFETY

AMENDMENTS TO TITLE 23

House bill

This section provides that, 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 provisions of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

Senate amendment

Section 3002 provides that, unless otherwise provided, statements of amendment or

repeal in this title refer to sections or provisions of title 23, United States Code.

Conference substitute

No provision is included.

SEC. 2001. HIGHWAY SAFETY PROGRAMS

House bill

Sec. 202. Highway Safety Programs.

Subsection (a) amends the highway safety program to include uniform guidelines that prevent accidents. This subsection also makes a technical and conforming amendment to the highway safety program.

Subsection (b) makes several technical and conforming amendments to section 402(b).

Subsection (c) amends section 402(c) to increase the minimum annual apportionment to Indians (through the Secretary of the Interior) from one-half of one percent to three-fourths of one percent of the total apportionment under the section.

Subsection (d) amends section 402(i) to allow section 402 grants to be made to Indian tribes in Indian Country. This subsection also defines Indian Country.

Subsection (e) amends section 402(j) to delete rulemaking requirements and instead directs the States to consider highly effective programs that reduce crashes, injuries, and deaths that have been identified by the Secretary when the States develop their highway safety programs.

Senate amendment

Sec. 3101 continues the existing State and community highway safety program, established under Section 402 of title 23, United States Code, and amends the program as follows:

Subsection (a), "Uniform Guidelines," and Subsection (b), "Administrative Requirements," make several technical and conforming amendments to Sections 402 (a) and (b).

Subsection (c), "Apportionment of Funds," makes one technical correction to Section 402(c) and one substantive amendment. To increase the effective delivery of the Section 402 program to the more than 500 Federally recognized Indian tribes, an amendment is provided to raise the minimum annual apportionment to the Indians (through the Secretary of the Interior) from one-half of one percent to three-fourths of one percent of the total apportionment under the section.

Subsection (d), "Application in Indian Country," amends Section 402 to allow Section 402 grants to be made to Indian tribes in "Indian Country."

Subsection (e), "Rulemaking Process," amends Section 402(j), which requires the periodic identification, by rulemaking, of highway safety programs that are most effective in reducing traffic crashes, injuries, and deaths. Instead of requiring the States to direct the resources of the national program to the fixed areas identified by this rulemaking process, the amendment directs the States to consider these highly effective programs when developing their highway safety programs.

Section 3105 would amend Section 402(a) of title 23, U.S. Code, to insert "post-accident procedures, including the enforcement of light transmission standards of glazing for passenger motor vehicles and light trucks as necessary to improve highway safety."

Conference substitute

The conference agreement includes comparable provisions of the House bill and Senate amendment. In addition, subsection 202(f) of the House bill allowing States to use section 402 funds to purchase television and radio time for public service announcements is revised to include a requirement that States which use funds for such purposes submit a report to the Secretary on the effectiveness of the messages.

Section 3105 of the Senate amendment regarding enforcement of window glazing standards is included in subsection (a)(3).

SEC. 2002. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

House bill

Sec. 203. Highway Safety Research and Development.

This section amends section 403(a) relating to highway safety research and development to provide additional authority to the Secretary to engage in research focusing on training in work zone safety management.

Senate amendment

Section 3104(a)(1) amends Section 403(b)(1) of title 23, U.S. Code, to add a provision on programs to train law enforcement officers on motor vehicle pursuits conducted by police. Section 3104(a)(2), allows the Secretary to use, out of the amounts appropriated to carry out section 403 of title 23, U.S. Code, such amounts as may be necessary to carry out the motor vehicle pursuit training program of section 403(b)(1)(D) of title 23, U.S. Code, but not in excess of $1,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

Section 3104(b) directs that, not later than 180 days after the date of enactment of this Act, the Attorney General of the United States, the Secretaries of Agriculture, Interior, Treasury, the Chief of Capitol Police, and the General Services Administrator shall transmit a report to Congress on their policy concerning motor vehicle pursuits, and a description of their procedures for such training.

Subsection (h), "Drugged Driver Research and Demonstration Program," amends Section 403 (Highway Safety Research and Development) of title 23, U.S. Code, to direct the Secretary to do research on (1) the relationship between the consumption and use of drugs and their effect on highway safety and drivers; and (2) driver behavior research; and measures that may deter drugged driving. Section 3103(1)(E), noted below, authorizes $2 million for each of fiscal years 1999–2003 to carry out the drugged driving research and demonstration programs under subsection (h).

Conference substitute

The Senate recedes to the House provision amending section 403(a) of title 23 regarding work zone safety management.

The House recedes with modifications to subsection 3101(h) and section 3104 of the Senate amendment to amend section 403(b) regarding drugged driving and programs to train law enforcement officers on motor vehicle pursuits conducted by law enforcement officers. Not more than $2 million per fiscal year from section 403 funds shall be available for drugged driving activities and not more than $1 million per fiscal year from section 403 funds shall be available for motor vehicle pursuit activities.

SEC. 2003. OCCUPANT PROTECTION INCENTIVE GRANTS

House bill

Sec. 204. Occupant Protection Incentive Grants.

This section establishes a new occupant protection incentive grant program under section 405 of title 23, United States Code. The Secretary is authorized to make grants to States that adopt and implement effective laws and programs aimed at increasing safety belt and child safety seat use.

New subsection 405(a) sets forth the general authority to make grants to states; requires maintenance of effort by States receiving such grants; sets forth a six-year maximum period of maximum eligibility and a federal share of 75 percent in the first two years a state receives a grant, 50 percent in the third and fourth years, and 25 percent in the fifth and sixth years.

New subsection 405(b) sets forth criteria for Grant A. A state must meet at least five (and beginning in fiscal year 2001, six) of the following: (1) a law that makes it unlawful throughout the State the operation of a passenger motor vehicle whenever a person (other than a child who is secured in a child restrain system) in the front seat of a vehicle (and beginning in fiscal year 2000, in any seat in the vehicle) does not have a safety belt properly secured about the person's body; (2) a provision in its safety belt use law that provides for its primary enforcement; (3) the State imposes a minimum fine or penalty points against an individual's driver's license for a violation of the State's safety belt use law; (4) a law requiring children up to four years of age to be properly secured in a child safety seat in all appropriate seating positions in all passenger motor vehicles; (5) a Statewide special traffic enforcement program that includes emphasis on publicity for the program; (6) a Statewide comprehensive child occupant protection education program; and (7) a law that a child up to 10 years of age (and beginning in 2003 a child up to 16 years of age) is properly restrained.

New subsection 405(c) sets forth criteria for Grant B: A State must: (1) demonstrate a Statewide safety belt use rate in both front outboard seating positions in all vehicle types of 80 percent or higher in each of the years a grant is received; and (2) follow safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

New subsection 405(d) provides that States that meet the criteria for grants A or B would receive, for each grant, up to 30 percent of its fiscal year 1997 apportionment under section 402, of title 23, United States Code.

New subsection 405(e) defines the terms "child safety seat," "motor vehicle," "multipurpose passenger vehicle," "passenger vehicle," and "safety belt."

New subsection 405(f) provides that administrative expenses are limited to 5 percent of program funds.

New subsection 405(g) provides that funding for the program is provided with contract authority and the non-Federal share may be provided through credits for State and local expenditures. The Secretary also has the authority to increase the Federal share for certain Indian tribe programs. The Secretary of Interior is authorized to receive funds made available for Indian tribe programs.

Senate amendment

Section 3103(g) amends title 23, U.S. Code, to establish a new occupant protection inventive program under Section 410 of title 23 ("Safety belts and occupant protection programs"), to encourage States to increase their level of effort and implement effective laws and programs aimed at increasing safety belt and child safety seat use. The new Section 410 contains two subsections—subsection (a) and subsection (b).

Under Section 410(a), a State may establish its eligibility for one or both of two basic occupant protection grants—A and B—by adopting or demonstrating certain criteria,

as appropriate, to the satisfaction of the Secretary.

To establish eligibility for the first basic grant A under paragraph (1), a State must adopt or demonstrate at least 4 of the 6 following: (1) a law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body; (2) a provision in its safety belt use law that provides for its primary enforcement; (3) a law requiring minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system; and, an effective public awareness program that advocates placing passengers under the age of 13 in the back seat of a motor vehicle equipped with a passenger-side air bag whenever possible; (4) demonstrates implementation of 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 restraint systems, and submits to the Secretary an evaluation or report on the effectiveness of the programs at least 3 years after receipt of the grant; (5) a minimum fine of at least $25 for violations of its safety belt use law and a minimum fine of at least $25 for violations of its child passenger protection law; and (6) a statewide occupant protection Special Tariff Enforcement Program (STEP) that includes emphasis on publicity for the program.

To establish eligibility for the second basic grant B under paragraph (2), a State must: (1) demonstrate 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 first three years a grant is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant is received; and (2) follow safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

States that meet the criteria for a basic grant under paragraph (1) or (2) would receive, for each grant, up to 20 percent (up to 40 percent if they qualify for both) of their fiscal year 1997 apportionment under Section 402 of Title 23, United States Code.

States that meet the criteria for one or both of the two basic grants also would be eligible to receive supplemental grants for one or more of the following: (1) requiring the imposition of penalty points against a driver's license for violations of child passenger protection requirements; (2) having no nonmedical exemptions in effect in their safety belt and child passenger protection laws; (3) having in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat. For each supplemental grant criterion that is met, a State would receive an amount up to 5 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for "child safety seat," "motor vehicle," "multipurpose passenger vehicle," "passenger car," "passenger motor vehicle," and "safety belt."

Under Section 410(b), subject to the availability of appropriations, the Secretary may make a grant to a State that demonstrates the implementation of a Child Occupant Protection Education Program, described in subsection (a)(1)(D), that submits an application, in the form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out activities specified in subparagraph (B) through: (1) the child occupant protection program of the State, described in subsection (a)(1)(D); and (2) at the option of the State, a grant program established by the State to provide for carrying out of 1 or more of the activities specified in subparagraph (B) by a political subdivision of the State or an appropriate private entity.

Funds provided to a State under a grant under this subsection shall be used to implement child restraint programs specified under subparagraph (B), which specifically include programs that: (1) are designed to prevent deaths and injuries to children under the age of 9; and (2) educate the public concerning all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques; and appropriate child restraint design, selection and placement; and harness threading and harness adjustment; and train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

The Secretary may make a grant under this subsection without regard to whether a covered State, described in subsection without regard to whether a covered State, described in subsection (a)(1)(D), is eligible to receive, or has received, a grant under subsection (a).

The appropriate official of each State that receives a grant under this subsection shall prepare, and submit to the Secretary, an annual report for the period covered by the grant. This report shall contain such information as the Secretary may require; and at a minimum, describe the program activities undertaken with the grant funds. Also, not later than 1 year after the date of the enactment of this provision, and annually thereafter, the Secretary shall prepare, and submit to Congress, a report on the implementation of this subsection that includes a description of the programs undertaken and materials developed and distributed by the States that receive grants under this subsection.

Separate authorizations are provided to carry out subsection (b) of $75,500,000 for each of fiscal years 1999 and 2000.

Conference substitute

The conference agreement includes provisions from the House bill and the Senate amendment. A State is eligible to receive a grant if it meets 4 of the following criteria: (1) a law that makes it unlawful to operate a vehicle whenever an individual in the front seat (and beginning in the year 2001, any seat) of a vehicle does not have a seat belt properly secured; (2) the State provides enforcement of its safety belt use laws; (3) the State imposes minimum fines or provides for penalty points for violations of its safety belt use laws or child passenger protection laws; (4) the State has implemented a statewide enforcement program; (5) the State has implemented a statewide comprehensive child passenger protection education program; and (6) the State has in effect a law that requires minors to be properly secured in a child seat or other appropriate restraint system. It is noted that States have differing laws regarding the age of "minors" and the provision should be implemented in a flexible manner to reflect these differences.

A qualifying State may receive a grant amount of up to 25 percent of amounts it received in fiscal year 1997 under section 402.

The conference agreement does not include the performance-based incentive grants since a $500 million performance based incentive grant is established in Title I.

The House recedes with modifications to subsection 2003(b) of the Senate amendment authorizing a two-year, $15 million general fund program to provide grants to states for child passenger protection education programs. The Senate provision is amended to require a 20 percent non-Federal match for any grant funds received by a State and annual reporting requirements are revised to require a report to the Secretary by any State receiving a grant and a report from the Secretary to Congress to be submitted not later than June 1, 2002.

SEC. 2004. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

House bill

Sec. 205. Alcohol-Impaired Driving Countermeasures.

This section amends the current section 410 to establish a new comprehensive drunk and impaired driving countermeasures incentive program to encourage States to increase their level of effort and implement effective programs aimed at deterring the drunk driver.

New subsection 410(a) sets forth the general authority for the Secretary to make grants.

New subsection 410(b) requires maintenance of effort by States receiving a grant.

New subsection 410(c) sets forth a six-year maximum period of eligibility and a federal share of 75 percent in the first two years a State receives a grant, 50 percent in the third and fourth years, and 25 percent in the fifth and sixth years.

New subsection 410(d)(1) establishes criteria for basic grant A. A State must adopt or demonstrate at least 5 of the following: (1) a State law that provides that an individual with a blood alcohol concentration (BAC) of 0.08 percent or greater while operating a motor vehicle is deemed to be driving while intoxicated; (2) an administrative driver's license suspension or revocation system for drunk drivers; (3) an effective system for preventing drivers under age 21 from obtaining alcoholic beverages and preventing persons from making alcoholic beverages available to individuals under age 21; (4) a Statewide program for stopping vehicles on a nondiscriminatory basis or a Statewide impaired driving special traffic enforcement program that includes emphasis on publicity for the program; (5) effective sanctions for repeat offenders convicted of driving while under the influence of alcohol; (6) programs to target individuals with high BAC while operating a motor vehicle; (7) programs to reduce driving while under the influence of alcohol by individuals age 21 through 34; and (8) an effective system for increasing the rate of BAC testing in fatal accidents and by the year 2000 achieves a rate of testing equal to or greater than the national average.

New subsection 410(d)(2) establishes criteria for basic grant B. A State must adopt or demonstrate to the satisfaction of the Secretary that (1) its percentage of fatally injured drivers with 0.10 percent or greater BAC has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and (2) that percentage has been lower than the average percentage for all States in each of such calendar years.

New subsection 410(e) provides that States that meet the criteria for a basic grant would receive, for each grant, up to 30 percent of its fiscal year 1997 apportionment under section 402.

New subsection 410(e) authorizes the Secretary to make discretionary grants to States carrying out innovative programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances. A State is eligible to receive a discretionary grant only if the State is eligible to receive a basic grant A or B under this section. The amounts made available to carry out the discretionary grants may not exceed 12 percent of the total funds available for section 410.

New subsection 410(f) provides that administrative expenses for carrying out this section may not exceed 5 percent of the funds authorized to be appropriated for this section.

New subsection 410(g) provides that funding made available under this section would be contract authority. The Secretary is authorized to credit certain amounts of state and local expenditures toward the non-Federal share of the project under this section. The Federal share of the cost of the program for Indian tribes may be increased. Amounts made available for the Indian tribe program will be administered through the Secretary of the Interior.

New subsection 410(h) defines the terms "alcoholic beverage," "controlled substances," "motor vehicle," and "open alcoholic beverage container."

Senate amendment

Subsection 3101(f) amends Section 402 to establish a comprehensive drunk and impaired driving incentive program to encourage States to increase their level of effort and implement effective programs aimed at deterring the drunk driver. The new program is similar in structure to that of the existing Section 410 drunk driving prevention incentive program, established under Section 410 of Title 23, United States Code, and would replace the Section 410 program.

A State may establish its eligibility for one or more of three basic alcohol impaired-driving countermeasure grants—A, B, and C—by adopting or demonstrating certain criteria, as appropriate, to the satisfaction of the Secretary.

To establish eligibility for the first basic grant A under paragraph (1), a State must adopt or demonstrate at least 7 of 9 of the following: (1) a law that provides for a per se law setting .08 BAC level as intoxicated; (2) an administrative driver's license suspension or revocation system for drunk drivers; (3) an effective underage drinking program for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages; (4)(A) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis to determine whether the operators are driving while under the influence of alcohol, or (B) a statewide impaired driving Special Traffic Enforcement Program (STEP) that includes emphasis on publicity for the program; (5) effective sanctions for repeat offenders convicted of driving while intoxicated or driving under the influence of alcohol; (6) a three-tiered graduated licensing system for young drivers that includes nighttime driving restriction, requiring that all vehicle occupants to be properly restrained, and providing that all drivers under age 21 are subject to zero tolerance at .02 percent BAC or greater while operating a motor vehicle; (7) programs targeting persons with high blood alcohol concentrations (BAC) who operate a motor vehicle; (8) young adult programs to reduce driving while under the influence of alcohol by persons age 21 through 34; and (9) an effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle operators at fault in fatal crashes.

To establish eligibility for the second basic grant B under paragraph (2), a State must adopt either an administrative driver's license suspension or revocation system for drunk drivers, or a law that provides for a per se law setting .08 BAC level as intoxicated.

To establish eligibility for the third basic grant C under paragraph (3), a State must demonstrate that its percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration has both: (1) decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and (2) been lower than the average percentage for all States in each of such calendar years.

States that meet the criteria for a basic grant under paragraphs (1), (2) or (3) would receive, for each grant, up to 15 percent (up to 30 percent if they qualify for two, and up to 45 percent if they qualify for all three) of their fiscal year 1997 apportionment under Section 402 of Title 23, United States Code.

States that meet the criteria for any one or more of the three basic grants also would be eligible to receive supplemental grants for one or more of the following: (1) making it unlawful to possess open containers of alcohol in the passenger area of motor vehicles (excepting charter buses) while on the road; (2) adopting a mandatory BAC testing program for drivers in crashes involving fatalities or serious injuries; (3) videotaping of drunk drivers by police; (4) adopting and enforcing a "zero tolerance" law providing that any person under age 21 with a BAC of .02 or greater when driving a motor vehicle shall be deemed driving while intoxicated or driving under the influence of alcohol, and further providing for a minimum suspension of the person's driver's license of not less than 30 days; (5) requiring a self-sustaining impaired driving program; (6) enacting and enforcing a law to reduce incidents of driving with suspended licenses; (7) demonstrating an effective tracking system for alcohol-impaired drivers; (8) requiring an assessment of persons convicted of abuse of controlled substances, and the assignment of treatment for all DWI and DUI offenders; (9) implementing a program to acquire passive alcohol sensors to be used by police in detecting drunk drivers; and (10) enacting and enforcing a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to a person under 21. For each supplemental grant criterion that is met, a State would receive, in no more than two fiscal years, an amount up to 5 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for "alcoholic beverage," "controlled substances," "motor vehicle," and "open alcoholic beverage container."

Conference substitute

The conference agreement includes provisions of both the House bill and Senate amendment. A State is eligible to receive a grant under section 410 if it meets five of the following criteria: (A) an administrative license suspension or revocation system for drunk drivers; (B) an effective underage drinking program; (C) a statewide program for stopping vehicles on a non-discriminatory, lawful basis or a Statewide impaired driving special traffic enforcement program that includes emphasis on publicity for the program; (D) graduated licensing systems; (E) programs to target drivers with high BACs; (F) programs to reduce driving under the influence by young adults age 21 through 34; and (G) an effective system for increasing the rate of BAC testing and, by the year 2001, a rate of testing that is equal to or greater than the national average.

The conference agreement does not include a .08 BAC criteria since a $500 million .08 incentive program is included in Title I.

A qualifying State may receive a grant of up to 25 percent of amounts it received in fiscal year 1997 under section 402.

The conference agreement also authorizes the Secretary to make supplemental grants. The provision includes several of the Senate items and includes a new broad criteria. The Secretary should use the supplemental grants to assist States in developing innovative programs. The Secretary may determine the amount of each supplemental grant and is not required to provide the same amount for each grant.

The conference agreement provides that the amendments to section 410 of title 23, United States Code, take effect on October 1, 1998 so that funding provided for the remainder of fiscal year 1998 are subject to the current section 410 program requirements.

SEC. 2005. HIGHWAY SAFETY DATA IMPROVEMENTS

House bill

Sec. 206. This section amends section 406 to create a new State highway safety data improvement incentive grant program to encourage States to take effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data they need to identify the priorities for national, State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, to link these data, including traffic records, together and with other data systems within the State, such as medical and economic data, and to improve the compatibility of State systems with national and other States' data systems.

The Secretary, in consultation with States and other appropriate parties, is directed to develop model data elements for States' systems. It should be noted that subsection (b) regarding model data elements and that States' plans should demonstrate how the model data elements will be incorporated is not to be interpreted as requiring States to immediately adopt uniform data. The Committee realizes that uniform data systems and reporting may necessitate such changes as modifying computer systems and redesigning police reports. This is a long term goal and the provision directs the State to identify steps it will take to move toward the goal.

The States that receive a grant in any fiscal year must enter into an agreement with the Secretary 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 two fiscal years prior to the date of enactment of this section.

The maximum period of eligibility for a State to receive a grant would be six years, beginning after September 30, 1997. States that meet the criteria for receipt of a grant would receive grants that would be funded through a declining federal share.

A State would be eligible for a first-year grant in a fiscal year if it demonstrates that it has (1) established a highway safety data and traffic records coordinating committee with a multi-disciplinary membership; (2) completed a highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and (3) initiated the development of a strategic plan that identifies and prioritizes the

State's highway safety data and traffic records needs and goals, and performance-based measures by which progress toward those goals will be determined.

A State also would be eligible for a first-year grant in a fiscal year if it provides (1) certification that it has met the requirements of (1) and (2) listed above; and (2) a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentives funds will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and (3) certification that the highway safety data and traffic records coordinating committee continues to operate and support the multi-year plan.

A State that meets certain criteria for a first-year grant would receive up to $125,000, based on available appropriations. A State that meets the additional criteria for a first-year grant would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402, except that no State would receive less than $225,000.

A State would be eligible for a grant in any fiscal year succeeding the first fiscal year in which they receive a State highway safety improvement grant if the State (1) submits or updates a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; (2) certifies that its highway safety data and traffic records coordinating committee continues to support the multi-year plan; and (3) reports annually on its progress in implementing the multi-year plan.

A State that meets the criteria for a succeeding-year grant in any fiscal year would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of title 23, except that no State shall receive less than $225,000 based on available appropriations.

Administrative expenses for carrying out this section may not exceed 5 percent of the funds authorized to be appropriated. The funding for grants provided under this section is provided with contract authority and the non-Federal share may be provided through credits for State and local expenditures. The Secretary also has the authority to increase the Federal share for certain Indian tribes. The Secretary of the Interior is authorized to receive funds made available for Indian tribe programs.

Senate amendment

Sec. 3101(f). The Senate bill contains a similar provision with two differences. It includes a provision authorizing the Secretary to award States that do not meet the first-year eligibility criteria up to $25,000 to assist their efforts to qualify in the next fiscal year. The Senate bill does not include a provision on model data elements.

Conference substitute

The Conference merges the House and Senate provisions by retaining the House model data elements and the Senate $25,000 grants for States that do not meet the eligibility criteria. The Conference emphasizes that while the Secretary should assist States trying to meet the eligibility criteria, the $25,000 grants are available to each State only once. If the State fails to qualify for a regular grant the next year, it would not be eligible for an additional $25,000.

The Conference also replaces the word "causation" with "circumstances" in recognition that determining accident causation precisely is difficult, even when adequate data are available. Collection of data on crash circumstances, however, will contribute to our ability to understand crash causation and identify potentially effective countermeasures.

SEC. 2006. NATIONAL DRIVER REGISTER

House bill

Sec. 207. Subsection (a) amends section 30302 ("National Driver Register") by adding a new subsection (e). Under subsection (e), the Secretary would be authorized to enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's (NDR) computer timeshare and user assistance functions. The Secretary is required to demonstrate that any transfer of these functions will begin only after the Secretary makes a determination that all States are participating in the NDR's "Problem Driver Pointer System" and that the system is functioning properly. Any agreement entered into to transfer these functions shall include a provision for a transition period to allow the States time to make any budgetary and legislative changes needed in order to pay fees for using these functions. The fees charged by the organization representing the interests of the States in any fiscal year for the use of these functions shall not exceed the organization's total cost for performing these functions in that fiscal year.

Subsection (b)(1) amends Section 30305(b) to make technical conforming amendments.

Subsection (b)(2) amends section 30305(b) to add two substantive provisions. The first would eliminate a deficiency in the NDR by extending participation to federal departments or agencies that both issue motor vehicle operator's licenses and transmit reports on individuals to the NDR over whom the department or agency has such licensing authority. The reports on these individuals transmitted by the federal department or agency must contain the identifying information specified in subsection 30304(b).

Subsection (b) also would allow federal agencies authorized to receive NDR information to request and receive the information directly from the NDR, instead of through a State. The statute currently requires these agencies to submit all NDR inquiries through a State.

Subsection (c) directs the Secretary to evaluate the implementation of the NDR and motor carrier and commercial driver license information systems and identify alternatives to improve the ability of States to exchange information about unsafe drivers. The subsection further directs the Secretary to conduct an assessment, with the American Association of Motor Vehicle Administrators, of available technologies to improve access to and exchange of such information. The assessment may consider alternatives to facilitate matching drivers and their records.

Senate amendment

Sec. 3102. the Senate bill contains a nearly identical provision, but does not include the assessment and evaluation of alternatives to improve the exchange of driver information.

Conference substitute

The Conference adopts the House provision.

SEC. 2007. SAFETY STUDIES

House bill

Sec. 208. Subsection (a) authorizes the Secretary to conduct a study on the benefit to public safety of blowout-resistant tires on commercial motor vehicles.

Subsection (b) authorizes the Secretary to conduct a study to assess occupant safety in school buses.

Subsection (c) requires the Secretary to report the results of each study to Congress not later than two years after the date of enactment.

Subsection (d) authorizes the Secretary to expend no more than $200,000 to conduct each study.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with a modification that the funds for these studies shall come from funds authorized for highway safety research and development.

SEC. 2008. EFFECTIVENESS OF LAWS ESTABLISHING MAXIMUM BLOOD ALCOHOL CONCENTRATIONS

House bill

Sec. 209. Subsection (a) directs the Comptroller General to conduct a study to evaluate the effectiveness of State .08 and .02 BAC laws in reducing the number and severity of alcohol-related crashes.

Subsection (b) requires the Comptroller General to report to the Congress within two years the results of the BAC study.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with a modification to the Senate committee receiving the report.

SEC. 2009. AUTHORIZATIONS OF APPROPRIATIONS

House bill

Sec. 210. This section provides authorizations for the section 402 program; the section 403 programs; the occupant protection, alcohol-impaired driving, and highway safety data incentive grants; and the NDR.

For the NHTSA section 402 safety program, in fiscal year 1998, $128.2 million is provided; for fiscal year 1999, $150.7 million is provided; for each of fiscal years 2000 through 2003, $195.7 million is provided.

For the FHWA section 402 safety program, in fiscal year 1998, $12 million is provided; for fiscal year 1999, $20 million is provided; for each of fiscal years 2000 through 2003, $25 million is provided.

For NHTSA section 403 research and development, $55 million is authorized for each of fiscal years 1998 through 2003.

For NHTSA section 403 research and development, $20 million is authorized for each of fiscal years 1998 through 2003.

For occupant protection incentive grants, in fiscal year 1998, $9 million is provided; in each of fiscal years 1999 through 2003, $20 million is provided.

For alcohol-impaired driving countermeasures incentive grants, in fiscal year 1998, $35 million is provided; in each of fiscal years 1999 through 2003; $45 million is provided.

For state highway safety data incentive grants, in fiscal year 1998, $2.5 million is provided; in each of fiscal years 1999 through 2003, $12 million is provided.

For the National Driver Register, $2.3 million is provided for each of fiscal years 1999 through 2003.

The Secretary may transfer unallocated incentive grant amounts among the various grant programs to ensure that each State receives the maximum funding to which it is entitled.

Senate amendment

Sec. 3103. The section authorizes funds for the section 402 program; the alcohol-impaired driving countermeasures incentive grants; the occupant protection incentive grants; the State highway safety data and traffic records improvements incentive grants; highway safety research; public education; and the NDR.

For the section 402 safety program, in fiscal year 1998, $117.9 million is provided; for fiscal year 1999, $123.5 million is provided; for fiscal year 2000, $126.9 million is provided; for fiscal year 2001, $130.4 million is provided; for fiscal year 2002, $133.8 million is provided; for fiscal year 2003, $141.8 million is provided.

For alcohol-impaired driving countermeasures incentive grants, in fiscal year 1998, $30.6 million is provided; for fiscal year 1999, $28.5 million is provided; for fiscal year 2000, $29.3 million is provided; for fiscal year 2001, $30.1 million is provided; for fiscal year 2002, $38.7 million is provided; for fiscal year 2003, $39.8 million is provided.

For occupant protection program incentive grants, in fiscal year 1998, $13.9 million is provided; for fiscal year 1999, $14.6 million is provided; for fiscal year 2000, $15.0 million is provided; for fiscal year 2001, $15.4 million is provided; for fiscal year 2002, $17.6 million is provided; for fiscal year 2003, $17.7 million is provided.

For state highway safety data improvements incentive grants, in fiscal year 1998, $8.4 million is provided; for fiscal year 1999, $8.8 million is provided; for fiscal year 2000, $9.0 million is provided; for fiscal year 2001, $9.2 million is provided.

For drugged driving research and demonstration programs, $2.0 million is provided for each fiscal year, 1999 through 2003.

For highway safety research, $60.1 million is provided for each fiscal year, 1998 through 2002; and $61.7 million is provided for fiscal year 2003.

For programs to educate the motoring public on how to share the road safety with commercial motor vehicles, $500,000 is provided for each fiscal year 1998 through 2003.

For the National Driver Register, in fiscal year 1998, $1.6 million is provided; for fiscal year 1999, $1.7 million is provided; for fiscal year 2000, $1.7 million is provided; for fiscal year 2001, $1.8 million is provided; for fiscal year 2002, $1.8 million is provided; and for fiscal year 2003, $1.9 million is provided.

The Secretary may transfer unallocated incentive grant amounts among the various grant programs to ensure that each State receives the maximum funding to which it is entitled.

Conference substitute

The section authorizes funds for the section 402 program; highway safety research and development; the occupant protection incentive grants; the alcohol-impaired driving countermeasures incentive grants; the State highway safety data and traffic records improvements incentive grants; the NDR; and public education.

For the NHTSA and FHWA section 402 safety program, a total of $932.5 million is provided for fiscal years 1998 through 2003.

For NHTSA and FHWA highway safety research, $72 million is provided for each fiscal year, 1998 through 2003.

For occupant protection incentive grants, a total of $68 million is provided for each fiscal years 1999 through 2003.

For alcohol-impaired driving countermeasures incentive grants, a total of $219.5 million is provided for fiscal years 1998 through 2003.

For state highway safety data improvements incentive grants, a total of $32 million for fiscal years 1999 through 2002 is provided.

For the National Driver Register, a total of $12 million is provided for fiscal years 1998 through 2003.

For research related to the effects of drugs and driver behavior and measures to deter drugged driving $2 million per fiscal year is available.

For programs to train law enforcement officers on motor vehicle pursuits $1 million per fiscal year is available.

For programs to educate the motoring public on how to share the road safely with commercial motor vehicles, $500,000 is provided for each fiscal year 1998 through 2003. Because many motorists are unaware of the limitations of large commercial vehicles and the driving practices that could help improve their safety, the Committee believes it is essential to support a national public education program on sharing the road safely. Recognizing that such a national program has been undertaken by the Federal Highway Administration, the Committee believes the greatest safety benefit and efficiency would be achieved by FHWA continuing and improving its current "share the road" public education campaign. The Committee expects that the National Highway Traffic Safety Administration will transfer $500,000 each year from Section 403 funds as designated under this section to the Federal Highway Administration for this purpose.

The Secretary may transfer unallocated incentive grant amounts among the various grant programs to ensure that each State receives the maximum funding to which it is entitled.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 3001. SHORT TITLE

House provision

No provision in House bill.

Senate amendment

This title to be cited as the Federal Transit Act of 1997.

Conference report

The title to be cited as the Federal Transit Act of 1998.

SEC. 3002. AMENDMENTS TO TITLE 49

House provision

Section 301 provides that, unless stated otherwise, all references in this title to a section or other provision of law are to title 49 of the United States Code.

Senate amendment

No provision included.

Conference report

Adopts House proposal.

SEC. 3003. DEFINITIONS

House provision

Section 302 amends section 5302 of title 49 to expand the definition of "capital project" to include transit-related intelligent transportation systems, preventive maintenance, leasing of equipment or facilities for use in mass transportation under certain circumstances, and certain mass transportation improvements that enhance economic development or incorporate private investment. It also defines preventive maintenance, public transportation, transit, and transit enhancement.

Senate amendment

Section 5003 expands and clarifies the definition of capital project under section 5302(a)(1) to add preventive maintenance and intelligent transportation systems. It also brings together existing capital provisions on leasing of transit equipment and facilities, the deployment of new technology, and joint development activities into the broadened capital definition. Joint development is expanded to include safety elements and community services as eligible activities.

Making preventive maintenance an eligible capital expense gives transit operators greater flexibility and helps to ensure that the federal investment is properly maintained. Preventive maintenance does not include routine or servicing activities or repairing damage caused by an accident.

This section also enables small urbanized areas, which are defined as having a population between 50,000 and 200,000, to use any funding distributed under the urbanized area formula program for either operating or capital expenses. This enhanced flexibility mirrors that which is currently provided to rural areas (populations under 50,000).

Conference report

Adopts Senate provision for preventive maintenance, deployment of new technology, and joint development. Adopts House provision for transit-related intelligent transportation systems and leasing.

SEC. 3004. METROPOLITAN PLANNING

House provision

Section 303 amends section 5303(b) of title 49 to repeal the current planning factors and replace them with goals and objectives of the metropolitan planning process. The metropolitan planning organization shall cooperatively determine with the State and mass transit operators how the goals and objectives considered are translated into metropolitan goals and objectives and factored into decision making.

This section allows the metropolitan planning organization to include, for illustrative purposes, additional projects that would be included in the long range transportation plan if reasonable additional resources were available. It also amends section 5303(f) to add freight shippers and providers of freight transportation services to the list of persons metropolitan planning organizations are required to give an opportunity to comment on the long range transportation plan.

Senate amendment

Section 5004 amends the current metropolitan planning provisions in sections 5303, 5304, and 5305 and adds a new section 5305a on Statewide Planning. This new section largely parallels the statewide planning provisions in the highway laws, and is included as a separate provision in the transit laws.

This section retains the requirement that MPOs follow the ISTEA planning process outlined in the law. It replaces the 16 individual planning factors in current law with a broader list of seven national goals and factors for the MPOs to consider, and retains consideration of land use. This section clarifies that consideration of these seven factors applies to the planning process as a whole, not separately to each project under review.

This section adds language directing the MPOs to cooperate with the state and transit operators, through a public process, to establish goals and propose programs relating to these factors. It adds freight shippers to the list of those who can comment on plans and transportation improvement programs. These same changes are included in the Statewide Planning provisions.

This section retains the requirement that the transportation plans be fiscally constrained. It requires MPOs to identify the

funding source for projects that are proposed for the regional transportation plan.

There is new language directing MPOs to bring together the wide range of transportation services being provided within the region, many of which are funded either directly or indirectly by federal programs other than the Department of Transportation (DOT). The intent of the Committee is to encourage the participation of these non-DOT funded transportation services, either through individual or representative organizations, in coordinating regional transportation services. An analogous provision is included in the Statewide Planning provisions. The Committee recognizes elsewhere in the bill the importance of coordinating these transportation services. Indeed, the Department of Health and Human Services (HHS) and DOT have a long-standing Coordinating Council which is evaluating the departments' current coordination strategies. The objectives of this coordination include: joint identification of human service client transportation needs and the appropriate mix of transportation services to meet those needs; the expanded use of public transit services to deliver human services program transportation; and cost-sharing arrangements for HHS program clients transported by ADA paratransit systems based on a uniform accounting system.

This section adds new language for publication of information in the 3-year transportation improvement program and the annual selection of projects.

Conference report

Adopts Senate proposal on metropolitan planning and includes the representatives of the users of public transit among those to be consulted in the planning process and for enhanced publication of information on project selection. The Senate proposal for a separate statewide planning provision in the transit laws is not adopted.

SEC. 3005. TRANSPORTATION IMPROVEMENT PROGRAM

House provision

This section amends section 5304 of title 49 to require that the transportation improvement program (TIP) be updated at least once every three years. It also provides that the TIP may include, for illustrative purposes, projects that would be included in the plan if reasonable additional resources were available.

Senate amendment

This section of the legislation requires that any metropolitan planning organization that is classified as a transportation management area and is redesignated after the enactment of this Act, shall include representatives of the users of public transit.

Conference report

Adopts Senate provision to include representatives of the users of public transit to be consulted in the planning process, and adopts House provision for illustrative list.

SEC. 3006. TRANSPORTATION MANAGEMENT AREAS

House provision

This section amends section 5305 to add projects under the high risk road safety program to the list of projects selected by the State in consultation with the metropolitan planning organization. This section also makes a technical amendment to section 5305.

Senate amendment

Section 5004 makes technical changes to section 5305 and permits the Secretary to make conditional certifications of metropolitan planning organizations.

Conference report

Provisions substantially the same.

SEC. 3007. URBANIZED AREA FORMULA GRANTS

House provision

Section 306 amends section 5307 of title 49 to change the name of the sections and to make a conforming amendment to the table of sections. It makes technical amendments to section 5307(a) of title 49, and amends section 5307(b)(1) to provide that the Secretary may make grants to finance the operating cost of equipment and facilities only to urbanized areas with populations of less than 200,000. It repeals sections 5307(b)(3) and 5307(b)(5). It also provides that of the funds apportioned each fiscal year to urbanized areas with populations of 200,000 or more under section 5336, at least two percent shall only be for transit enhancement activities.

Senate amendment

Section 5003 provides flexibility for small urbanized areas to use their formula funds for either capital or operating assistance.

Conference report

Adopts House provision.

SEC. 3008. CLEAN FUELS FORMULA GRANT PROGRAM

House provision

No provision in House bill.

Senate amendment

Section 5007 creates a new Clean Fuels formula grant program, with an annual funding authorization of $200 million. This program will assist transit systems in purchasing low emissions buses and related equipment, constructing alternative fuel fueling facilities, modifying existing garage facilities to accommodate clean fuel vehicles and assisting in the utilization of biodiesel fuel.

Annual grants to any one recipient are capped at $25 million for recipients in urbanized areas over one million population and $15 million for recipients in urbanized areas under one million population. Eligible technologies include compressed natural gas (CNG), liquified natural gas (LNG), biodiesel fuel, battery, alcohol-based fuel, hybrid electric, fuel cell or other zero emissions technology.

Conference report

Adopts Senate provision.

SEC. 3009. CAPITAL INVESTMENT GRANTS AND LOANS

House provision

Section 308 makes technical changes to section 5309.

The section reforms the New Starts evaluation process and requires the Secretary to make fiscally constrained recommendations to Congress. Not more than eight percent of the funds made available in each fiscal year for new fixed guideway systems and extensions to existing systems are available for activities other than final design and construction.

This section also clarifies that the Secretary shall consider the age of buses, bus fleets, and related equipment and facilities in making grants for buses and related facilities. This section also provides funding for the bus testing facility for each of fiscal years 1998 through 2003. This section requires that a certain percentage of the funds made available for bus and bus-related facilities be available to carry out the bus technology pilot program and for non-urbanized areas. This section establishes a pilot program for the testing and deployment of new bus technology.

Senate amendment

Section 5008 amends section 5309(e)(3)(B) to add the benefits of transit-oriented land use as one of the factors to be considered by the Secretary in reviewing New Starts projects. There is a growing awareness and agreement that mass transit investment produces economic benefits, partly through reduced local infrastructure costs. This change is intended to reflect the importance of these considerations in evaluating New Starts.

This section similarly amends section 5309(m) to limit the amount of New Starts funding that can be used for purposes other than final design and construction to 8 percent of amounts made available for this program.

Conference report

Provisions substantially the same.

Houston Regional Bus Plan, Westpark Corridor.—The conferees note that under existing law, Houston Metro may apply for, and FTA may approve, the transfer of sums previously appropriated under Metro's Full Funding Grant Agreement from the development of the Westpark Corridor HOV facility to any other section 5309 project, with no effect on any other provisions of the Full Funding Grant Agreement. Accordingly the conferees encourage the Administrator, upon a receipt of such a transfer request (if so requested by Houston Metro), to work with Houston Metro officials to consider approval of such request.

SEC. 3010. DOLLAR VALUE OF MOBILITY IMPROVEMENTS

House provision

Section 309 directs the Secretary to study the dollar value of mobility improvements and report to Congress on the results.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3011. LOCAL SHARE

House provision

No provision in House bill.

Senate amendment

Section 5006 provides that the proceeds from the issuance of revenue bonds can be used as a local match.

Conference report

Adopts Senate provision with modification. If the Secretary finds that the operation of this provision benefits the transit operators, he shall recommend to Congress that a permanent change in the Federal Transit laws be made no later than the reauthorization of this Act to make the proceeds from the issuance of revenue bonds eligible for local share under section 5307 and 5309 of title 49. All Federal grant requirements apply, including the requirement that the recipient has the financial capacity to carry out the project.

SEC. 3012. INTELLIGENT TRANSPORTATION SYSTEMS APPLICATION

House provision

Section 312 makes research grants for fixed guideway technology.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3013. FORMULA GRANTS AND LOANS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES

House provision

Section 310 makes changes.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3014. FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS

House provision

Section 311 makes technical changes.

Senate provision

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3015. RESEARCH, DEVELOPMENT, DEMONSTRATIONS, AND TRAINING PROJECTS

House provision

Section 312 makes technical changes. It establishes a program for Joint Partnerships for Deployment of Innovation and International Mass Transportation activities. This section also establishes a mass transportation technology development and deployment program. It also provides funding for the fuel cell transit bus program and maintenance facility, and establishes an Advanced Technology Pilot Project for the development of low-speed magnetic levitation technology for public transportation.

Senate amendment

Section 5011 establishes a Joint Partnership Program for Deployment of Innovation to implement major research activities.

Conference report

Senate recedes to fuel cell bus, low speed mag lev proposals, and International Mass Transportation Program. Conferees adopt Joint Partnership for Deployment of Innovation.

SEC. 3016. NATIONAL PLANNING AND RESEARCH PROGRAMS

House provision

Section 313 provides additional funding for activities to help transit providers comply with the Americans With Disabilities Act.

Senate provision

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3017. NATIONAL TRANSIT INSTITUTE

House provision

Section 314 changes the name of the Institute and expands the list of subjects that may be taught at the National Transit Institute.

Senate amendment

Senate amendment amends section 5315(a) to add workplace safety to the list of subjects that may be taught at the National Transit Institute.

Conference report

Adopts House and Senate provisions.

SEC. 3018. BUS TESTING FACILITIES

House provision

Section 317 clarifies that the Secretary may enter into either a contract or cooperative agreement to operate and maintain the bus testing facility.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3019. BICYCLE FACILITIES

House provision

Section 318 increases the federal share for bicycle projects that are related to transit enhancement activities.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3020. GENERAL PROVISIONS ON ASSISTANCE

House provision

Section 319 clarifies that the incremental cost of vehicle-related equipment necessary for complying with or maintaining compliance with the Clean Air Act is reimbursable at a federal share of 90 percent.

It also provides that the Secretary may allow a manufacturer or supplier to correct an inadvertent or clerical error in a Buy America Act certification after bid opening. This section encourages coordination in the design and delivery of transportation services among governmental agencies and nonprofit organizations that provide such services. It consolidates certifications required by FTA.

Senate amendment

Section 5016 requires coordination in providing transportation services among governmental agencies and nonprofit organizations that receive federal government funds.

Conference report

Coordinated transportation provisions substantially the same. Adopts House provision on consolidated certification and on inadvertent error with modification.

SEC. 3021. PILOT PROGRAM FOR INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND

House provision

No provision.

Senate amendment

Section 5021 permits non-Amtrak states to use their formula funds for inter-city rail.

Conference report

Adopt Senate provision with modification to establish a pilot program to support Amtrak activities in Oklahoma.

SEC. 3022. CONTRACT REQUIREMENTS

House provision

Section 320 makes technical amendments relating to contracts.

Senate amendment

No provision in Senate.

Conference report

Adopts House provision.

SEC. 3023. SPECIAL PROCUREMENTS

House provision

Section 321 makes changes to the definition of a turnkey system project.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3024. PROJECT MANAGEMENT OVERSIGHT AND REVIEW

House provision

Section 322 clarifies that the Secretary may provide technical assistance to correct deficiencies identified as part of project management oversight.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3025. ADMINISTRATIVE PROCEDURES

House provision

Section 324 authorizes the Senate to collect fees to cover the costs of training and conferences sponsored by the Federal Transit Administration, and makes technical changes to this section.

Senate amendment

Section 5017 allows grantees to sell assets, including land, that are acquired with federal funds and to keep the proceeds for use in mass transportation.

Conference report

Adopts Senate provision.

SEC. 3026. REPORTS AND AUDITS

House provision

Section 325 repeals certain reports that are no longer necessary.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3027. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS

House provision

Section 326 gives urbanized areas with populations under 200,000 flexibility to use their apportionments for either capital or operating expenses and caps the total annual amount at $400 million both operating assistance and preventive maintenance.

Senate amendment

Section 5019 directs the Secretary, in distributing operating assistance to large urban areas, to consider the impact of any operating assistance reduction on smaller transit authorities operating within the area. This section retains operating assistance for areas over 200,000 in population.

Conference report

Conferees eliminate the cap on preventive maintenance and operating assistance, and eliminates operating assistance for areas over 200,000.

SEC. 3028. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION

House provision

Section 327 amends the fixed guideway modernization formula.

Senate amendment

Section 5019 amends the fixed guideway modernization formula.

Conference report

Senate amendment modified on the floor. Conferees adopt compromise formula allocation.

SEC. 3029. AUTHORIZATIONS

House provision

Section 328 provides authorizations for the transit programs.

Senate amendment

Section 5002 provides authorizations for the transit programs.

Conference report

Adopts House provision.

It is the intent of the Conferees that authorizations for Budget Authority in 49 USC 5338(h), as amended by this section shall be scored against current discretionary spending limits and not the Mass transit category established by Title VIII of this Act.

SEC. 3030. PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS

House provision

Section 332 authorizes New Starts projects.

Senate amendment

No provision in Senate amendment.

Conference report

Senate adopts House provision.

New Orleans Canal Street—The Federal Transit Administration shall establish and credit as local share a value of the "neutral ground" (median strip), which will be utilized by the project as the right of way, an amount equal to 50% of the appraised average value of the adjacent property.

Dulles Corridor—The Dulles Corridor project is for the preliminary engineering, design and construction of the locally preferred alternative along the Dulles Corridor in the Washington D.C. metropolitan area and may include construction of a bus rapid transit system and preliminary engineering and design of other fixed guideway systems to serve the needs of the corridor.

Westlake Commuter Rail—The project authorized in this section includes 8 rail cars.

SEC. 3031. PROJECTS FOR BUS AND BUS-RELATED FACILITIES

House provision

Section 333 authorizes bus and bus-facilities projects.

Senate amendment

No provision in Senate amendment.

Conference report

Senate adopts House provision.

SEC. 3032. CONTRACTING OUT STUDY

House report

Section 335 directs the Secretary to 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 services.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision. Funding for the study is $200,000. The additional $50,000 is available for administrative expenses associated with the study.

SEC. 3033. URBANIZED AREA FORMULA STUDY

House provision

Section 337 directs the Secretary to conduct a study on whether the current formula for apportioning funds to urbanized areas reflects the transit needs of the urbanized areas.

Senate amendment

Section 5020 directs the Secretary to conduct a study on the current urbanized area formula to determine whether changes in apportioning formula funds are needed for small urban areas with populations under 200,000.

Conference report

Adopts both House and Senate provisions.

SEC. 3034. COORDINATED TRANSPORTATION SERVICES

House provision

Section 338 directs the Comptroller General to conduct a study of Federal departments and agencies other than the Department of Transportation that receive federal financial assistance for non-emergency transportation services.

Senate amendment

No provision in Senate amendment.

Conference agreement

Adopts House provision.

SEC. 3035. FINAL ASSEMBLY OF BUSES

House provision

Section 339 directs the Comptroller General to review the Federal Transit Administration's monitoring of pre-award and post-delivery audits for compliance with the requirements of final assembly of buses under section 5323(j).

Senate amendment

No provision in Senate amendment.

Conference agreement

House recedes. Provision adopted that requires compliance with final assembly requirements by a date certain.

SEC. 3036. CLEAN FUEL VEHICLES

House provision

Section 340 directs the Comptroller General to study the various low and zero emission fuel technologies for transit vehicles.

Senate provision

No provision in Senate amendment.

Conference report

Adopt House provision.

SEC. 3037. JOB ACCESS AND REVERSE COMMUTE GRANTS

House provision

Section 330 establishes an Access to Jobs pilot program to fund the transportation of welfare recipients to and from jobs and job-related activities.

Senate amendment

Section 5014 establishes an Access to Jobs and Reverse Commute program to assist welfare recipients and other low-income individuals get to and from jobs.

Sixty percent of funds appropriated under this program must be awarded to projects in large urbanized areas, 20 percent to projects in small urbanized areas, and 20 percent to projects in non-urbanized areas, 20 percent to projects in small urbanized areas, and 20 percent to projects in non-urbanized areas. Grants require a 50 percent local match. Other federal funds, notably those provided through programs at the Department of Health and Human Services, may be used to meet the matching requirements.

Under this section, private transportation providers are eligible to submit proposals with states, local governments, and non-profit organizations for grants under this section. In addition, under this section, a private transportation provider shall also be considered an existing transportation service provider when the requirements of the section are met.

Conference report

Adopts Senate provision with modification. The conferees anticipate that this grant program will encourage recipients to implement long-term and self-sustaining plans to address the transportation needs of welfare recipients and eligible low-income individuals who live in areas devoid of job opportunities.

SEC. 3038. RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM

House provision

No provision in House bill.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts provision making available funds to finance the incremental cost of complying with the Department of Transportation's final rule regarding accessibility of over-the-road buses.

SEC. 3039. STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS

House provision

No provision in House bill.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts provision directing the Secretary of Transportation, in consultation with the Secretary of the Interior, to study transit needs in national parks.

SEC. 3040. OBLIGATION LIMITATIONS

House provision

Section 329 sets obligation limitations for the transit programs.

Senate amendment

No provision in Senate amendment.

SEC. 3041. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT

House provision

Section 331 directs the Secretary to reduce 1998 apportionments and allocations to account for the six months of funding already apportioned and allocated pursuant to the Surface Transportation Extension Act.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 4001. AMENDMENTS TO TITLE 49, UNITED STATES CODE

House bill

Section 401 provides that, except as otherwise specifically provided, an amendment or repeal of a section or provision of law in this title shall be a reference to a section or other provision of title 49, United States Code.

Senate amendment

The Senate amendment includes an equivalent provision (Sec. 3002).

Conference substitute

The conference adopts the House provision.

SEC. 4002. STATEMENT OF PURPOSES

House bill

Section 402 (a) provides for national objectives for the motor carrier safety grant program, including promoting safety, developing and enforcing effective and cost-beneficial safety regulations, assessing and measuring performance, ensuring adequate training of drivers and enforcement personnel, and advancing new technologies and safe operational practices.

Senate amendment

Section 3401 proposes to establish a statement of descriptive purposes of the Motor Carrier Safety Act. These purposes are to: improve commercial motor vehicle and driver safety; facilitate the ability to focus resources on strategic safety investments; increase administrative flexibility; strengthen enforcement activities; invest in activities related to areas of the greatest crash reduction; identify high risk carriers and drivers; and, improve information and analysis systems.

Conference substitute

The conference adopts the "statement of purposes" approach as outlined in the Senate provision and incorporates descriptive provisions from both bills.

SEC. 4003. STATE GRANTS

House bill

Subsection (a) of Sec. 402 amends section 31101 to revise the definition of "commercial motor vehicle" to include vehicles with a gross vehicle weight of at least 10,001 pounds (in addition to the gross vehicle weight rating).

Subsection (b) amends section 31102 to include reference to the "improvement" of

motor carrier safety and includes references to hazardous materials transportation safety as a part of the state grant programs.

Subsection (c) amends section 31102(b)(1) of make technical changes in the state plans required as a condition of receiving federal motor carrier safety grants. Requirements that the state plan implement performance-based activities by fiscal year 2003, that States establish programs to ensure proper and timely correction of safety violations, and that States ensure roadside inspections are done at a safe distance from the roadway are added.

Subsection (d) amends section 31102 to include a reference to improving commercial vehicle safety, in addition to enforing regulations, as activities eligible for reimbusement.

Subsection (e) amends section 31104(a) to provide annual authorization for federal motor carrier safety grants. In fiscal year 1998, $78 million is provided; in fiscal year 1999, $110 million is provided; and in each of fiscal years 2000 through 2003, $130 million is provided.

Subsection (f) amends section 31104(b) to delete an outdated provision.

Subsection (g) amends section 31104(f) to provide that the Secretary shall allocate amounts to States with approved state plans and shall determine criteria for allocation. The Secretary may designate up to 5 percent of funds made available under the state grant program for reimbursement of State and local government high priority activities which improve commercial vehicle safety. Section 31104(g) is deleted to provide greater flexibility to states in activities to be funded with federal safety grants. Other technical and conforming changes are made.

Subsection (h) makes a conforming amendment to the table of sections for chapter 311.

Senate amendment

Sections 3402–3404 of the Senate bill contain similar provisions. Section 3402 provides that states implement by 2000 performance-based motor carrier safety components in the motor carrier safety assistance program (MCSAP) plans they submit to the Department of Transportation (DOT). The section further requires DOT to ensure that: State motor carrier safety programs are consistent, effective, and contain reasonable sanctions; data collection and information systems are coordinated with State highway safety programs; and, the participation in SAFETYNET by all jurisdictions receiving motor carrier safety assistance grant funds.

Section 3403 allows motor carrier safety assistance grants to be used to enforce rules aimed at improving hazardous materials transportation safety.

Section 3404(a) amends section 31104(a) to provide annual authorizations for federal motor carrier safety grants. The funding levels authorized are: $80 million for fiscal year 1998; $100 million for fiscal year 1999; $97 million for fiscal year 2000; $94 million for fiscal year 2001; and, $90.5 million in fiscal years 2002 and 2003.

Section 3404(c) amends section 31104(f) to provide that the Secretary shall allocate amounts to States with approved state plans and shall determine the criteria for allocation. The Secretary may designate up to 5 percent of funds made available under the state grant program for reimbursement of State and local government high priority activities which improve commercial vehicle safety. Section 31104(g) is deleted to provide greater flexibility to states in activities to be funded with federal safety grants. Other technical and conforming changes are made.

Conference substitute

The conference adopts the House approach, with modifications. The conference includes the Senate provision for states to implement performance-based MCSAP plans by 2000. The conference accepts the House bill's concept that States ensure roadside inspections are performed at a safe distance from the roadway, but substitutes the word "location" for clarification. The conference authorizes the following funding levels for the program: $79 million for fiscal year 1998; $90 million for fiscal year 1999; $95 million for fiscal year 2000; $100 million for fiscal year 2001; $105 million for fiscal year 2002; and, $110 million for fiscal year 2003. The conference agreement modifies the High Priority and Border discretionary programs by allowing the Secretary to designate up to 5 percent of MCSAP funds for States, local governments, and other persons for carrying out activities and programs that improve commercial motor vehicle safety and compliance with safety regulations. A similar designation is permitted for States, local governments, and other persons to carry out border commercial motor vehicle safety programs and enforcement activities and projects.

SEC. 4004. INFORMATION SYSTEMS

House bill

Subsection (a) of Section 403 replaces the current section 31106 to provide greater authority and flexibility to the Secretary in establishing and operating motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety activities. The Secretary shall work in coordination with the States in developing and maintaining systems which identify and collect data; evaluate the safety fitness of carriers, vehicles, and drivers; develop strategies to mitigate safety problems and measure effectiveness; determine cost-effectiveness of Federal and State safety programs; and adapt, improve and incorporate other information and systems as determined appropriate. The Secretary may prescribe technical and operational standards. The Secretary is directed to include as part of the information systems authorized, a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the motor carriers operating the vehicles. The Secretary is authorized to establish a program to improve commercial motor vehicle driving safety to enhance the exchange of driver licensing information, provide information to the judicial system on drivers, and develop strategies and countermeasures to improve driver safety. This section includes provisions relating to cooperative agreements, grants and contracts and sets forth the availability of information collected in the systems to States, local officials, and the public.

The current section 31107, an outdated provision, is deleted and replaced with authorizations for the information systems under section 31106. In fiscal year 1998, $7 million is provided; in fiscal year 1999, $15 million is provided; and in each of fiscal years 2000 through 2003, $20 million is provided. Other technical and conforming amendments to title 49 are made.

Senate amendment

Section 3405 substitutes the existing Commercial Motor Vehicle information system with a new information system. The section requires the new information network to be capable of identifying motor carriers and drivers, tracking commercial motor vehicle registration and commercial motor vehicle driver licensing, and providing motor carrier and driver safety performance data. The section requires the system to have the capability to utilize the information in order to develop strategies to address safety problems and to measure the effectiveness of those strategies. The section further requires the Secretary to prescribe technical and operation standards to ensure the uniform, timely and accurate information collection and reporting by the States.

This section also authorizes the Secretary to establish a commercial motor vehicle safety program that enhances the exchange of driver licensing information, provides information to the judicial system on the program, and evaluates appropriate driver performance and safety aspects. The section permits the Secretary to enter into agreements with other Federal agencies and other parties to carry out the new information and commercial motor vehicle safety program.

Conference substitute

The conference merges the House and Senate language on the information systems and data analysis program elements. The conference requires the Secretary to prescribe technical and operational standards to ensure uniform, timely, and accurate information collection and reporting by the States and other entities. The conference authorizes assistance to help States develop or implement the information systems established under the section. The conference authorizes the following funding levels for the information systems and data analysis program: $6 million for fiscal year 1998; $10 million for each of fiscal years 1999 and 2000; $12 million for each of fiscal years 2001 and 2002; and, $15 million for fiscal year 2003. The conference further authorizes the Secretary to allocate up to 50 percent of the authorized funding to establish the information clearinghouse directed under this section, and encourages the Secretary to focus its resources on assisting those states that have not previously received such assistance to develop or implement information systems.

The conference is providing separate funding for information systems and analysis because they are critical to the successful adoption of performance-based regulations and oversight. The Secretary should ensure that the data in these systems is accurate and timely. In addition, the conference expects the Secretary to develop systems that are linked, providing complete information rapidly to inspectors and safety officers.

Finally, while the conference recognizes the benefits such information systems can provide, the conference also recognizes the need for safeguards to protect individuals and companies' privacy. Therefore, the Secretary should carefully develop the information availability policy called for in the new subsection (e).

SEC. 4005. AUTOMOBILE TRANSPORTER DEFINED

House bill

Section 404 amends section 31111(a) to define "automobile transporter" as any vehicle combination designed and used specifically for the transport of assembled highway vehicles.

Senate amendment

The Senate amendment includes a similar provision. Section 3410 defines automobile transporter to mean any vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units.

Conference substitute

The conference adopts the Senate provision. The conference notes that the phrase

"truck camper units" is defined in the ANSI A119.2/NFPA 501C standard on recreational vehicles as "a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck" (1996 edition).

SEC. 4006. INSPECTIONS AND REPORTS

House bill

Subsection (a) amends section 31133(a)(1) to allow the Secretary to make contracts for inspections and investigations.

Subsection (b) amends section 504 to allow a contractor, designated by the Secretary, to make inspections of equipment of a carrier and make inspections of records of carriers.

Senate amendment

Section 3411 of the Senate amendment provides for an identical provision.

Conference substitute

The conference adopts the provision.

SEC. 4007. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS

House bill

Section 406 establishes a new process for granting regulatory exemptions, coupled with a process for the Secretary to carry out pilot programs. Subsection (a) replaces the current waiver authority in section 31315 with a new provision relating to authority and standards for exemptions (to replace waiver authority provided in section 31136(e) and 31315) and pilot programs.

New subsection 31315(a) provides that the Secretary may grant to a person or class of persons a temporary exemption from regulations issued under chapter 313 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. Exemptions shall be for a 2-year period and may be renewed. An exemption may be revoked if the terms and conditions are not met or if the exemption is not consistent with safety goals. The Secretary shall specify by regulation the procedures for requesting exemptions, but certain minimum requirements are set forth. Requests for exemptions shall be published in the Federal Register and the public shall be given an opportunity to comment. Any exemptions granted shall be published in the Federal Register, along with terms and conditions of the exemption and effective period. Any exemptions denied shall be published in the Federal Register, with the reasons for denial. The Secretary shall act on each exemption request within 180 days or shall publish in the Federal Register why the decision will be delayed and an estimate of when the decision will be made. Terms and conditions of an exemption may be specified and appropriate state compliance and enforcement personnel shall be notified of an exemption provided.

New subsection 31315(b) provides authority to the Secretary to conduct pilot programs to evaluate innovative approaches to motor carrier, vehicle, and driver safety. Pilots may include exemptions from regulations. Proposed pilot programs shall be published in the Federal Register and the public shall be given an opportunity to comment. Certain minimum program elements for pilot programs are specified. The Secretary may revoke participation in or terminate a pilot program. A report shall be issued to Congress at the conclusion of each pilot program.

New subsection 31315(c) provides that, during the time period an exemption or pilot program is in effect, no State shall enforce a 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.

Subsections (b) and (c) make conforming amendments.

Senate amendment

Section 3421 authorizes the Secretary to initiate programs to examine innovative approaches or alternatives to certain commercial motor carrier safety regulations. This section provides the Secretary broader discretion to grant waivers and exemptions from motor carrier and driver safety regulations which are necessary to develop performance based regulations and evaluate the effectiveness of existing regulations.

This section recognizes that revising the waiver provisions in Section 31136 of Subchapter III, Safety Regulations and Section 31315 of Chapter 313, Commercial Motor Vehicle Operators is necessary because of the strict interpretation given to section 31136(e) by the D.C. Circuit Court of Appeals in AHAS v. FHWA, 28 F.3d 1288 (1994), limiting the ability of the Secretary to issue waivers and exemptions. The Court found that the statutory language required the Secretary to determine, before issuing any waiver, that no diminution in safety would result, i.e., that it be determined beforehand there would be absolutely no increase in crashes as a result of the waivers. To deal with the decision, this section substitutes the term "equivalent" to describe a reasonable expectation that safety will not be compromised. In the absence of greater discretion to deal with waivers and exemptions and a new standard by which to judge them, the Congress would continue to be the only source to provide regulatory exemptions.

The National Highway System Designation Act of 1995 (NHS) required the establishment of criteria and a program to grant and monitor exemptions from a broad range of safety regulations for commercial vehicles over 10,000 pounds but less than 26,000 pounds. This approach is a model for the exemption pilot program established by this section. The new waiver and exemption provision requires the Secretary to issue regulations that will outline a process for issuing waivers, procedures for conducting pilot projects or demonstration programs to evaluate the safety performance of a regulation or part of a regulation, and conditions under which exemptions from motor carrier safety regulations will be considered.

This section distinguishes between the terms "waiver" and "exemption," primarily by scope and duration. It provides the Secretary the authority to: issue a waiver for a relatively short term, for a specific purpose to a particular person or group of persons, under conditions defined in the waivers (e.g., circus vehicles under escort from railhead to exhibition site for the duration of the appearance); issue an exemption for up to two years, with a renewable two-year feature, limited to a class of persons, vehicles or circumstances (e.g., relief from certain requirements for well-defined operations with low risk histories and alternative management controls); and perform pilot projects or demonstration projects, using either a waiver or exemption or combination, to examine whether alternatives to regulatory requirements, particularly record keeping, are as effective in producing safety benefits.

This section permits the Secretary to grant a waiver without advance public notice, but a record would have to be maintained. An exemption may be granted after notice and opportunity for comment and either a safety demonstration project or safety analysis was performed. The Secretary could initiate pilot projects or demonstration programs to examine whether a new requirement should become a regulation, whether performance under existing regulations is effective in producing the desired safety result, and whether alternative methods can produce the same safety benefit with less regulatory burden. Before any pilot project or demonstration program is undertaken, notice and opportunity for comment must be given to the public. It is expected the Secretary would issue regulations to provide that safety would be the primary consideration in deciding whether any waiver or exemption should be issued, or any pilot program initiated.

Conference substitute

The conference adopts a compromise provision, which includes basic provisions of both the House and Senate bills.

Subsection (a) authorizes the Secretary to grant regulatory waivers if such action would be in the public interest and a level of safety is expected to be achieved that is equivalent to or greater than the level of safety obtained under regulatory compliance. A waiver would not be permitted to be granted beyond a 3 month period, must be limited in scope and circumstances for special, non-emergency situations, and could include conditions as deemed appropriate by the Secretary. The conference expects the Secretary would issue guidelines to provide for a reasonable process under which waivers may be requested and considered.

Subsection (b) authorizes the Secretary to grant regulatory exemptions and Subsection (c) authorizes the Secretary to conduct pilot programs to evaluate innovative approaches and alternatives to regulations.

The conference acknowledges that many motor carrier groups have sought statutory exemptions during the development of this legislation and such requests should be considered by the Secretary after evaluating their merits under this provision. The conferees believe the pilots authorized under this section should include a reasonable number of participants to enable the Secretary to assess the safety impact of the pilots' results.

The conference expects the Secretary to use this authority judiciously. Pilot programs should be carefully designed and implemented to both protect the participants and the public, while yielding useful information to support future rulemaking proceedings and improve the efficiency of oversight activities.

SEC. 4008. SAFETY REGULATION

House bill

Subsection (a) of Section 407 amends section 31132(1)(A) to include in the definition of commercial motor vehicle those vehicles with a gross vehicle weight of at least 10,001 pounds (in addition to those vehicles which have such a rating). Section 31132(1)(B) is amended to refer to vehicles designed to carry 8 passengers, including the driver.

Subsection (b) deletes section 31134 relating to the Commercial Motor Vehicle Safety Regulatory Review Panel which has completed it responsibilities.

Subsection (c) deletes section 31140 relating to the Commercial Motor Vehicle Safety Regulatory Review Panel and its review of State laws and regulations.

Subsection (d) amends section 31141 to delete references to the Commercial Motor Vehicle Safety Regulatory Review Panel and

makes conforming and technical changes to the review of State laws and regulations by the Secretary.

Subsections (e) and (f) make technical amendments to section 31142.

Senate amendment

The Senate amendment includes similar provisions. Section 3411(f) amends the definition of commercial motor vehicle in Section 31132(1) of title 49, U.S.C., to include vehicles with a gross vehicle weight of at least 10,001 pounds (in addition to the gross vehicle weight rating).

Section 3411(a) repeals the current review panel process that reviews state laws for compatibility with Federal commercial motor vehicle safety regulations. Section 3411(b) repeals the panel procedures and replaces them with a review process to be administered by the Secretary.

Conference substitute

The conference follows the House approach.

SEC. 4009. SAFETY FITNESS

House bill

Subsection (a) of Section 419 of the House bill amends section 31144 to revise procedures and provisions relating to safety fitness determinations of owners and operators. The Secretary is directed to determine whether owners and operators are fit to safely operate commercial motor vehicles, periodically update determinations, make the determinations available to the public, and prescribe by regulation penalties for violations. The Secretary is to maintain by regulation a process to determine fitness.

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 the owner or operator is fit.

In the case of those transporting passengers or hazardous materials, 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 the owner or operator is fit.

With the exception of those transporting passengers or hazardous materials, the Secretary may allow an owner or operator to continue to operate beyond the 61st day if the owner or operator is making a good faith effort to become fit.

The Secretary must review the determination that an owner or operator is unfit not later than 45 days after the unfit owner or operator requests a review, and within 30 days in the case of owners or operators transporting passengers or hazardous materials.

A department, agency, or instrumentality of the U.S. Government may not use to provide any transportation service an owner or operator determined unfit by the Secretary, until the Secretary determines such owner or operator is fit.

Subsection (b) makes a conforming amendment to section 5113 of title 49.

Senate amendment

Section 3411(d) directs the Secretary to maintain in regulation a procedure for determining the safety fitness of owners and operators of commercial motor vehicles. The section requires the procedures to include the requirements that owners and operators of commercial motor vehicles must meet to demonstrate safety fitness; a means used to decide whether the owners, operators, or other persons meet safety fitness requirements; and deadlines for action by the Secretary in making fitness determinations. Subsection (d) prohibits a motor carrier that fails to meet the safety fitness requirements established by the Secretary from operating in interstate commerce. The subsection permits the Secretary to extend the time limit granted for a motor carrier to come into compliance after a determination that the motor carrier fails to meet safety fitness requirements.

Conference substitute

The conference follows the House approach. The conference requires the Secretary to periodically update safety fitness determinations of owners and operators and to make such final safety fitness determinations readily available to the public. The publication of final safety fitness determinations does not preclude the ability of the Secretary to review the safety fitness of owners and operators. However, the conference would not expect preliminary data analysis or preliminary safety fitness information to be publicly available.

SECTION 4010. REPEAL OF CERTAIN OBSOLETE MISCELLANEOUS AUTHORITIES

House bill

Section 409 repeals subchapter IV (sections 31161 and 31162) which are unnecessary and burdensome provisions.

Senate amendment

The Senate bill includes an equivalent provision (Sec. 3411(c)(2)).

Conference substitute

The conference adopts the provision.

SECTION 4011. COMMERCIAL VEHICLE OPERATORS

House bill

Subsection (a) of Section 410 amends the definition of commercial motor vehicle in section 31301 to include vehicles with a gross vehicle weight of at least 26,001 pounds (in addition to gross vehicle weight rating).

Subsection (b) amends section 31302 to clarify that an individual may operate commercial motor vehicle only if the individual has a valid commercial driver's license (CDL) and that an operator may have only one driver's license at any time.

Subsection (c) amends section 31308(2) to require that CDLs must include unique identifiers to minimize fraud and duplication.

Subsection (d) amends section 31309 to clarify that the commercial drivers license information system is maintained by the Secretary and shall be maintained in coordination with activities carried out under section 31106. Certain other clarifying and technical amendments are made.

Subsection (e) repeals obsolete state grant programs regarding testing and licensing of commercial vehicle drivers.

Senate amendment

The provisions are similar. Section 3212(f)(1) amends the definition of commercial motor vehicle in each place it appears in section 31301 to include vehicles with a gross vehicle weight of at least 26,001 pounds (in addition to gross vehicle weight rating).

Section 3212(f)(2) inserts the word "is" at two places section 31301 subparagraph (C).

Section 3416(b) amends the definition with respect to motor carriers of passengers and section 3416(c) provides that regulations would apply to such carriers 12 months after the date of enactment, unless the Secretary determines it would be appropriate to exempt them.

Conference substitute

The conference adopts the House approach.

SEC. 4012. UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3424 provides a process for an emergency exemption to allow utility drivers to serve customers during times of emergencies declared by elected State or local officials and provides for monitoring of any safety impacts associated with such exemptions.

Conference substitute

The conference adopts the Senate provision.

SEC. 4013. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT

House bill

Section 413 of the House bill repeals obsolete sections of chapter 317 (sections 31702, 31703, and 31708) relating to a working group and grants to encourage participation in the International Fuel Tax Agreement and International Registration Plan.

Senate amendment

Section 3414 of the Senate bill is identical to the House provision.

Conference substitute

The conference adopts the provision.

SEC. 4014. SAFETY PERFORMANCE HISTORY OF DRIVERS; LIMITATION ON LIABILITY

House bill

No comparable provision.

Senate amendment

Section 3412(g) of the Senate bill amends Chapter 5 of Title 49, United States Code. The provision bars an action for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of safety performance records of an individual under consideration for employment as a commercial motor vehicle driver against a person who has complied with such a request or his agents or insurers. The bar does not apply to a motor carrier requesting the records unless the motor carrier, the person complying with the request and their agents have taken all precautions reasonably necessary to ensure the accuracy of the records and to protect the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual, and complied fully with all the regulations issued by the Secretary of Transportation in using and furnishing the records.

The bar also does not apply to a person complying with a request unless the motor carrier requesting the records, the complying person, and their agents have taken all reasonably necessary precautions to ensure the accuracy of the records and to protect the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual.

State and local law is preempted to the extent that it prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary.

Conference substitute

The conference adopts the Senate provision with modification. The conference agreement adds a requirement that as a part of the rulemaking the Secretary is conducting under section 114 of the Hazardous

Materials Transportation Authorization Act of 1994 (108 Stat. 1677–1678) to amend Section 391.23 of title 49, Code of Federal Regulations, that the Secretary provide protection for driver privacy and establish procedures for review, correction, and rebuttal of the safety performance records of a driver. The conference further directs the Secretary to complete the rulemaking by January 31, 1999. The liability waiver will become effective on the same date.

SEC. 4015. PENALTIES

House bill

No comparable provision.

Senate amendment

Section 3412 of the Senate bill amends section 521 of Title 49, United States Code. This section excepts from the penalties provision of section 521(b)(1) "reporting and record keeping violations". This section also strikes "fix a reasonable time for abatement of the violation" from subparagraph (A).

Section 521(b)(2) is amended by deleting "reckless disregard" and "gross negligence" from the liability standard for the penalty section.

A new subsection (B) is added entitled "Recordkeeping and Reporting Violations" which specifies penalties for such violations.

Conference substitute

The conference adopts the Senate provision.

SEC. 4016. AUTHORITY OVER CHARTER BUS TRANSPORTATION

House bill

No comparable provision.

Senate amendment

Section 3417 of the Senate bill amends Section 14501(a) of Title 49, United States Code. The provision strikes the authority of the states to regulate intrastate and interstate charter bus transportation.

Conference substitute

The conference adopts the Senate provision with modification. A clarifying provision is included to ensure that states may continue to regulate safety with respect to motor vehicles and to impose highway route controls or limitations based on the size or weight of the motor vehicle or with regard to minimum amounts of financial responsibility relating to insurance requirements. The conference also notes that the provision does not limit a State's ability to regulate taxicab service or limousine livery service.

SEC. 4017. TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS

House bill

Subsection (a) of Section 414 directs the Secretary to establish, for a period of at least 2 years, 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 other laws and regulations relating to safety.

Subsection (b) provides that information received shall be used in setting priorities for safety audits and other enforcement activities.

Subsection (c) provides that a person reporting a potential violation shall be provided the protections of section 31105.

Subsection (d) provides that up to $300,000 from administrative expenses may be used per fiscal year to carry out this section.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with minor modifications and authorizes the Secretary to spend no more than $250,000 of funding available for general operating expenses in any fiscal year to carry out this directive.

SEC. 4018. INSULIN TREATED DIABETES MELLITUS STUDY

House bill

Subsection (a) of Section 415 directs the Secretary of Transportation to determine within 18 months whether a safe, 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 or greater than that achieved with the current prohibition on such drivers.

Subsection (b) directs the Secretary to compile and evaluate research and other information, to consult with States who have developed and are implementing a screening process, to evaluate the Department's policy and actions to permit individuals with insulin treated diabetes mellitus to operate in other modes of transportation, and to consult with certain groups.

Subsection (c) directs that, if it is determined that a protocol can be developed, the Secretary shall report to Congress the basis for such determination.

Subsection (d) directs that, if it is determined that a protocol can be developed, the Secretary shall report to Congress on the elements to be included in such a protocol and promptly initiate a rulemaking implementing the protocol.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with the addition of a requirement that the Secretary of Transportation also assess any legal consequences of permitting insulin treated diabetes mellitus individuals to drive commercial motor vehicles in interstate commerce. The standard in subsection (a) is intended to ensure that insulin treated diabetes mellitus individuals be held to a level of safety comparable to that required of other qualified commercial drivers and not to a higher standard.

SEC. 4019. PERFORMANCE-BASED CDL TESTING

House bill

Subsection (a) of Section 416 directs the Secretary of Transportation to review the procedures established and implemented by States for testing operators of commercial motor vehicles to determine if the system accurately reflects an individual's knowledge and skills as a commercial motor vehicle operator and to identify methods to improve testing and licensing standards, including the benefits and costs of a graduated licensing system.

Subsection (b) provides that, not later than one year following such review, the Secretary shall issue regulations under section 31305 of title 49, relating to CDLs which reflect the results of the review.

Senate amendment

Section 3412 amends Section 31305(a) by giving the Secretary of Transportation the authority to establish performance-based testing and licensing standards that more accurately measure and reflect an individual's knowledge and skills as an operator.

Conference substitute

The conference adopts the House provision.

SEC. 4020. POST-ACCIDENT ALCOHOL TESTING

House bill

Section 417 requires the Secretary to conduct a study of the feasibility of utilizing emergency responders and law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with modification. The modifications require the study to address the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing, as well as the ability of motor carrier employers to meet the current post-accident alcohol testing requirements imposed under section 31306. The reference in the House provision to "emergency responders" is deleted from the study requirements.

SEC. 4021. DRIVER FATIGUE

House bill

Subsection (a) of Section 418 directs the Secretary, as part of ongoing activities relating to fatigue of commercial motor vehicle operators, to encourage the development of technologies that may aid in reducing fatigue. Subsection (a)(2) sets forth factors to be considered, including the degree to which the technology will be cost efficient, can be used in various climates, and will reduce emissions, conserve energy, and further other transportation goals. Subsection (a)(3) provides that funds made available under subparagraphs (F) through (I) of section 127(a)(3) of the bill may be used to carry out this section.

Subsection (b) directs the Secretary to review potential safety benefits of the use of non-sedating antihistamines by operators of commercial vehicles and to consider encouraging the use of such antihistamines.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with minor modifications.

SEC. 4022. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM

House bill

No comparable provision.

Senate amendment

Section 3406 requires the Secretary of Transportation to carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers. The program shall: (1) determine to what extent driver performance records data, including relevant fines, penalties and failure to appear for a hearing or trial, should be included as part of any information systems; (2) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and (3) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

Conference substitute

The conference adopts the Senate provision with the proviso that at the end of the pilot program the Secretary shall begin, if appropriate, a rulemaking to revise the information system under section 31309 of Title 49, United States Code.

SEC. 4023. EMPLOYEE PROTECTIONS

House bill

No comparable provision.

Senate amendment

Section 3411(g) requires the Secretary of Transportation, in conjunction with the Secretary of Labor to study the effectiveness of

existing statutory employee protections provided for under section 31105 of title 49, United States Code.

Conference substitute

The conference adopts the Senate provision.

SEC. 4024. IMPROVED INTERSTATE SCHOOL BUS SAFETY

House bill

Subsection (a) of Section 408 amends section 31136 to provide that federal safety regulations apply to interstate school bus operations by local educational agencies.

Subsection (b) directs the Secretary to submit a report within two years describing the status of compliance and activities of the Secretary or States to enforce the requirements.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts an alternative provision to instruct the Secretary to begin a rulemaking to determine whether or not relevant commercial motor carrier safety regulations issued under section 31136 should apply to all interstate school transportation operations.

SEC. 4025. TRUCK TRAILER CONSPICUITY

House bill

Section 421 requires the Secretary of Transportation to issue, not more than one year after enactment of this Act, a final rule regarding the Conspicuity of trailers manufactured before December 1, 1993. In so doing, the Secretary is required to 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; regulatory flexibility to accommodate differing trailer designs and configurations, such as tank trucks.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision. The conference however stresses that this provision does not require the Secretary to order a retrofit of any trailers manufactured before December 1, 1993.

SEC. 4026. DOT IMPLEMENTATION PLAN

House bill

Section 422 requires the Secretary of Transportation to 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 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); (2) assess civil or criminal penalties against a person who knowingly aids, abets, counsels, commands, induces, or procures a violation of a regulation or order under chapter 311 or section 31502. The development of the plan requires the Secretary to consider: in what circumstances the Secretary would exercise the new authority; how the Secretary would determine that shippers, freight forwarders, brokers, consignees, or other persons committed violations; what procedures would be necessary during investigation to ensure the confidentiality of shipper contract terms; the impact of the new authority on the Secretary's resources.

Senate amendment

No comparable provision.

Conference substitute

The conference report directs the Secretary to assess the scope of the problem of shippers, freight forwarders, brokers, consignees, or other persons encouraging violations of chapter 5 of title 49 and after the assessment the Secretary may submit to Congress a plan for implementing authority (if subsequently provided by law) to investigate and bring civil actions to enforce chapter 5 of title 49, United States Code. The report to Congress will contain the elements required of it in the House bill as well as a request of what, if any, educational activities the Secretary would conduct for persons who would be subject to the new authority.

SEC. 4027. STUDY OF ADEQUACY OF PARKING FACILITIES

House bill

Section 123 requires the Secretary of Transportation to 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 must be reported to Congress within 36 months. 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 shortage. The study is funded under Section 104(a) of Title 23, United States Code, for $500,000 per fiscal year for fiscal years 1998, 1999 and 2000.

Senate amendment

Section 3415 is similar to the House bill with the exception of the funding provision.

Conference substitute

The conference adopts the House provision. The Secretary would be permitted to allocate no more than $500,000 for each of the fiscal years 1999, 2000, 2001.

SEC. 4028. QUALIFICATIONS OF FOREIGN MOTOR CARRIERS

House bill

No comparable provision.

Senate amendment

Section 3419 of the Senate bill requires the Secretary of Transportation, within 90 days after enactment of the Act, to review the qualifications of foreign carriers whose applications for authority to operate in the United States have not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States.

Conference substitute

The conference adopts the Senate provision with the proviso that the review does not constitute a finding by the Secretary under section 13902 of title 49, United States Code, that a motor carrier is willing and able to comply with requirements of such section.

SEC. 4029. FEDERAL MOTOR CARRIER SAFETY INSPECTORS

House bill

No comparable provision.

Senate amendment

Section 3418 of the Senate bill requires the Secretary of Transportation to maintain the level of Federal motor carrier safety inspectors for international border commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative resources and mechanisms to ensure an equivalent level of commercial motor vehicle safety inspections.

Conference substitute

The conference adopts the Senate provision with minor modifications.

SEC. 4030. SCHOOL TRANSPORTATION SAFETY

House bill

Section 336 of the House bill requires the Secretary of Transportation to begin not later than 3 months after the date of the enactment of the Act a study of the safety issues attendant to transportation of school and school-related activities by various transportation modes.

Senate amendment

Section 3425 of the Senate bill requires the Secretary to agree with the Transportation Research Board on a study of the issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes. The TRB shall consider available crash injury data, and vehicle design and driver training in conducting the study and the panel conducting the study shall include representatives of highway safety organizations, school transportation, mass transportation and bicycling organizations.

Conference substitute

The conference adopts the Senate provision with the proviso that a report to the Congress on the results of the study is to be transmitted not later than 12 months after the Secretary enters into an agreement with the Transportation Research Board.

SEC. 4031. DESIGNATION OF NEW MEXICO COMMERCIAL ZONE

House bill

No comparable provision.

Senate amendment

Section 3703 of the Senate bill establishes a commercial zone in New Mexico comprised of Dona Ana and Luna Counties.

Conference substitute

The conference adopts the Senate provision with the proviso that the Secretary of Transportation shall consult with other Federal agencies that have responsibilities over traffic between the United States and Mexico. The State of New Mexico is required to submit within three months of the date of enactment a plan to the Secretary describing how the state will monitor commercial motor vehicle traffic and enforce safety regulations. The conference is particularly concerned that motor carriers within the zone comply with hours-of-service and drug and alcohol testing requirements and that unauthorized carriers do not operate beyond the commercial zone limits.

SEC. 4032. EFFECTS OF MCSAP GRANT REDUCTIONS ON STATES

House bill

No comparable provision.

Senate amendment

Section 3423 of the Senate bill allows States which did not receive its full Motor Carrier Safety Assistance Program during fiscal years 1996 and 1997 to enter into cooperative agreements with the Secretary of Transportation to evaluate the safety impact, costs, and benefits of allowing such states to continue to participate fully in the Motor Carrier Safety Assistance Program, then the Secretary shall allocate to those States full amount of funds for fiscal years 1998, 1999, 2000, 2001, 2002 and 2003.

Conference substitute

The conference report requires the Secretary to study the effects of reductions in MCSAP grants due to nonconformity of

State intrastate laws and regulations with Federal interstate requirements. The study is to consider (1) national uniformity and the purposes of the MCSAP program; (2) State motor carrier, commercial motor vehicle, and driver safety oversight and enforcement capabilities; and (3) the safety impact, costs and benefits of a State's full participation in the program. A report to Congress is to be submitted not later than 2 years after the date of enactment of this Act.

Interim Border Safety Improvement Program

House bill

Section 411 establishes an interim border safety improvement program to improve commercial motor vehicle safety in the vicinity of the borders between the U.S. and Canada and the U.S. and Mexico. The Secretary may expend funds and provide grants to States, local governments, organizations and others for the employment and training of personnel to enforce safety regulations at the border, for the development of data bases and communications systems, and for education and outreach initiatives. The Federal share shall be 80 percent for the first two years that a State receives a grant, 50 percent for the third and fourth years, and 25 percent for the fifth and sixth years. Subsection (g) provides annual authorizations for the program.

Of the funds made available for the coordinated border infrastructure and safety program under section 116 of the bill, $20 million in fiscal year 1998 and $15 million in each of fiscal years 1999 through 2003 shall be available for this program.

Senate amendment

No comparable provision.

Conference substitute

The conference does not include a provision. The conference addresses border safety matters under Section 4003 and authorizes the Secretary to dedicate up to five percent of funding made available to carry out the Motor Carrier Safety Assistance Program for States, local governments, and other persons to carry out border commercial motor vehicle safety programs and enforcement activities and projects.

Hazardous Materials Transportation Regulation and Farm Service Vehicles

House bill

Sec. 420. Subsection (a) amends section 5117(d)(2) of title 49 regarding the transportation of hazardous materials to add a new subparagraph (C) which provides that States are not prohibited 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. A State must certify that the exception is in the public interest, the need for the exception, and that the State shall monitor the exception and take such measures necessary to ensure that safety is not compromised.

Subsection (b) defines the term "agricultural production material."

Senate amendment

Section 3208 of the Senate bill as part of the reauthorization of the Hazardous Materials Transportation Act authorizes the Secretary to carry out pilot programs to examine innovative approaches or alternatives to regulations for private intrastate motor carriage of agricultural production materials. The Secretary is prohibited from carrying out a pilot program if it would pose an undue risk to public health and safety. Furthermore, the Secretary shall require that the pilot project contain safety measures designed to achieve a level of safety equivalent to or greater than the level that would otherwise be achieved. The Secretary is directed to terminate participation immediately of any carrier that fails to comply with the terms and conditions of the pilot or to terminate the entire pilot if the Secretary determines it has resulted in a lower level of safety.

Conference substitute

The conference does not include a provision.

Motor Carrier and Driver Safety Research

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3407 of the Senate bill provides not less than $10 million per year for programs designed to advance motor vehicle and driver safety. The provision requires grants of more than $250,000 to be awarded based on a competitive selection. The Secretary shall submit annual reports to Congress on the activities conducted under this section.

Conference substitute

The conference does not include a provision. The Secretary is authorized to conduct motor carrier research in the programs established or amended in Title V of this Act.

Commercial Motor Vehicle Safety Advisory Committee

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3420 of the Senate bill authorizes the Secretary to establish an advisory committee to provide advice and recommendations on regulatory issues.

Conference substitute

The conference does not include a provision.

Commercial Motor Vehicle Safety Studies

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3422 of the Senate bill directs the Secretary to conduct a study of the impact on safety and infrastructure of tandem axle commercial motor vehicle operations in States that permit the operation of such vehicles in excess of Interstate weight limits. Further, the Secretary should enter into cooperative agreements with such States to collect weigh-in-motion data necessary for the study. The Secretary shall report to Congress within 2 years on the results of the studies and may not withhold highway construction funds from States for violations of grandfathered tandem axle weight limits.

Conference substitute

The conference does not include a provision.

Hazardous Materials Transportation Act Reauthorization

House bill

The House bill contains no comparable provision.

Senate amendment

Subtitle B reauthorizes the Hazardous Materials Transportation Act, as requested by the Administration. The Subtitle makes several changes in the hazardous materials transportation program as administrated by the DOT Research and Special Programs Administration.

Conference substitute

The conference does not include a provision.

TITLE V—TRANSPORTATION RESEARCH

SUBTITLE C—INTELLIGENCE TRANSPORTATION SYSTEMS

Senate amendment

Section 2101 designates the name of Subtitle B of chapter 5 as the "Intelligent Transportation Systems Act of 1997" (ITS Act).

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with a notification revising the date in the title. The substitute language designates the name of Subtitle B as the "Intelligent Transportation Systems Act of 1998."

Findings

Senate amendment

Sec. 2102 lists Congress' findings with respect to the ITS program.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute consolidates the findings in the Senate bill into two findings retaining the reference to investments in intelligence transportation systems made under the Intermodal Surface Transportation Efficiency Act of 1991 (105 State. 1914 et seq.) and the principle that continued investment is needed in this areas to realize fully the benefits of intelligence transportation systems technology.

Goals and Purposes

Senate amendment

Section 521, 23 U.S.C., as proposed, sets forth the purposes of the ITS Act of 1997, which are—(1) to provide for accelerated deployment of proven technologies and concepts and increased Federal commitment to improving surface transportation safety, and (2) to expedite deployment and integration of basic ITS services for consumers of passenger and freight transportation across the nation.

House bill

Subsection 652(b) establishes the goals of the ITS program including enhanced efficiency of the transportation system; enhanced safety; enhancement of the environment; a program that includes all users; improved accessibility; the development of a technology base; improved ability to respond to national emergencies; and the promotion of data sharing.

Conference substitute

The Conference adopts a goals and purposes provision incorporating key concepts from both the House goals provision and Senate purposes provision. The substitute language identifies as goals of the ITS program the following objectives most of which were included in both bills: enhancement of surface transportation efficiency and facilitation of intermodalism and international trade; improvement of national transportation safety; protection and enhancement of the natural environment; accommodation of the needs of all surface transportation systems users; improved responsiveness to

emergencies and natural disasters. The substitute language also identifies ITS program purposes representing objectives with a more short-term focus than the goals. The list of purposes, as follows: is drawn primarily from the purposes section in the Senate bill: to expedite deployment and integration of ITS; to ensure local transportation officials have adequate knowledge of ITS technologies for transportation planning and ITS operations and maintenance purposes; to improve regional cooperation; and to promote the use of private resources.

General Authorities and Requirements

Scope

Senate amendment

The Senate bill contains no comparable provision

House bill

Subsection 652(a) directs the Secretary to conduct a research, development, and deployment program for ITS.

Conference substitute

The Conference adopts the House provision.

Policy

Senate amendment

Subsection 530(b), 23 U.S.C., as proposed, prohibits the Secretary from funding any ITS operational test or deployment that competes with a similar privately funded project.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute moves this provision from the Funding Limitations section in the Senate bill to the General Authorities and Requirements section in the substitute. The Senate provision is also revised to state that as a general policy federally-funded projects shall not displace public-private partnerships or private sector investment.

Cooperation with Governmental, Private, and Educational Entities

Senate amendment

Paragraph 523(b)(2), 23 U.S.C., as proposed, directs the Secretary in carrying out the intelligent transportation system program to maximize the involvement of the private section, college and universities, Federal laboratories, and State and local governments.

House bill

Paragraph 653(a)(1) directs the Secretary to carry out the intelligent transportation system program in cooperation with State and local governments, the private sector, colleges and universities, including historically black colleges an universities and other majority institutions of higher education.

Conference substitute

The Conference adopts the House provision with a modification. The Federal laboratories are added to the list of entities the Secretary is directed to consult with carrying out this program.

Consultation with Federal Officials

Senate amendment

Paragraph 523(b)(1), 23 U.S.C., as proposed, requires the Secretary to consult with heads of other interested Federal departments and agencies.

House bill

Paragraph 653(2) directs the Secretary to 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.

Conference substitute

The Conference adopts the House provision.

Technical Assistance, Training, and Information

Senate amendment

Subsection 524(a), U.S.C., as proposed, directs the Secretary to carry out a comprehensive program of intelligent transportation system research, development, operational testing, technical assistance and training, and other related activities.

House bill

Subsection 655(a) allows the Secretary to provide technical assistance, training, and information to State and local governments for intelligent transportation system projects.

Conference substitute

The Conference adopts the House provision.

Transportation Planning

Senate amendment

The Senate bill contains no comparable provision.

House bill

Subsection 655(b) allows the Secretary to use funds to better integrate intelligent transportation systems into State and metropolitan planning.

Conference substitute

Information Clearinghouse

Senate amendment

Subsection 524(d), 23 U.S.C., as proposed, requires the Secretary to maintain a repository for technical and safety data collected through federally funded intelligent transportation system projects. The Secretary may delegate this responsibility to an entity outside of the Department of Transportation.

House bill

Subsection 653(d) requires the Secretary to establish and maintain a repository for technical and safety data collected through federally funded intelligent transportation system projects. The Secretary may delegate this responsibility to an entity outside of the Department of Transportation.

Conference substitute

The Conference finds provisions in both the House and Senate bills to be substantively equivalent.

Advisory Committees

Senate amendment

Section 532, 23 U.S.C., as proposed, requires the Secretary to use one or more advisory committees, and specifies that any advisory committee so used shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

House bill

Subsection 653(e) allows the Secretary to use advisory committees when carrying out the intelligent transportation systems program. This subsection also specifies that the Federal Advisory Committee Act applies and that any advisory committees on intelligent transportation systems shall be funded through specific provisions in Appropriations Acts and from funds allocated for research, development, and implementation of the intelligent transportation systems program.

Conference substitute

The Conference adopts the House provision with a modification: the direction regarding funding for advisory committees is dropped.

Procurement Methods

Senate amendment

Subsection 523(c), 23 U.S.C., as proposed, directs the Secretary to develop technical assistance and guidance to assist State and local agencies in selecting appropriate methods of procurement for intelligent transportation system projects, including innovative and nontraditional methods.

House bill

Subsection 653(h) directs the Secretary to develop technical assistance and guidance to assist State and local agencies in selecting appropriate methods of procurement for intelligent transportation system projects, including innovative and nontraditional methods. This subsection also directs contracting officials to use a standard risk assessment methodology to reduce the cost, schedule, and performance risks associated with the development and use of intelligent transportation systems software.

Conference substitute

The Conference adopts the House provision with a modification: Information Technology Omnibus Procurement is listed as a type of innovative or nontraditional procurement method addressed by this subsection.

Evaluations

Senate amendment

Subsection 524(c), 23 U.S.C., as proposed, directs the Secretary to establish guidelines and requirements for the evaluation of intelligent transportation systems operational tests and deployment projects. These guidelines and requirements are to ensure objectivity and independent of the evaluator. This subsection also limits the percentage of test or project funds which may be spent on evaluations and specifies different percentages for projects and tests of different sizes. This subsection also specifies that the Paperwork Reduction Act, chapter 35 of title 44, U.S.C., shall not apply to any survey, questionnaire, or interview conducted in connection with the evaluation of any test or project carried out under this program.

House bill

Subsection 653(d) directs the Secretary to issue guidelines and requirements for the evaluation of intelligent transportation systems operational tests. These guidelines and requirements are to ensure objectivity and independence of the evaluator. 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 others contemplating the purchase of similar systems.

Conference substitute

The Conference adopts the Senate provision with modifications. The Secretary is directed to issue, rather than establish, the guidelines and requirements and the funding limitation provisions are replaced with a requirement that the guidelines and requirements issued under this subsection also establish appropriate evaluation funding levels. The exemption from the Paperwork Reduction Act is retained.

National ITS Program Plan

Senate amendment

Paragraph 524(b)(5), 23 U.S.C., as proposed, requires the Secretary to submit a 6-year

plan to Congress within 1 year of enactment and annually thereafter. This plan is to specify program goals, objectives, and milestones and progress made in meeting them.

House bill

Section 654 requires the Secretary to maintain and update a National ITS Program Plan developed by the Department and the Intelligent Transportation Society of America. This section specifies the scope and required components of the plan including program goals, objectives, and milestones and how specific programs and projects relate to those goals over 5-, 10-, and 20-year time frames. The plan is also to provide for the development of standards to promote interoperability and establish a process for incorporating intelligent transportation systems technologies into more broad-based surface transportation systems. Reporting to Congress under this section may be consolidated with the integrated Surface Transportation Research and Development Strategic Plan.

Conference substitute

The Conference adopts the House provision with several modifications. The goals, objectives and milestones cadre to be established for both research and deployment of intelligent transportation systems and consideration of a 20-year time frame for these goals is not required. The plan is to identify activities relevant to the development of standards, including actions that will lead to the establishment of critical standards. The substitute requires that principal findings made in carrying out the plan be transmitted and updated as part of the Integrated Surface Transportation Research and Development Strategic Plan.

National Architecture and Standards

Senate amendment

Section 529, 23 U.S.C., as proposed, requires the Secretary to develop, implement, and maintain a national architecture to guide nationwide deployment of intelligent transportation systems and to set standards and protocols to promote the widespread use of these technologies and to ensure interoperability. The Secretary is authorized to use standards-setting organizations in carrying out this section. The section requires the Secretary to identify critical standards needed to ensure interoperability on a nationwide basis. If one of these critical standards is not adopted by January 1, 2001, the Secretary is required to establish a provisional standard, but a provisional standard would only remain in effect until the appropriate standards-setting organization adopted and published a standard concerning the same subject matter. In addition, the Secretary may waive this requirement as long as a report on the reasons for the waiver and impacts of a delay in setting a particular standard is submitted to Congress. For each standard subject to a waiver, the Secretary is required to submit a progress report to Congress every six months. This section also prohibits the use of funds made available from the Highway Trust Fund on intelligent transportation system technology if the technology does not comply with each relevant provisional and completed standard, but exception is made for intelligent transportation systems deployments already in place. Finally, this section directs the Secretary of Commerce and the Federal Communications Commission to allocate spectrum for the near-term establishment of a dedicated short-range vehicle-to-wayside wireless standard and any other spectrum critically needed for the intelligent transportation systems program.

House bill

Subsection 653(b) requires the Secretary to develop, implement, and maintain a national architecture to guide nationwide deployment of intelligent transportation systems and to set standards and protocols to promote the widespread use of these technologies and to ensure interoperability. The Secretary is authorized to use standards-setting organizations in carrying out this subsection. This subsection directs the Secretary of Transportation, in consultation with the Secretary of Commerce, the Secretary of Defense, and the Federal Communications Commission, to take all necessary steps to secure spectrum for the near-term establishment of a dedicated short-range vehicle to wayside wireless standard.

Conference substitute

The Conference adopts the Senate provision with modifications. In establishing the national architecture along with the standards and protocols, the Secretary is to comply with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 11 Stat. 783). This provision requires all Federal agencies and departments to use technical standards that are developed or adopted by voluntary consensus standards bodies, unless to do so would be inconsistent with applicable law or otherwise impractical. It is clarified that the report identifying critical standards and their stage of development is to be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives. The Secretary is authorized to establish provisional standards if such action is necessary to ensure progress in achieving the purposes identified in this section for establishing a national architecture and standards and the Secretary is required to adopt a provisional standard if a standard identified as critical is not set by January 1, 2001. But, the Secretary may waive this requirement upon finding that additional time would be productively used or establishment of a provisional standard would be counterproductive. Provisional standards are to be published and will remain in effect until applicable standards to replace them are set by the appropriate standards development organization. Waivers of the provisional standard requirement and withdrawals of such waivers are also to be published. The requirement that intelligent transportation systems projects funded from the Highway Trust Fund must conform to the national architecture and applicable standards is retained. The exceptions for operations and maintenance of intelligent transportation systems projects already in existence is retained as is the exception, at the discretion of the Secretary, for the upgrade or expansion of such projects. Another exception for projects designed to achieve specific research objectives, at the discretion of the Secretary, is added. The Federal Communications Commission is directed to consider, in consultation with the Secretary of Transportation, the spectrum needs of intelligent transportation systems and is required to complete a rulemaking considering the allocation of spectrum for intelligent transportation systems by January 1, 2000.

Research and Development

Senate amendment

Section 524, 23 U.S.C., as proposed, requires the Secretary to undertake comprehensive research, development, testing, and technical assistance to carry out the purposes of the intelligent transportation systems programs. This research and development is to advance development of an integrated intelligent vehicle program and an integrated intelligent infrastructure program to advance roadway safety and efficiency systems, mobility and the quality of the environment. This section requires activities to be consistent with the national architecture and priorities include crash avoidance and the integration of air bag technology with other on-board safety systems. The federal share for these projects is 80 percent, but the Secretary apply a federal share of 100 percent to high-risk projects. Subsection (f) includes limitations on the amounts of funding that may be used for research activities that improve crash avoidance and the integration of airbags and other on-board safety systems, advance development of an automated highway system, and activities that improve traffic management.

House bill

Subsection 655(c) authorizes the Secretary to fund research and operational tests regarding intelligent transportation systems technology. Subsection 655(d) allows the Secretary to use funds to conduct research and demonstrations of integrated vehicle and roadway safety systems, including infrastructure-based, in-vehicle, and integrated collision avoidance systems. The section includes research on advanced traffic management technologies, including the use of fiber optic cables and video, to monitor and control traffic flow and volume; research on magnetics and advanced materials; fundamental research on the science of the driving process and other human factors to complement the applied research efforts of the industry in this area; and research on the impact of cold weather climates on ITS in areas such as traction enhancement while on ice and snow, braking, and visibility enhancement both of intersections and sign.

Conference substitute

The Conference adopts a blend incorporating aspects of both the House and Senate provisions. This section requires the Secretary to carry out a comprehensive program of intelligent transportation systems research, development, and operation tests and demonstrations of intelligent vehicles and infrastructure systems. The list of priorities includes traffic management, incident management, crash-avoidance and integration of in-vehicle crash protection technologies, human factors research, integration of intelligent vehicles and infrastructure, and research on the impact of the environment on intelligent transportation systems. Operational tests are to be designed for the collection of data allowing for objective evaluation of the test results. The Federal share of operational tests and demonstrations is not to exceed 80 percent.

Intelligent Transportation System Integration Program

Senate amendment

Section 525, 23 U.S.C., as proposed, directs the Secretary to conduct a comprehensive program to accelerate the integration and interoperability of intelligent transportation systems in metropolitan areas by funding deployment projects that illustrate the benefits of intelligent transportation systems technologies. This section includes a list of priorities the Secretary is to consider in selecting projects. The Secretary is required to encourage private sector involvement through public-private partnerships and other innovative financial arrangements. In addition, funding recipients are required to

submit multi-year financing and operations plans describing how the project can be cost-effectively operated and maintained.

Section 526, 23 U.S.C., directs the Secretary to conduct a comprehensive program to accelerate the integration and inteoperability of intelligent transportation systems in rural areas by funding deployment projects that illustrate the benefits of intelligent transportation systems technologies. This section includes a list of priorities the Secretary is to consider in selecting projects. The Secretary is required to encourage private sector involvement through public-private partnerships and other innovative financial arrangements. In addition, funding recipients are required to submit multi-year financing and operations plans describing how the project can be cost-effectively operated and maintained.

House bill

Section 656 establishes the intelligent transportation system deployment program and describes its purposes, with the primary purpose being to integrate existing intelligent transportation systems components to ensure they work as systems. This section also sets goals for the deployment program including acceleration of standard-setting processes, and lists the specific requirements a project must meet to be eligible for funding. This section also requires that at least 25 percent of funds made available to carry out this section be used for commercial vehicle intelligent transportation systems projects and that not less than 10 percent be used for projects outside of metropolitan areas. In addition, this section sets limits on how much funding can be spent on certain types of projects.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute consolidates sections 525 and 526, 23 U.S.C., as proposed, from the Senate bill and directs the Secretary to conduct a comprehensive program to accelerate the integration and interoperability of intelligent transportation systems in metropolitan and rural areas by funding deployment projects that illustrate the benefits of intelligent transportation systems technologies. The substitute also includes a list of priorities, based on both the House and Senate bills, that the Secretary is to consider in selecting projects, including any contribution to national program plan goals, demonstration of a cooperation among different agencies, jurisdictions, and the private sector, encouragement of private sector involvement, inclusion in approved state or metropolitan plans, and assurance of continued, long-term operations and maintenance without continued reliance on Federal funding. The substitute requires that funds for projects in metropolitan areas be used primarily for integration purposes, whereas in rural areas, funds may be used for installation of intelligent transportation systems infrastructure. In addition, the substitute includes the House provision requiring that not less than 10 percent be used for projects in rural areas. The Federal share of projects payable from funds made available under this section is set at 50 percent, but the total Federal share payable from all eligible sources (including this section) may not exceed 80 percent.

Commercial Vehicle Intelligent Transportation System Infrastructure Deployment

Senate amendment

Section 527, 23 U.S.C., as proposed, establishes a program to deploy intelligent transportation systems that improve the safety and productivity of commercial motor vehicles and drivers and that reduce administrative costs associated with commercial vehicle operations. This section focuses on improving the safety of commercial vehicles operations by funding activities that, for example, assist in the identification of unsafe carriers, vehicles, and drivers and that advance on-board driver and vehicle-safety monitoring systems. Other priorities include improving the electronic processing of registration, licensing, inspection, tax and crash data, the exchange of this information among the States, and the effectiveness and efficiency of enforcement efforts.

House bill

Section 656 establishes the intelligent transportation system deployment program and describes its purposes, with the primary purpose being to integrate existing intelligent transportation systems components to ensure they work as systems. This section also sets goals for the deployment program including acceleration of standard-setting processes, and lists the specific requirements a project must meet to be eligible for funding. This section also requires that at least 25 percent of funds made available to carry out this section be used for commercial vehicle intelligent transportation systems projects and that not less than 10 percent be used for projects outside of metropolitan areas. In addition, this section sets limits on how much funding can be spent on certain types of projects.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute establishes a deployment program to promote intelligent transportation systems that improve the safety and productivity of commercial vehicles and drivers and that reduce administrative costs. The program's purpose is to advance the technological capability and deployment of intelligent transportation systems applications to commercial vehicle operations, including commercial vehicle information systems and networks (CVISN). This section also includes a list of priorities the Secretary is to consider in selecting projects, including the extent to which a project encourages multistate cooperation, improves safety, increases regulatory efficiency, advances electronic processing of data, and promotes the exchange of information among States. In addition, the substitute directs that Federal funds should be used for activities that are not being carried out with private funds. The Federal share of projects payable from funds made available under this section is set at 50 percent, but the total Federal share payable from all eligible sources (including this section) may not exceed 80 percent.

Authorizations and Limitations

Outreach and Public Relations

Senate amendment

Subsection 530(d), 23 U.S.C., as proposed, limits the amount of funding available for outreach, public relations, training, mainstreaming, shareholder relations, or related activities.

House bill

The House bill contains no comparable provision.

Conference substitute

The conference report adopts the Senate provision with modifications. The limitation on funds is reduced to $5,000,000 per year, and this limitation applies specifically only to outreach, public relations, displays, scholarships, tours, and brochures and the substitute provision specifies that this limitation does not apply to intelligent transportation systems training, the publication or distribution of research finding, technical guidance, or similar documents.

Infrastructure Development

Senate amendment

Subsection 530(c), 23 U.S.C., as proposed, prohibits the use of intelligent transportation system funds for the construction of highway or transit infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Life Cycle Cost Analysis and Financing and Operations Plan

Senate amendment

Subsections 525(d) and 526(d), 23 U.S.C., as proposed, recipients funding for projects under the intelligent transportation systems integration program and the integration program for rural areas are required to submit multi-year financing and operations plans describing how each project can be cost-effectively operated and maintained.

House bill

Subsection 653(g) requires life-cycle cost analyses of intelligent transportation systems projects costing over $3 million.

Conference substitute

The Conference adopts a provision combining the House and Senate provisions. The substitute requires applicants for funds under the intelligent transportation systems integration program and the commercial vehicle intelligent transportation system infrastructure deployment programs to submit life-cycle cost analyses of intelligent transportation systems projects costing over $3 million and, for every project, multiyear financing and operations plans describing how the project will be cost-effectively operated and maintained.

Definitions

Senate amendment

Section 522, 23 U.S.C., as proposed, defines the following terms for purposes of this subchapter: commercial vehicle information systems and networks, commercial vehicle operations, completed standard, corridor, intelligent transportation system, national architecture, provisional standard, and standard.

House bill

Section 651 defines the following terms for purposes of this subtitle: intelligent transportation systems (ITS), intelligent transportation infrastructure, Secretary, and State.

Conference substitute

The Conference adopts both the Senate and House provisions with following modifications. Definitions for the terms "completed standard" and "provisional standards" in the Senate bill are not adopted and the definition for the term "Secretary" in the House bill is not adopted. The definition for the term "intelligent transportation system" is substantively equivalent in both bills and is adopted.

Repeal

Senate amendment

Section 2104 repeals the intelligent transportation systems programs that were established under the Intermodal Surface Transportation Efficiency Act (ISTEA) as they are superseded by the new programs in this [subtitle/subchapter]

House bill

Subsection 658 repeals the intelligent transportation systems programs that were established under the Intermodal Surface Transportation Efficiency Act (ISTEA) as they are superseded by the new programs in this [subtitle/subchapter].

Conference substitute

The Conference finds the provisions in both the House and Senate to be substantively equivalent.

PROJECT FUNDING

House bill

Sec. 632(b)(5) requires the Secretary to carry out a transportation technology innovation and demonstration program concerning the use of hazardous materials monitoring systems. The Secretary is required to conduct research on applying methods of deploying and integrating ITS or hazardous materials monitoring systems across various modes of transportation. The provision makes available for each of the fiscal years 1998 through 2003 $1.5 million per fiscal year.

Senate amendment

No comparable provision.

Conference substitute

The Conference adopts the House provision.

In conducting the research provided for in Section 5212(a), the Secretary should award funds to develop and deploy a fully integrated and unique Hazardous Materials Incident Management System designed to facilitate emergency response to hazardous materials incidents and safer, more efficient movement of hazardous materials across various modes of transportation.

Specifically, the funds authorized in this section are intended for further development and use of the Cargo Mate cargo identification and monitoring system, which provides for interoperability with existing fleet communications and management systems, real-time vehicle container, pallet cargo identification, location and monitoring. The integrated and consolidated Hazardous Materials Incident Management System should then be incorporated into current and future Traffic Management Centers to support safe movement of hazardous materials throughout the intermodal process.

In developing this system, consideration should be given to additional technologies, including advanced information processing technologies, which support emergency response, law enforcement, and regulatory resources.

House bill

TITLE VI—OZONE AND PARTICULATE MATTER STANDARDS

No provisions comparable.

Sec. 4101 to 4104 of the Senate Amendment

The Conferees note that in March 1998, the National Research Council's Committee on Research Priorities for Airborne Particulate Matter issued the first in a series of reports on research priorities relevant to settling particulate matter standards. This report addresses a number of issues, including whether the monitoring network necessary to implement the new National Ambient Air Quality Standard fine particulate (PM2.5) is designed to

(1) support relevant health effects, exposure, and atmospheric-modeling research efforts;

(2) use the appropriate number of continuous (hourly) monitors to determine the time of day and exposure of people who are commuting, working, or exercising outdoors; and

(3) use sufficient chemical characterization of particulate matter to enable testing of more specific indicators than PM2.5 mass alone.

The Conferees urge the Administrator to consider the recommendations contained in the Committee's March 1998 report. The Conferees further urge the Administrator to ensure, as appropriate, that the plans for the national monitoring network necessary to implement the National Ambient Air Quality Standard for PM2.5 is peer-reviewed by the Clean Air Scientific Advisory Committee at an early date while the opportunity still exists for such review to influence the monitoring network design and operations.

The Conferees are aware that certain nonattainment areas in Western Pennsylvania have experienced difficulty in meeting the one-hour, 0.12 part per million standard for ozone because of pollution which did not originate in the nonattainment area. The Conferees urge EPA to continue its efforts to avoid "bumping up" nonattainment areas in Pennsylvania to a higher nonattainment status or ozone.

The Conferees recognize that the Regional Haze regulation has not been finalized and the Administrator of the Environmental Protection Agency (EPA) is still considering the views of various stakeholders. The Conferees agree with EPA's public statements that the schedule for the State Implementation Plan due pursuant to section 169B(e)(2) of the Clean Airport Act should be harmonized with the Schedule for State Implementation Plan submissions required for PM2.5. ambient air quality standard promulgated in July, 1997.

Conference substitute

Adopts the Senate provision.

TITLE VII—MISCELLANEOUS

Subtitle A—Automobile Safety and Information

Automatic Crash Protection Unbelted Testing Standard

House bill

The House bill contains no similar provision.

Senate amendment

Section 1407 of the Senate amendment ensures that the current testing standard for air bags is designed to ensure the optimal protection and safety for all occupants, including infants, children, and other occupants.

Conference report

The conference report does not include the provision.

Improving Air Bag Safety

House bill

The House bill contains no similar provision.

Senate amendment

Section 3106 of the Senate bill directs the Secretary of Transportation to undertake rulemaking to improve the protection afforded vehicle occupants by Motor Vehicle Safety Standard No. 208. The purpose of the rulemaking would be to improve the efficiency and protection accorded by occupant protection devices while attempting to minimize any potential risk associated with air bags to infants, children, and other occupants. During the development of a rule to improve the safety of air bags, the barrier test using unbelted 50th percentile adult male dummies would be suspended. The Secretary would be required to begin the rulemaking by June 1, 1998, and to issue a final rule by June 1, 1999, with a one-year extension permitted upon the Secretary's advising Congress of the need for an extension. The rule would require such tests as the Secretary determines to be reasonable, practicable, and appropriate, including tests using dummies of different sizes.

The requirements of the new standard would become effective in phases, beginning between September 1, 2001 and September 1, 2002, and concluding not later than September 1, 2005, with discretion given the Secretary for a one-year extension. Any extension would require a joint resolution of Congress. The Secretary would be required to report to Congress within six months of enactment on the development of technology to improve the protection given by air bags and to reduce the risks from air bags, including information on the performance characteristics of advanced air bags, their estimated cost, their estimated benefits, and the time within which they could be installed in production vehicles.

Conference report

The conferees agree to include a new subtitle addressing automobile safety and information issues. In addition to addressing the Senate bill's provisions regarding air bags, the subtitle also includes many of the provisions contained in H.R. 2691, the National Highway Traffic Safety Administration Reauthorization Act of 1998, which passed the House on April 21, 1998, by voice vote.

Section 7101 establishes the short title for the subtitle, the "National Highway Traffic Safety Administration Reauthorization Act of 1998."

Section 7102 authorizes funds for those NHTSA's automobile safety and information programs. For Fiscal Years 1999 through 2001, the legislation authorizes $81.2 million each year for motor vehicle safety activities, and $6.2 million for motor vehicle information activities. These amounts are equivalent to the Administration's budget request.

Section 7103 contains provisions intended to improve air bag safety. Subsection (a) directs the Secretary to issue a notice of proposed rulemaking by September 1, 1998 to improve occupant protection for occupants of different sizes, belted and unbelted, under Federal Motor Vehicle Safety Standard (FMVSS) No. 208 while minimizing the risk to infants, children, and other occupants from any risks associated with air bags, by means that include advanced air bags. The Secretary is required to issue a final rule no later than September 1, 1999, unless the Secretary determines that the final rule cannot be completed by that date, in which case the Secretary must promulgate the final rule no later than March 1, 2000. The final rule must be consistent with both the requirements of this section and 49 U.S.C. §30111, which specifies the requirements for motor vehicle safety standards. The Conferees note that air bags do not substitute for lap and shoulder belts and all occupants should always wear lap and shoulder belts regardless of whether there is an inflatable restraint in the vehicle.

The Secretary is directed to make the final rule effective in phases as rapidly as practicable beginning not earlier than September

1, 2002 or at least 30 months after the date on which the Secretary promulgates the final rule, but in any case, not later than September 1, 2003. The rule is to be fully effective for all passenger motor vehicles, multipurpose passenger vehicles, and other vehicles identified in 49 U.S.C. §30127(b) manufactured on or after September 1, 2005. If the Secretary issues the final rule on September 1, 2003, the date for full compliance may be extended to September 1, 2006. The availability of the current sled test certification option available under FMVSS 208 (S13) remains in effect unless and until phased out according to the schedule in the final rule. The Secretary is also directed to include in the notice of proposed rulemaking means by which manufacturers may earn credits for early compliance with the final standard issued by the Secretary.

Subsection (b) provides that any government advisory committee, task force, or other entity include representatives of consumer and safety organizations, insurers, manufacturers, and suppliers.

Section 7104 prohibits the use of funds appropriated to NHTSA for the purpose of urging a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislature. Subsection (b) clarifies that officers or employees of the United States are not prohibited from testifying before any state or local legislature in response to the invitation of a member of such body or a State executive office. The provision is not intended to prohibit the Agency from informing State or local legislators about the prudence of a particular policy choice, but rather is intended to limit the Agency's ability to lobby a particular piece of legislation before a State or local legislature. Thus, under this provision, NHTSA could continue to testify before any State or local legislative body and inform State and local officials about the merits of a particular course of action. A NHTSA official could even appear before a committee of a State legislature to testify that NHTSA believes that enactment of primary enforcement seat belt laws results in fewer highway fatalities. NHTSA could, in fact, testify that it favors general efforts to enact primary enforcement seat belt laws and opposes general efforts to repeal such laws. However, a NHTSA official could not, through the use of government resources, ask an individual State or local legislator, or any group of State or local legislators, to vote or act on a particular pending measure.

Subsection 7105(a) is intended to eliminate the need for two odometer disclosures in certain transactions involving rental car companies, dealers, and automobile manufacturers by exempting the transfer of new motor vehicles from a manufacturer jointly to a dealer and a rental car company. Subsection (b) responds to several recent Federal District Court decisions holding the NHTSA does not have authority to exempt vehicles from the odometer disclosure requirements, even when the purchasers of such vehicles rely on service records rather than odometers to indicate wear and tear, such as in the care of heavy trucks. This subsection specifically grants NHTSA such authority.

Section 7106 makes several miscellaneous changes to title 49, United States Code, with respect to NHTSA's authorizing statutes. These changes in subsections (a) through (c) were requested by the Administration. Subsection (a) closes a loophole which allows auto parts stores and retailers to continue to sell defective equipment even though motor vehicle dealers would be prohibited from selling the same item. This provision includes retailers of motor vehicle equipment in the prohibition on selling defective items of equipment.

Subsection (b) amends 49 U.S.C. 30123 ("Tires"), to repeal subsections (a) ("Labeling Requirement"), (b) ("Contents of Label"), and (c) ("Additional Information"). Under section 30123(a), the Secretary must require manufacturers of pneumatic tires to "permanently and conspicuously" label their tires with specified information under section 30123(b) about the construction of the tires and the identity of the manufacturer. Section 30123(c) gives the Secretary discretionary authority to require that additional safety information be disclosed to a purchaser when a tire is sold.

Subsection (c) amends 49 U.S.C. 30127(g) to increase the reporting interval on the effectiveness of occupant restraint systems from every six months to annually. The Administration expressed concern that the six-month interval was too short a time frame in which to provide meaningful data to Congress.

Subsection (d) amends the American Automobile Labeling Act (49 U.S.C. §30204) to make certain changes in the labeling requirement and the domestic content calculations. Subparagraph (1)(A) provides that the labor value of engine and transmission production is also included in the engine and transmission origin determination and subparagraph (1)(B) codifies certain regulations which permit labor costs of parts manufactured at the same location as final vehicle assembly to be included in the vehicle's overall content calculation, provided it does not occur during vehicle assembly. Subparagraph (1)(C) institutes a tiered system for accounting for the domestic content of parts manufactured by outside suppliers. Under this subparagraph, supplies would report content to the nearest five percent. For instance, 38 percent would be reported to the manufacturer as 40 percent, rather than zero as under current law.

Paragraph (2) permits vehicle manufacturers to voluntarily add a line to the label stating the country in which vehicle final assembly took place. Paragraph (3) permits manufacturers, on a voluntary basis, to separately display the domestic content of a particular vehicle, based on its assembly plant. This information must be reported in addition to the carline average percentage. Paragraph (4) codifies existing regulations permitting manufacturers to estimate, based upon best available information, the content of no more than 10 percent of the vehicle's parts, when suppliers fail to report such information. Paragraph (5) permits manufacturers to default the value of certain small parts, such as nuts, bolts, clips, screws, and pins, to the country of manufacture.

Subsection (e) directs NHTSA to conduct a study of the benefits to motor vehicle drivers of a regulation to require the installation of a device in the trunk compartment to release the trunk lid.

Section 7107 reinstates NHTSA's authority to exempt certain motor vehicles imported for the purpose of show or display from certain applicable motor vehicle safety standards. Such authority was unintentionally deleted when title 49, United States Code was recodified in 1988.

SUBTITLE B

SEC. 7201. HIGH SPEED RAIL

House bill

Subsection (a) of Section 901 authorizes $10 million in each of fiscal years 1998 through 2001 for high speed rail corridor planning activities and $25 million in each of fiscal years 1998 through 2001 for high speed rail research and development under the Swift Rail Development Act of 1994. Subsection (b) defines high speed rail to include maglev systems.

Senate amendment

No comparable provision

Conference substitute

Adopts the House provision. The conferees also reaffirm the intention of the Swift Rail Development Act, that planning for improvements to rail infrastructure that would provide incremental speed increases toward achieving speeds of 125 mph or more are fully eligible for federal assistance under the conditions specified in the Act. Efforts to plan for near-term improvements that would achieve substantial speed increases, although not necessarily to a true high speed level of 125 mph, fall in this category.

SEC. 7202. LIGHT DENSITY RAIL LINE PILOT PROJECTS

House bill

Section 902 authorizes $25 million for each of fiscal years 1998 through 2003 for grants to states to fund pilot projects for making capital improvements to publicly and privately owned rail line structures on light-density rail lines. The purpose of the pilot projects is to demonstrate the relationship of light density railroad service to the statutory responsibilities of the Secretary of Transportation, including those under Title 23.

Senate amendment

Sec. 3701 is identical to the House provision, except funding is authorized at $10 million for each of fiscal years 1998 through 2003, instead of $25 million.

Conference substitute

Retains the authorization structure of both the House and Senate provisions, but provides for funding at a level of $17.5 million per fiscal year.

SEC. 7203. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

House bill

Section 906(a) modifies the existing railroad infrastructure loan program contained in Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) to bring the program in line with the Credit Reform Act of 1990. Projects eligible for loan assistance under the program would include acquisition, improvement or rehabilitation of intermodal or rail equipment and facilities, refinancing of debt incurred for the aforementioned purposes, and development or establishment of new intermodal or railroad facilities. Operating expenses would not be eligible for loan assistance. Subsection (a) also limits the aggregate unpaid principal amounts of obligations under direct loans and loan guarantees to $5 billion at any one time. One billion dollars of this five billion is to be reserved solely for projects primarily benefiting freight railroads other than Class I carriers. In addition, subsection (a) allows the Secretary of Transportation to accept credit risk premiums from non-Federal sources to support loans and loan guarantees made under this section.

Subsection (b) makes technical and conforming changes and includes a savings provision requiring that transactions entered into under Title V of the Regulatory Reform Act of 1976 before the date of enactment of BESTEA shall be administered until completion under its terms prior to the amendments made by BESTEA.

Senate amendment

No comparable provision.

Conference substitute

Adopts the structure of the House provision, but with revisions to the statement of priorities in section 7202(c), technical changes to conform to the 1997 amendments to the Credit Reform Act, and with the total authorization for face amounts of loans in subsection (d) limited to no more than $3.5 billion.

SEC. 7204. ALASKA RAILROAD

House bill

Section 904(a) provides that the Secretary may make grants to the Alaska Railroad for capital rehabilitation and improvement to its passenger service.

Subsection (b) authorizes $5,250,000 to be appropriated for such purposes for each of fiscal years 1998 through 2003.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

MIAMI-ORLANDO-TAMPA CORRIDOR PROJECT

House bill

Section 903 authorizes a general fund grant of $200 million to be made available to the Florida Department of Transportation to reimburse the Florida Overland Express (FOX) project in the Miami-Orlando-Tampa corridor for capital costs of that project.

The state of Florida is planning a high-speed rail system in the Miami-Orlando-Tampa corridor that calls for a 320-mile system that would operate on dedicated tracks with no rail/highway crossings. Operating speeds would be over 185 miles per hour.

Senate amendment

No comparable provision.

Conference substitute

No provision.

RAILWAY HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL

House bill

Section 905 authorizes $5,250,000 for each of fiscal years 1998 through 2003 to carry out section 104(d)(2) of title 23.

Senate amendment

Sec. 1402 authorizes $15,000,000 for each of fiscal years 1998 through 2003 for hazard elimination in high-speed rail corridors.

Conference substitute

No provision. Funding for grade crossing assistance is addressed in the non-rail titles of the legislation.

House bill

No provision.

Senate amendment

Section 3506 amends section 20901(a) of Title 49 to require railroads to file periodic reports with the Secretary on all accidents and incidents resulting in injury or death of an individual, or damage to equipment. Eliminates current requirement that reports be notarized and allows the Administrator to require reports less frequently than monthly.

Conference substitute

No provision. The conferees contemplate addressing these issues in the pending reauthorization of the rail safety programs of the Federal Railroad Administration.

House bill

No provision.

Senate amendment

Included at the Administration's request, sections 3501 through 3504 impose penalties for willful sabotage of or interference with railroad equipment, infrastructure or personnel. Also imposes penalties on anyone who knowingly possesses or causes to be present any firearm or other dangerous weapon on board a passenger train.

Conference substitute

No provision.

Subtitle C—Comprehensive One-call Notification

House bill

No provision.

Senate amendment

Section 3301 contains several findings that unintentional damage to underground facilities during excavation is a significant cause of disruptions; that excavation performed without prior notification or with inaccurate marking causes damage that can result in fatalities; and, that protection of the public and the environment from the consequences of underground facility damage will be enhanced by a coordinated national effort to improve one-call notification programs.

Section 3302 establishes a new chapter, which would be chapter 61, in Subtitle III of title 49, United States Code. The purposes of chapter 61, as set forth in 6101, are to enhance public safety; protect the environment; minimize risks to excavators; and prevent disruption of vital public services by improving one-call notification programs.

The new section 6102 defines a one-call notification system as a system operated by an organization that has as one of its purposes the receipt of notification from excavators of their intent to excavate in a specified area and the notification of underground facility operators so that they can locate and mark their lines in the area scheduled for excavation. The definition includes statutes, regulations, orders, and other elements of law and policy in effect that establish one-call notification system operation requirements within a State.

The new section 6103 also outlines minimum components that one-call notification programs should cover, including the appropriate participation by all underground facility operators, all excavators, and flexible and effective enforcement mechanisms governing participation in, and use of, one-call notification systems. In making a determination on the appropriate extent of participation required by underground facilities or excavators, the section requires a State to assess, and take into consideration, the risks to public safety, excavators, the environment, and vital services posed by underground facility damage and the actions of excavators.

The new section 6103 would further provide that a state could allow voluntary participation in one-call notification systems when it determines that certain types of underground facilities or excavation activities pose a de minimis risk to public safety or the environment. The section requires one-call notification programs to include administrative or civil penalties commensurate with the seriousness of a violation, increased penalties for parties that repeatedly damage underground facilities because they neglect to use one-call notification systems or fail to provide timely and accurate marking of underground facilities. The section allows states to reduce or waive penalties when underground facility damage is promptly reported.

The new section 6104 establishes a two-year program whereby states could apply for grants upon a showing that the state's one-call notification program meets the minimum standards outlined in the bill. The section further provides that a state providing for greater protection than the minimum standards criteria established in the legislation would also be eligible to receive grants. The new section 6104 would also require the Secretary to include, three years after the enactment of this legislation, additional information on one-call notification programs in the biennial report on gas and hazardous liquids.

The new section 6105 requires the Secretary of Transportation to initiate a study of the best practices employed by one-call notification systems in operation in the States. If a study is undertaken, the Secretary is required to report on the best practices identified and encourage their adoption in the States. The Secretary is authorized to suspend with the report if the Secretary determines that the information is already readily accessible.

The new section 6106 would authorize the Secretary to make grants to improve one-call notification systems, and should take into account the commitment of each state in improving its program, in awarding grants. The provision also authorizes a state to convey its funds directly to any one-call notification system that adopts the best practices established under 6105. The new section neither opens nor closes the door to having one or more one-call system. Most states have a single one-call system, but several have more than one, this determination will remain a state's choice.

The new section 6107 would authorize up to $1,000,000 and $5,000,000 in fiscal years 2000 and 2001 out of general revenue funds.

Section 3302 also made conforming changes to the table of chapters for subtitle III, and certain conforming changes to the existing one-call notification systems language of 49 United States Code 60114.

Conference substitute

The Conference adopts the Senate provisions with modifications. The Conference stresses that untimely marking of underground facilities, as well as the findings contained in the Senate provision, also cause underground facility damage.

The Conference also clarifies that compliance with the minimum standards outlined in sections 6103 and 6104 would only be required when applying for a grant under the new section 6106. The Conference also modifies the Senate language to require the Secretary to encourage states to adopt the most successful practices of one-call notification systems as determined the most appropriate by each state. The Conference also modifies language in the newly added section 6108 to clarify that nothing in the new chapter 61 preempts any existing state law, or would require a state to modify or revise existing one-call notification systems. The Conference also retains 49 U.S.C. 60114.

Subtitle D—Sportfishing and Boating Safety

House bill

Title VIII of H.R. 2400, contains amendments related to the Coast Guard's Recreational Boating Safety Program. Section 801 of H.R. 2400 provides that title VIII of H.R. 2400 may be cited as the "Recreational Boating Safety Improvement Act of 1998."

Section 802 of H.R. 2400 contains amendments to chapter 131 of title 46, United States Code, regarding the recreational boating safety state grant program administered by the Coast Guard. Section 802(a) of this title amends section 13106(a) of title 46, United States Code, to allow the Secretary of Transportation to expend each fiscal year

the total amount transferred to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) for State recreational boating safety programs. Under amendments contained in section 1104(a)(2) of H.R. 2400, the amount transferred to the Boat Safety Account is equivalent to one-half of the total amount received as motorboat fuel taxes during the preceding fiscal year. Section 802(a) of this bill also amends section 13106(c) of title 46 to establish two additional boating safety purposes for which funds are made available to the Secretary from amounts transferred to the Boat Safety Account. These additional purposes are: (1) up to two percent is available to the Secretary for compliance with chapter 43 of title 46, relating to safety standards for recreational vessels and associated equipment; and (2) up to three percent is available to the Secretary to establish, operate, and maintain aids to navigation that promote recreational boating safety.

Section 802(b) amends section 13103(c) of title 46 to require the Secretary of Transportation to conduct and report to 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. To conduct this survey, the Secretary may not use over 50 percent of the amounts allocated for national boating safety activities of national nonprofit public service organizations under this subsection for the fiscal year in which the survey is conducted.

Subsection (c) of section 802 of this title amends section 13106 of title 46 by adding a requirement for the Secretary of Transportation to make available in each fiscal year five percent of the amount appropriated for State boating safety programs that is in excess of $35 million for public access facilities for transient nontrailerable recreational vessels.

Section 802(d) of this title establishes an effective date for this section of October 1, 1998.

Senate amendment

Subtitle F of S. 1173 contains amendments to the Sport Fish Restoration Program administered by the Secretary of Interior (Secretary) through the Fish and Wildlife Service, and the Recreational Boating Safety Program administered by the Secretary of Transportation through the Coast Guard.

Section 3601 states that amendments in the Act that are expressed in terms of an amendment to or a repeal of provisions of the "1950 Act" shall be considered to be made to provisions of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved on August 9, 1950 (16 U.S.C. 777 et seq.).

Section 3602 establishes a new boating and fishing outreach and communications initiative. Subsection (a) of this section amends section 2 of the 1950 Act (16 U.S.C. 777a) to make technical changes and to establish definitions for the terms "outreach and communications program" and "aquatic resource education program". Subsection (b) amends section 4 of the 1950 Act (16 U.S.C. 777c) to provide funding for a National Outreach and Communications Program beginning in fiscal year (FY) 1999 through FY 2003. Funding for this program is allocated from the Sport Fish Restoration Account of the Aquatic Resources Trust Fund. In FY 1999 the program receives $5 million, with the amount increasing to $10 million in FY 2003. Subsection (b) also authorizes the Secretary to use for this program up to $2.5 million annually from the funds available for administration. In addition, this subsection prohibits the Secretary from using funds available for administration to replace funding traditionally provided through general appropriations. Furthermore, the Secretary is required to publish annually in the Federal Register a detailed accounting of the projects and programs that receive administrative funds.

Section 3602(c) amends section 8 of the 1950 Act (16 U.S.C. 777g) to change the percentage of State funding required to be used to enhance boating access from 12.5 percent to 15 percent and to change the percentage of State funding allowed to be used for aquatic resource education and outreach and communications from 10 percent to 15 percent. This subsection also adds new provisions to section 8 that: (1) require the Secretary, in cooperation with the Sport Fishing and Boating Partnership Council, to develop and implement a national plan for outreach and communications within one year of enactment of the bill; (2) require that the plan provide for the establishment of a national outreach and communications program; (3) authorize the Secretary to provide funding to make grants to the States or private entities for the cost of carrying out outreach or communications programs under the plan; and (4) require the States to develop plans for outreach and communications programs within one year of the completion of the national plan.

Section 3603 makes changes to the Clean Vessel Act of 1992 (P.L. 102-587, title V, subtitle F). Specifically, this section amends section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) to provide annually in FY 1999 through FY 2003 funding totaling $84 million, reduced by 82 percent of the amount appropriated for boat safety from the Boat Safety Account. These funds are allocated as follows: (1) $10 million for vessel pumpout facilities under section 5604 of the Clean Vessel Act (33 U.S.C. 1322 note); (2) $10 million for a new boating infrastructure program established under section 3604 of this subtitle; and (3) the remainder for State recreational boating safety programs under section 13106 of title 46, U.S. Code. This section ensures that States receive between $59 million and $72 million annually for State boating safety programs.

Section 3604 establishes a program to improve boating infrastructure. Subsection (a) states that the purpose of this section is to provide funds to the States for the development and maintenance of public facilities for transient nontrailerable recreational vessels. Subsection (b) amends section 8 of the 1950 Act (16 U.S.C. 777g) to require the Secretary, in consultation with the States, to develop a national framework that can be used by the States to conduct surveys to determine their boat access needs. Each State agreeing to conduct a public boat access needs survey would be required to report its findings to the Secretary within 18 months for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

Section 3604(c) allows a State, within 6 months of submitting a public boat access needs survey to the Secretary, to submit to the Secretary plans for the construction, renovation, and maintenance of public facilities for transient nontrailerable recreational vessels. Subsection (d) directs the Secretary to make grants to the States for constructing, renovating, or maintaining public facilities for transient nontrailerable recreational vessels, and establishes priorities for such grants, including projects proposed in accordance with a State plan under subsection (c). Grants made to State under this subsection may not exceed 75 percent of the cost incurred by the State for these projects. Subsection (e) defines the terms "nontrailerable recreational vessel" and "public facilities for transient nontrailerable recreational vessels."

Section 3605 makes changes to the Recreational Boating Safety Program administered by the U.S. Coast Guard. Subsection (a) of this section amends section 13104(a) of title 46, U.S. Code, to reduce the amount of time that States have to obligate funds received under the Recreational Boating Safety Program from 3 years to 2 years. Subsection (b) amends section 13106 of title 46, U.S. Code, to specify that an amount equal to the sum of (1) appropriations from the Boat Safety Account and (2) transfers to the Secretary of Transportation under the Clean Vessel Act (as amended by section 3603 of this bill) will be available annually for the Recreational Boating Safety Program. Of this amount, $5 million is provided to the Coast Guard annually for expenses related to the coordination and administration of the program. Subsection (c) makes conforming amendments to section 13106 of title 46, U.S. Code.

Conference substitute

The conference substitute adopts the Senate amendment, with technical and other changes described as follows:

Section 7401 of the conference substitute provides that subtitle D of title VI of this Act may be cited as the "Sportfishing and Boating Safety Act of 1998."

Section 7403 eliminates the requirement that the Secretary use $10 million in FY 1999 for qualified boating infrastructure projects under section 7404(d) of the conference substitute, and makes these funds available in FY 1999 for the Sport Fish Restoration Program. This section also reduces the amount available for these projects in FY 2000 through 2003 from $10 million annually to $8 million, and makes the $2 million differential available for the Sport Fish Restoration Program.

Section 7404 of the conference substitute clarifies that grants for facilities for transient nontrailerable recreational vessels under this section may be available for either publicly or privately owned facilities provided that the facilities are available to the general public, as determined by the Secretary. The conferees intend that, in making this determination, the Secretary should develop guidelines which, among other things, establish reasonable costs to ensure that such facilities are available to the general public.

Section 7405(b) of the conference substitute provides that, of the $5 million available annually for Coast Guard administration, $2 million will be used by the Secretary of Transportation annually to ensure compliance with chapter 43 of title 46, U.S. Code. This funding will enable the Coast Guard to improve boating safety by more vigorously enforcing existing provisions designed to prevent boating defects.

REVENUE TITLE

I. HIGHWAY-RELATED TAXES AND TRUST FUND

A. EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES

1. Highway-related taxes and exemptions

Present Law

Tax rates

Highway Trust Fund excise taxes are imposed on gasoline, diesel fuel, kerosene, special motor fuels, on heavy truck and tire sales, and on the use of heavy trucks. The Highway Trust Fund tax rates are scheduled to expire after September 30, 1999, except for 4.3 cents per gallon of the motor fuels excise tax (which is permanent).

The current Highway Trust Fund excise tax rates are as follows:

Item	Tax rate [1]
Motor fuels:	
Gasoline	18.3
Diesel and kerosene	24.3
Special motor fuels generally	18.3 [2]
Compressed natural gas ("CNG").	4.3 [3]
Retail sales of heavy highway vehicles.	12% of retail price
Heavy truck tires	Graduated tax on tires weighing more than 40 lbs.
Annual highway vehicle use	Graduated tax on vehicles of 55,000 lbs. or more

[1] Motor fuel tax rates include the permanent 4.3 cents-per-gallon fuels tax; the rates do not include the 0.1-cent-per-gallon tax on motor fuels for the Leaking Underground Storage Tank Trust Fund.

[2] The rate is 13.6 cents per gallon for propane, 11.9 cents per gallon for liquified natural gas ("LNG"), and 11.3 cents per gallon for methanol fuel from natural gas, each based on the relative energy equivalence of the fuel to gasoline.

[3] The statutory rate is 48.54 cents per thousand cubic feet ("MCF").

Motor fuels exemptions

Present law provides exemptions (including partial exemptions for specified uses of taxable fuels or for specified fuels) for governments or for certain uses not involving use of the highway system (such as farming).

LNG, propane, CNG, and methanol derived from natural gas are subject to reduced tax rates based on the energy equivalence of these fuels to gasoline.

Ethanol and methanol derived from renewable sources (e.g., biomass) are eligible for income tax benefits (the "alcohol fuels credit") equal to 54 cents per gallon for ethanol and 60 cents per gallon for methanol. The alcohol fuels credit is scheduled to expire after December 31, 2000, or earlier if the Highway Trust Fund taxes actually expire before that time. In addition, small ethanol producers are eligible for a separate 10-cents-per-gallon tax credit. The 54-cents-per-gallon ethanol and 60-cents-per-gallon renewable-source methanol tax credits may be claimed through reduced excise taxes paid on gasoline and special motor fuels as well as through income tax credits. The authority to claim the ethanol and renewable-source methanol tax benefits through excise tax reductions is scheduled to expire after September 30, 2000, or earlier if the Highway Trust Fund taxes actually expire before then.

House bill

Tax rates

The House bill extends the Highway Trust Fund excise taxes, other than the heavy truck tire tax, through September 30, 2005. The tire tax is extended through September 30, 2000, and then is repealed.

Motor fuels tax exemptions and alcohol fuels credits

The House bill extends the current motor fuels tax exemptions generally for the period concurrent with the extension period for the taxes, except that the present-law expirations for the ethanol and renewable-source methanol exemptions (and income tax credits) are retained.

Effective date

Date of enactment.

Senate amendment

Tax rates

The Senate amendment extends all Highway Trust Fund excise taxes through September 30, 2005.

Motor fuel exemptions and alcohol fuels credits

The Senate amendment is the same as the House bill with respect to the extension of the general motor fuels tax exemptions. The Senate amendment extends the ethanol and renewable-source methanol tax provisions through September 30, 2007 (excise tax reduction) and December 31, 2007 (income tax credit), respectively. Further, the Senate amendment reduces the ethanol benefit from 54 cents per gallon to 53 cents per gallon for 2001–2002, 52 cents per gallon for 2003–2004, and 51 cents per gallon for 2005–2007.

Effective date

Date of enactment.

Conference agreement

Tax rates

The conference agreement follows the Senate amendment.

Motor fuel exemptions and alcohol fuels credits

The conference agreement follows the Senate amendment.

Effective date

Date of enactment.

2. Motor fuels tax refund procedure

Present law

Gasoline and diesel fuel excise tax refunds are administered separately, subject to separate quarterly minimum filing thresholds. For gasoline, the minimum refund claim is $1,000 in the calendar quarter to which the claim relates. Certain diesel fuel claims are subject to this same standard; certain other diesel and aviation fuel claims may be filed in any of the first three calendar quarters in which the aggregate year-to-date refund equals $750. Fourth quarter refunds must be claimed as income tax credits regardless of amount.

House bill

The House bill combines refund procedures for all taxable motor fuels, allowing aggregation of quarterly amounts and filing of refund claims once a single $750 minimum amount is reached (determined on a year-to-year basis rather than an individual quarter basis). Fourth quarter refund claims are allowed under the same rules as applicable to the first three quarters.

Effective date

Claims filed after September 30, 1998.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

3. Requirement that motor fuels terminals offer dyed fuel

Present law

Diesel fuel and kerosene (after June 30, 1998) are taxed on removal from a registered terminal facility unless the fuel is destined for a nontaxable use and is indelibly dyed. After June 30, 1998, terminals must offer dyed fuel as a condition of being allowed to store untaxed fuel.

House bill

The House bill delays the effective date of the requirement that terminals offer dyed fuel for two years, to July 1, 2000.

Effective date

Date of enactment.

Senate amendment

The Senate amendment is the same as in the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

B. HIGHWAY TRUST FUND PROVISIONS

Present law

Transfers of revenues to Highway Trust Fund

Gross receipts from current highway excise taxes are dedicated to the Highway Trust Fund for taxes imposed through September 30, 1999, and received in the Treasury before July 1, 2000, under provisions of section 9503 of the Internal Revenue Code (the "Code').

Interest on Highway Trust Fund balances; unspent balances

The Highway Trust Fund earns interest on cash balances each year from investments in Treasury securities (sec. 9602). Cash balances remain in the Highway Trust Fund until expended.

Highway Trust Fund expenditure authority

The Code authorizes expenditures (subject to appropriations Acts) from the Highway Trust Fund through September 30, 1998, for purposes provided in authorizing legislation, as in effect on the date of enactment of Public Law 105-130. No Highway Trust Fund monies may be spent for a purpose not approved as of the last updating of the Code reference to the most recent authorizing legislation changes.

The Highway Trust Fund is divided into two Accounts: a Highway Account and a Mass Transit Account, each of which is the funding source for specific transportation programs. The Highway Account receives revenues from all non-fuel highway-related excise taxes plus revenues from all but 2.85 cents per gallon [4] of the highway motor fuels excise taxes. The Mass Transit Account currently receives the 2.85 cents per gallon from the highway motor fuels excise taxes.[5]

Highway Trust Fund anti-deficit provisions

Highway Trust Fund spending is limited by two anti-deficit provisions, which are internal to each of the Accounts. The first limits the unfunded Highway Account authorizations at the end of any fiscal year to amounts not exceeding the unobligated balance plus revenues projected to be collected for that Account by the dedicated excise taxes during the following two fiscal years. The second provision similarly limits unfunded Mass Transit Account authorizations to the dedicated excise tax revenues projected to be collected during the next fiscal year. If either of these provisions is violated, spending for programs funded by the respective Accounts is to be reduced proportionately, similar to a Budget Act sequester.

1997 transfer of 4.3-cents-per-gallon tax revenues not for direct spending

The Taxpayer Relief Act of 1997 (the "1997 Act") transferred revenues from the additional 4.3-cents-per-gallon highway fuels taxes to the Highway Trust Fund, effective

[4] A technical correction (to 2.86 cents per gallon) is included in this revenue title (H.R. 2400), and also in Title VI of H.R. 2676 as passed by the House and the Senate.

[5] Ibid.

on October 1, 1997. The 1997 Act provided that those revenues could not be used to increase direct spending under the 1991 authorizing legislation.

House bill

Transfers of revenues to Highway Trust Fund

The House bill transfers the gross receipts from current highway excise taxes (as modified by the House bill repeal of the heavy truck tire excise tax on October 1, 2000) through September 30, 2005. Consistent with present law, pre-October 1, 2005 amounts received after September 30, 1999 with respect to highway excise tax liabilities will continue to be transferred to the Highway Trust Fund through June 30, 2006.

Interest on Highway Trust Fund balances; unspent balances

Under the House bill, the Highway Trust Fund earns no further interest on its cash balances after September 30, 1998.

The House bill cancels certain "excess" Highway Trust Fund's Highway Account balance (the amount in excess of $8 billion) on October 1, 1998.

Highway Trust Fund expenditure authority

The House bill extends the Highway Trust Fund expenditure authority through September 30, 2003, and updates the expenditure purposes for the Highway and Mass Transit Accounts to the purposes as included in the current House bill authorizing legislation (H.R. 2400).

Provisions are incorporated into the Highway Trust Fund specifying that expenditures from the Highway Trust Fund may occur only as provided in the Internal Revenue Code. The House bill clarifies that the expenditure authority expiration date does not preclude disbursements to liquidate contracts which are validly entered into before the expiration date. Expenditures for contracts entered into or for amounts otherwise obligated after an expiration date (or for other non-contract authority purposes under non-Code provisions) are not to be permitted, notwithstanding the subsequently enacted authorization or appropriations legislation. If any such subsequent legislation authorizes such expenditures, or such expenditures occur by administrative action in the contravention of the Code restrictions, excise tax revenues otherwise to be deposited in the Highway Trust Fund are to be retained in the General Fund beginning on the date of such unauthorized action.

Highway Trust Fund anti-deficit provisions

The House bill conforms the one-year anti-deficit rule in the Mass Transit Account to the two-year rule in the Highway Account.

Highway Trust Fund technical corrections

The House bill includes two technical corrections to the 1997 Act relating to the Highway Trust Fund excise tax revenues:

(1) Excise tax revenues attributable to LNG, CNG, propane, and methanol from natural gas are divided between the Highway and Mass Transit Accounts in the same proportions as gasoline tax revenues are divided between those two accounts; and

(2) The amount of highway motor fuels tax revenues transferred to the Mass Transit Account is corrected to 2.86 cents per gallon (rather than 2.85 cents per gallon as erroneously provided in the 1997 Act).

1997 transfer of 4.3-cents-per-gallon tax revenues

The House bill deletes a provision of the 1997 Act providing that the transfer of the additional 4.3 cents per gallon in fuels tax revenues to the Highway Trust Fund and a one-time adjustment to fuels tax deposit requirements do not affect direct spending under the 1991 authorizing legislation as "deadwood."

Effective date

Date of enactment.

Senate amendment

Transfers of revenues to Highway Trust Fund

The Senate amendment is the same as the House bill, except that the Senate amendment (as noted above) does not repeal the tire tax.

Interest on Highway Trust Fund balances; unspent balances

No provision.

Highway Trust Fund expenditure authority

The Senate amendment is the same as the House bill with respect to extending the Highway Trust fund expenditure authority through September 30, 2003. The Senate amendment updates the expenditure purposes for the Highway and Mass Transit Accounts to the purposes as included in the current Senate authorizing legislation (H.R. 2400 as amended by the Senate).

The Senate amendment also is the same as the House bill with respect to specifying that expenditures from the Highway Trust Fund may occur only as provided in the Internal Revenue Code, and the clarification relating to liquidations of contract authority.

Highway Trust Fund anti-deficit provisions

The Senate amendment is the same as the House bill.

Highway Trust Fund technical corrections

The Senate amendment is the same as the House bill.

1997 transfer of 4.3 cents-per-gallon tax revenues

The Senate amendment is the same as the House bill.

Effective date

Date of enactment.

Conference agreement

Transfers of revenues to Highway Trust Fund

The conference agreement follows the Senate amendment.

Interest on Highway Trust Fund balances; unspent balances

The conference agreement follows the House bill, with a modification deleting the cancellation of a portion of the Mass Transit Account balance.

Highway Trust Fund expenditure authority

The conference agreement follows the House bill and the Senate amendment by updating the Highway Trust Fund expenditure purposes to include the purposes in the current authorizing legislation (H.R. 2400) as enacted and as in effect on the date of enactment.

Highway Trust Fund anti-deficit provisions

The conference agreement follows the House bill and the Senate amendment.

Highway Trust Fund technical corrections

The conference agreement follows the House bill and the Senate amendment.

1997 transfer of 4.3-cents-per-gallon tax revenues

The conference agreement follows the House bill and the Senate amendment.

Effective date

Date of enactment.

II. OTHER TRUST FUND PROVISIONS

A. AQUATIC RESOURCES TRUST FUND

Present law

Revenue transfers

Gasoline and special motor fuels used in motorboats and gasoline used in small engines are subject to excise tax in the same manner and at the same rates as gasoline and special motor fuels used in highway vehicles. Of the tax revenues from motorboat and small-engine use, 6.8 cents per gallon is retained in the General Fund; 11.5 cents per gallon is transferred to the Aquatic Resources Trust Fund ("Aquatic Fund").

Under present law, transfers of the motorboat fuels tax revenues go to the Boat Safety Account of the Aquatic Fund (up to $70 million per fiscal year).[6] Of amounts in excess of $70 million, $1 million per fiscal year goes to the Land and Water Conservation Fund ("Land and Water Fund"), and the balance goes to the Sport Fish Restoration Account of the Aquatic Fund. The authority to transfer revenues to the Aquatic Fund and Land and Water Fund is scheduled to expire after September 30, 1998.

Revenues from the 11.5-cents-per-gallon tax rate on gasoline used in small engines is deposited in a Wetlands sub-account in the Aquatic Fund for use in wetlands conservation efforts.

Expenditure authority

Expenditures from the Boat Safety Account and the Land and Water Fund are subject to appropriation Acts. The Sport Fish Restoration Account has a permanent appropriation, and all monies transferred to that Account are automatically appropriated in the fiscal year following the fiscal year of receipt.

Under present law, expenditures are authorized from the Boat Safety Account as follows:

(1) One-half of the amount allocated to the Account are for State boating safety programs; and

(2) One-half of the amount allocated to the Account are for operating expenses of the Coast Guard to defray the costs of services provided for recreational boating safety.

House bill

Revenue transfers

The House bill extends the transfer of 11.5 cents per gallon of motorboat fuels tax revenues to the Boat Safety Account of the Aquatic Fund and of small-engine gasoline tax revenues to the Wetlands sub-account of the Aquatic Fund through September 30, 2003. In addition, the 6.8-cents-per-gallon portion of the tax on motorboat fuels and small-engine gasoline that currently is retained in the General Fund is transferred to the Aquatic Fund. This provision is phased-in, with the transfer to the Aquatic Fund of 3.4 cents per gallon for the period October 1, 1999 through September 30, 2000, and at 6.8 cents per gallon for the period October 1, 2000 through September 30, 2003.

Transfers of motorboat fuels tax revenues to the Boat Safety Account are changed to equal one-half of such revenues each fiscal year, with a limit on the balance in that Account equal to no more than one-half of the prior year's motorboat fuels tax revenues.

Effective date.

October 1, 1998 for the transfer of the 11.5 cents-per-gallon rate to the Aquatic Fund, October 1, 1999 for the transfer of the 3.4-cents-per-gallon rate, and October 1, 2000 for the transfer of the 6.8-cents-per-gallon rate.

[6] The unobligated balance in the Boat Safety Account is limited to $70 million.

Expenditure authority

Expenditure authority for the Boat Safety Account of the Aquatic Fund is extended through September 30, 2003. The expenditure purposes of the Aquatic Fund are conformed to those in effect in the House bill as of the date of enactment of H.R. 2400.

Provisions identical to those described above under the House bill for the Highway Trust Fund are incorporated into the Aquatic Fund clarifying that expenditures from the Aquatic Fund may occur only as provided in the Code.

Effective date.

October 1, 1998.

Senate amendment

Revenue transfers

The Senate amendment extends the transfers of 11.5 cents per gallon of motorboat fuels tax revenues to the Boat Safety Account of the Aquatic Fund and of small-engine gasoline tax revenues to the Wetlands sub-account of the Aquatic Fund through September 30, 2003.

Effective date.

October 1, 1998.

Expenditure authority

The Senate amendment is the same as the House bill with respect to the extension of the expenditure authority for the Boat Safety Account through September 30, 2003. The expenditure purposes of the Aquatic Fund are conformed to those in effect in the Senate amendment as of the date of enactment.

The Senate amendment clarifying that expenditures from the Aquatic Fund may occur only as provided in the Code is the same as the House bill provision.

Effective date.

October 1, 1998.

Conference agreement

Revenue transfers

The conference agreement follows the House bill and the Senate amendment with respect to extension of transfers of 11.5 cents per gallon of motorboat fuels tax revenues to the Boat Safety Account and Wetlands sub-Account of the Aquatic Fund through September 30, 2003.

The conference agreement follows the House bill in transferring additional motorboat fuels tax and small-engine gasoline revenues to the Aquatic Fund. The conference agreement provides that an additional 1.5 cents per gallon of taxes imposed during fiscal years 2002 and 2003, and an additional 2 cents per gallon thereafter, will be transferred to the Aquatic Fund.

Effective date.

October 1, 1998.

Expenditure authority

The conference agreement follows the House bill and the Senate amendment with respect to the extension of the expenditure authority for the Boat Safety Account through September 30, 2003. The expenditure purposes of the Aquatic Fund (including those of the Sport Fish Restoration Account) are conformed to those purposes in effect in the authorizing provisions of the bill as of the date of enactment.

The conference agreement follows the House bill and the Senate amendment with respect to the clarification that expenditures from the Aquatic Fund may occur only as provided in the Code.

Effective date.

October 1, 1998.

B. NATIONAL RECREATIONAL TRAILS TRUST FUND

Present law

The National Recreational Trails Trust fund ("Trails Fund") was established in the Intermodal Surface Transportation Efficiency Act of 1991 ("1991 Act'). Revenues from 11.5 cents per gallon of motor fuels taxes from fuel used in nonhighway recreational vehicles[7] are authorized to be transferred from the Highway Trust Fund to the Trails Fund through September 30, 1998. Transfers to the Trails Fund are contingent on appropriations occurring from the Trails Fund. To date, no such appropriations have been enacted; thus, no actual transfers of revenues have been made to the Trails Fund.

Expenditures are authorized from the Trails Fund, subject to appropriations,[8] for allocations to States for use on trails and trail-related projects as set forth in the 1991 Act. Authorized expenditure uses include (1) acquisition of new trails and access areas, (2) maintenance and restoration of existing trails, (3) State environmental protection education programs, and (4) related program administrative costs.

House bill

The House bill repeals the Trails Fund, and the transfers of nonhighway recreational fuels taxes to the Trails Fund.

Effective date.

October 1, 1998.

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment. (Under authorizing provisions of the bill, Highway Trust Fund expenditures are authorized for similar purposes to those of the Trails Fund.)

III. ADDITIONAL REVENUE PROVISIONS

A. RAIL FUELS EXCISE TAX

Present law

Diesel fuel and gasoline used in trains are subject to a 5.65-cents-per-gallon excise tax. Of this amount, 0.1 cent per gallon is dedicated to the Leaking Underground Storage Tank Trust Fund; this rate is scheduled to expire after March 31, 2005. The remaining 5.55 cents per gallon is a General Fund tax, with 4.3 cents per gallon being permanently imposed and 1.25 cents per gallon being imposed through September 30, 1999.

House bill

The 4.3-cents-per-gallon General Fund excise tax imposed on fuel used in trains is repealed.

Effective date.

October 1, 2000.

Senate amendment

The Senate amendment repeals the 1.25-cents-per-gallon tax on fuel used in trains.

Effective date.

March 1, 1999.

Conference agreement

The conference agreement follows the Senate amendment, except for the effective date.

[7] Nonhighway recreational fuels taxes are taxes imposed on (1) fuel used in vehicles and equipment on recreational trails or back country terrain, or (2) fuel used in camp stoves and other outdoor recreational equipment. Such revenues do not include small-engine gasoline tax revenues, which are transferred to the Aquatic Fund.

[8] If appropriations were enacted from the Trails Fund, there is an obligational ceiling of $30 million per fiscal year under the 1991 Act.

Effective date.

November 1, 1998.

B. INCOME TAX PROVISIONS

1. Tax-exempt financing of certain highway projects

Present law

Present law exempts interest on State or local government bonds from the regular income tax if the proceeds of the bonds are used to finance governmental activities of those entities and the bonds are repaid with governmental revenues. Interest on bonds issued by States or local governments acting as conduits to provide financing for private persons is taxable unless a specific exception is provided in the Code. No such exception is provided for bonds issued to provide conduit financing for privately constructed and/or privately operated toll roads and similar highway infrastructure projects.

House bill

No provision.

Senate amendment

The Senate amendment authorizes the construction of up to 15 highway infrastructure projects, such as toll roads involving private business participation. These projects are to be eligible for tax-exempt private activity bond financing. Bonds for these projects generally are to be subject to all Code provisions governing issuance of tax-exempt private activity bonds except the annual State volume limits (sec. 146). No proceeds of these bonds may be used to finance the acquisition of land. In lieu of the State volume limits, the aggregate amount of bonds that can be issued under this pilot project is $15 billion (as allocated by the Department of Transportation in consultation with the Department of the Treasury).

Conference agreement

The conference agreement does not include the Senate amendment.

2. Tax treatment of parking and transit benefits

Present law

Under present law, qualified transportation fringe benefits provided by an employer are excluded from an employee's gross income. Qualified transportation fringe benefits include parking, transit passes, and vanpool benefits. In addition, in the case of employer-provided parking, no amount is includible in income of an employee merely because the employer offers the employee a choice between cash and employer-provided parking. Transit passes and vanpool benefits are only excludable if provided in addition to, and not in lieu of, any compensation otherwise payable to an employee. Under present law, up to $175 per month (for 1998) of employer-provided parking and up to $65 per month (for 1998) of employer-provided transit and vanpool benefits are excludable from gross income. These dollar amounts are indexed for inflation.

House bill

No provision.

Senate amendment

The Senate amendment permits employers to offer employees the option of electing cash compensation in lieu of any qualified transportation benefit, or a combination of any of such benefits. As under present law, qualified transportation benefits include employer-provided transit passes, parking, and vanpooling. Thus, under the Senate amendment, no amount is includible in gross income or wages merely because the employee is offered the choice of cash and one or more

qualified transportation benefits. The amount of cash offered is includible in income and wages only to the extent the employee elects cash.

In addition, the Senate amendment increases the exclusion for transit passes and vanpooling to $100 per month. The $100 amount is indexed as under present law.

Further, the Senate amendment provides that there is no indexing of any qualified transportation benefit in 1999.

Effective date.

The provision permitting a cash option for any transportation benefit is effective for taxable years beginning after December 31, 1997; the increase in the exclusion for transit passes and vanpooling to $100 per month is effective for taxable years beginning after December 31, 2001; and indexing on the $100 amount for transit passes and vanpooling is effective for taxable years beginning after December 31, 2002.

Conference agreement

The conference agreement follows the Senate amendment. Thus, as under the Senate amendment, no amount is includible in gross income or wages merely because the employee is offered the choice of cash in lieu of one or more qualified transportation benefits, or a combination of such benefits. In addition, no amount is includible in income or wages merely because the employee is offered a choice among qualified transportation benefits.

Effective date.

The conference agreement follows the Senate amendment.

3. Purposes for which Amtrak NOL monies may be used in non-Amtrak States

Present law

The 1997 Act provides elective procedures that allow Amtrak to consider the tax attributes of its predecessors in the use of its net operating losses. The election is conditioned on Amtrak agreeing to make payments equal to one percent of the amount it receives as a result of the election to each of the non-Amtrak States. The non-Amtrak states are required to spend these monies to finance qualified expenses. Qualified expenses include the capital costs connected with the provision of intercity passenger rail and bus service, the purchase of intercity rail service from Amtrak, and the payment of interest and principle on obligations incurred for a qualified purpose. Any amounts not spent for qualified purposes by 2010 must be returned to the Treasury.

House bill

No provision.

Senate amendment

The Senate amendment expands the list of qualified expenses to include: (1) capital expenditures related to State-owned rail operations in the State; (2) projects eligible to receive funding under section 5309, 5310, or 5311 of Title 49; (3) projects that are eligible to receive funding under section 130 or 152 of Title 23; (4) upgrading and maintenance of intercity primary and rural air service facilities, including the purchase of air service between primary and rural airports and regional hubs; and (5) the provision of passenger ferryboat service within the State.

Effective date.

The provision is effective as if included in the Taxpayer Relief Act of 1997 (effective on August 5, 1997).

Conference agreement

The conference agreement follows the Senate amendment with further additions to the list of qualified expenses. Additional qualified purposes added by the conference agreement include harbor improvements and certain highway improvements that are eligible to receive funding under section 103, 133, 144, and 149 of Title 23.

Effective date.

The conference agreement follows the Senate amendment.

4. Tax treatment of certain Federal environmental grants

Present law

Certain Federal grants are excluded from income with taxpayers receiving no basis in assets financed with the grant monies. Other Federal grant programs result in income exclusion when the grant is received, but taxpayers receive basis in the grant-financed property.

House bill

No provision.

Senate amendment

The Senate amendment provides that, to the extent provided under present law, grants under the authorizing provisions of the Senate amendment relating to a Congestion Mitigation and Air Quality ("CMAQ") Program are not includible in taxable income when received, and that no credit or other deduction is allowed to taxpayers with respect to the property (or other expenditures) financed directly or indirectly with the CMAQ funds. The basis of such property is to be reduced by the portion of the cost of the property that is attributable to the CMAQ payment.

Conference agreement

The conference agreement does not include the Senate amendment.

LIMITED TAX BENEFITS IN THE REVENUE TITLE SUBJECT TO THE LINE ITEM VETO ACT

Present Law

The Line Item Veto Act amended the Congressional Budget and Impoundment Act of 1974 to grant the President the limited authority to cancel specific dollar amounts of discretionary budget authority, certain new direct spending, and limited tax benefits. The Line Item Veto Act provides that the Joint Committee on Taxation is required to examine any revenue or reconciliation bill or joint resolution that amends the Internal Revenue Code of 1986 prior to its filing by a conference committee in order to determine whether or not the bill or joint resolution contains any "limited tax benefits," and to provide a statement to the conference committee that either (1) identifies each limited tax benefit contained in the bill or resolution, or (2) states that the bill or resolution contains no limited tax benefits. The conferees determine whether or not to include the Joint Committee on Taxation statement in the conference report. If the conference report includes the information from the Joint Committee on Taxation identifying provisions that are limited tax benefits, then the President may cancel one or more of those, but only those, provisions that have been identified. If such a conference report contains a statement from the Joint Committee on Taxation that none of the provisions in the conference report are limited tax benefits, then the President has no authority to cancel any of the specific tax provisions, because there are no tax provisions that are eligible for cancellation under the Line Item Veto Act.

Conference Statement

The Joint Committee on Taxation has determined that the revenue title to H.R. 2400 contains no provision involving limited tax benefits within the meaning of the Line Item Veto Act.

Pursuant to the order of the House on April 1, 1998, the Speaker appointed the following conferees for consideration of the House bill (except title XI) and the Senate amendment (except title VI), and modifications committed to conference:

BUD SHUSTER,
THOMAS E. PETRI,
SHERWOOD L. BOEHLERT,
JAY KIM,
STEPHEN HORN,
TILLIE K. FOWLER,
RICHARD H. BAKER,
ROBERT W. NEY,
JACK METCALF,
JAMES L. OBERSTAR,
NICK RAHALL,
ROBERT A. BORSKI,
ROBERT E. WISE, Jr.,
JIM CLYBURN,
BOB FILNER,

As additional conferees from the Committee on Commerce, for consideration of provisions in the House bill and Senate amendment relating to the Congestion Mitigation and Air Quality Improvement Program; and sections 124, 125, 303, and 502 of the House bill; and sections 1407, 1601, 1602, 2103, 3106, 3301–3302, 4101–4104, and 5004 of the Senate amendment and modifications committed for conference:

TOM BLILEY,
MICHAEL BILIRAKIS,
JOHN D. DINGELL,
Provided that Mr. Tauzin is appointed in lieu of Mr. Bilirakis for consideration of sections 1407, 2103, and 3106 of the Senate amendment.
BILLY TAUZIN,

As additional conferees from the Committee on Ways and Means, for consideration of title XXI of the House bill and title VI of the Senate amendment, and modifications committed to conference:

JIM NUSSLE,
KENNY C. HULSHOF,

As additional conferees from the Committee on Ways and Means, for consideration of title XXI of the House bill and title VI of the Senate amendment, and modifications committed to conference:

CHARLES B. RANGEL,
Managers on the Part of the House.

From the Committee on Environment and Public Works:

JOHN H. CHAFEE,
JOHN WARNER,
BOB SMITH,
DIRK KEMPTHORNE,
JIM INHOFE,
CRAIG THOMAS,
CHRISTOPHER S. BOND,
TIM HUTCHINSON,
WAYNE ALLARD,
MAX BAUCUS,
DANIEL PATRICK MOYNIHAN,
HARRY REID,
BOB GRAHAM,
JOSEPH LIEBERMAN,
BARBARA BOXER,

From the Committee on Finance:

WILLIAM V. ROTH, Jr.,
CHUCK GRASSLEY,
ORRIN HATCH,
JOHN BREAUX,
KENT CONRAD,

From the Committee on Banking, Housing, and Urban Affairs:

ALFONSE D'AMATO,
PHIL GRAMM,
PAUL SARBANES,
CHRIS DODD,

From the Committee on Commerce, Science, and Transportation:

ERNEST HOLLINGS,

From the Committee on the Budget:

PETE DOMENICI,
DON NICKLES,
PATTY MURRAY,

Managers on the Part of the Senate.

□ 1445

APPOINTMENT OF CONFEREES ON H.R. 2676, INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. COYNE

Mr. COYNE. Mr. Speaker, I offer a motion to instruct conferees.

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

The Clerk read as follows:

Mr. COYNE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997, be instructed to insist upon the provisions contained in the House bill and thereby not further delay needed restructuring of the Internal Revenue Service.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. COYNE) will be recognized for 30 minutes, and the gentlewoman from Connecticut (Mrs. JOHNSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. COYNE).

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

Mr. Speaker, the motion before us would instruct the House conferees to insist on the provisions of the House bill on restructuring the Internal Revenue Service and thereby expedite IRS reform. Not to do so would only further delay much-needed IRS reform.

The IRS is faced with extraordinary challenges in dealing with its computer modernization effort and year 2000 conversion. Further delay in enacting this legislation may make it difficult or impossible for the IRS to meet those challenges.

The House bill is the result of extensive review and hearings by the Committee on Ways and Means. It was crafted on a bipartisan basis with the help of experts from throughout the country. It also reflects the recommendations of the National Commission on the Restructuring of the IRS.

As ranking member of the Subcommittee on Oversight, I should note that the bill is good tax policy as well. The House bill is fully funded and will make significant improvements in IRS management and electronic tax return filing.

The House bill also significantly strengthens taxpayer rights. The IRS restructuring, as outlined in the House bill, deserves congressional approval without delay. I urge adoption of the motion to instruct.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. COYNE) for the spirit in which he offers his motion to instruct the conferees, to which I do not object.

As the gentleman knows, it is reasonable to expect the conferees to go into conference with the other body and to fight for the House position. Indeed, I agree with him that the House bill is a thoughtful and effective piece of legislation. I am very proud of the House bill, and I know our conferees will work hard on its behalf.

But, as the gentleman knows, the Senate is likely to consider, also, some of its ideas of importance; and there are, indeed, a few things in the Senate bill that I think we all will find in the best interest of the taxpayers. But I certainly appreciate the spirit in which the motion is offered, and I support it.

I also would like to point out that the bill was introduced on October 21, 1997, and reported by the Committee on Ways and Means only 10 days later on October 31st. It passed the House the following week on November 5th. So this House has dealt with thoroughness and appropriate speed with the need to reform the Internal Revenue Service.

I am very pleased that there is no longer any disagreement about the need for this kind of systemic, comprehensive reform. It is long overdue. We need to finish this work as quickly as we can, because, through it, we give the American people relief from irresponsible enforcement policies and harsh penalty laws.

We need to launch the new forceful partnership between government and the private sector that this bill embodies because that new partnership alone can create an effective, customer-service-oriented IRS capable of serving this Nation and its people in the future.

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

Mr. COYNE. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. COYNE) for yielding me this time and thank him for the work that he has done on the IRS Restructuring Act.

Mr. Speaker, I rise to support the motion to instruct the conferees. It has now been more than 6 months since this body passed the IRS Restructuring Act by a large bipartisan vote of 426 to 4. It is the first comprehensive provision in the IRS in more than a half a century.

I was proud to work with my colleague, the gentleman from Ohio (Mr. PORTMAN), as well as the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) and the gentleman from Pennsylvania (Mr. COYNE) on this very important legislation.

The version passed by the other body differs slightly from the version that was passed by this House. I find it somewhat amazing that it took the other body 6 months in order to consider this and bring it back with the type of changes that they made.

But the important thing for us to do in conference is to move quickly. We need to pass comprehensive reform before we get to the next tax filing season and we lose the advantage of this legislation.

I want to compliment Secretary Rubin and Commissioner Rossotti for the work that they have done reforming the IRS. Mr. Rubin is the first Secretary of the Treasury who spent his personal time looking at the IRS and helping us in restructuring it.

I also congratulate our new Commissioner, Mr. Rossotti, for his cooperation with Congress in implementing many changes to the system. But the legislation before us sets up an important oversight board to oversee the functions of the IRS. We need to have those individuals appointed and operating as soon as possible. That is why it is important that our conferees act quickly.

The House version of the bill will protect the public, will start the process of reforming our Internal Revenue Code by first reforming the Internal Revenue Service. It makes it a much more taxpayer friendly organization.

I see my colleague, the gentleman from Ohio (Mr. PORTMAN), is now on the floor, who cochaired the national commission on which this is a product of. We really do owe that commission and its leadership our thanks for bringing forward a product that we hope now will become reality.

Mr. Speaker, I sincerely hope that we will be able to get this legislation

signed quickly so that the benefits of this law can be enjoyed by all of our citizens, and then we, in this body, can start debating the issues of substantive tax reform.

All of us want to get involved in that debate, but first we must reform the tax collecting agency itself. This legislation will do it. We should move it as expeditiously as possible.

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), who was the cochairman of the commission that spent 1 long year studying in great detail the problems within the IRS and laid the blueprint for the reform that then we considered in our subcommittee and full committee and now is about to go to conference.

Mr. PORTMAN. Mr. Speaker, it was a long year and actually more than a year. In the end, the commission spent about a year and a half studying the various problems at the IRS; in some senses, turning the table and sort of auditing the IRS, and came back to Congress with a list of recommendations which were then, with the help of the gentleman from Maryland (Mr. CARDIN), implemented in the form of legislation.

That legislation was introduced in October, I believe. The House passed the legislation in November. The Senate, in turn, passed its legislation which is building on the House bill a few weeks ago.

I, as you know, believed that we could have done all of this last year. So, certainly, I am not for delay, and I want to commend the authors of the motion to instruct with regard to their focus on the interests of moving this forward quickly and not having further delay.

However, I will say, in all fairness, I think the Senate did improve the legislation in a few respects, and I hope that, while I will support this motion, that it is in the context of giving the conferees some flexibility to be able to accept certain Senate provisions that are an improvement.

I would mention, as an example, the Inspector General provisions. I think those are an improvement. It is something the commission, which did spend a year and a half studying the IRS but did not, frankly, get into that issue at any depth and did not make a recommendation on, and the Senate then picked up and I think improved.

So the Inspector General Service at the Treasury Department will be able to play a more effective and forceful role at the IRS, which is desperately needed.

I will also mention that the Senate added some taxpayer rights provisions which I think are quite helpful, particularly the expansion of innocent spouse relief that the gentlewoman from Connecticut (Mrs. JOHNSON) has worked hard over here in the House on as well.

I do think there are some things in the Senate bill which are going to make the IRS work even better. But it does build on the structure of the House bill; and certainly the House, having passed its legislation with such an overwhelming margin, will want to support the general direction that the House legislation took, which I think the Senate bill does.

It really is the House bill, and it is something this House I think can be very proud of because it was done on a bipartisan bases and it was done with the interests of the American taxpayer in mind. In the end, I am convinced it will lead to a new IRS.

Let me just mention three aspects of the legislation. I think they probably have already been mentioned earlier. I apologize I was not here for all of the debate.

One is in the area of taxpayer rights. There are 28 new taxpayer rights in the House bill. The Senate, as I say, adds a few other taxpayer rights that are very important, taxpayer rights in being able to suspend interest and penalties if there has not been adequate notice given to the taxpayer.

But when you add up all these taxpayer rights, what they will result in is, indeed, a new way of thinking at the IRS.

Shifting the burden of proof at the tax court level is a great example of that. Now the IRS, when they are in a dispute with a taxpayer, will be thinking about litigation strategy, whether in fact they can, as the IRS, bear that new burden of proof we are putting on them just as in the case of criminal law in this country. I think it will change the way they deal with taxpayers. It will help taxpayers who will end up with the right result for many taxpayers who, right now, are forced to settle with the IRS because the taxpayer carries that burden of proof.

I would say that that set of taxpayer rights provisions, when taken together as a whole, will definitely make a difference in terms of the attitudes and really the culture of the IRS.

The second one I will mention, I know my friend from Maryland I think was talking about it a moment ago, and this is the oversight board. This oversight board, perhaps, has been described inaccurately by both sides at times, but the thought is very simple.

You need to have at the IRS a group that has the experience in the problems that the IRS currently faces, which is information technology, taxpayer service, running a large service organization. You need to have continuity. This is why we have these 5-year staggered terms on this board, so that they will actually be able not only to talk about important reforms but implement them over time, because it will take time.

Finally, accountability. Without this kind of a board that brings in this private sector expertise I talked about and that has that kind of continuity, in other words, the follow-through to make sure these changes get made so that we do indeed create a new IRS, you are not going to have accountability. So this is a very important aspect of the change.

The final one I will mention which has not gotten much play but is very important in this legislation is changing the personnel flexibilities at the IRS to make it easier, frankly, to fire bad apples at the IRS and easier to promote people who, indeed, are doing a competent job or professional job and respecting taxpayer rights.

Taxpayer service will be a new measurement at the IRS. Rather than measuring whether taxpayer service representatives at the IRS and whether people in the compliance side are collecting more money from taxpayers, we will be measuring what kind of service employees at the IRS provide to taxpayers.

That, again, is a change in direction at the IRS. It will lead, along with these other changes, and there are 50 some odd changes to the IRS in this legislation, to a new IRS and indeed a new culture at the IRS and, in the end, will benefit our taxpayers greatly.

I would also like to, again, make the point that we have made throughout this process, that we need to do more here on Capitol Hill, both in terms of simplifying the tax code, and there is for prospective legislation a provision in this legislation which does that. It puts forth a complexity analysis. We think the House version is stronger on that. It has teeth in it. It has a point of order. It will enable us actually to enforce it.

Finally, we feel very strongly we need to consolidate the oversight on Capitol Hill. Part of the problem, of course, is that the Treasury Department is the IRS, but part of the problem resides right here in Congress. The Senate chose to delete that provision in the legislation. I think the House conferees, I hope this is a unanimous view, will fight hard to get the House position accepted, which would be, in fact, to consolidate oversight so that we are speaking more with one voice from Capitol Hill to the IRS and be able to improve oversight in communication between lawmakers here on Capitol Hill who are elected to represent taxpayers and the Internal Revenue Service.

Mr. Speaker, I would just say in conclusion that I will be voting for this motion to instruct with the understanding that it is not going to tie our hands in terms of accepting some provisions in the Senate that perhaps were not looked at as carefully as they

might have been when the House completed its legislative task. I want to commend the authors of it and hope that we can, indeed, move forward as rapidly as possible to finally give the taxpayers what is long overdue, which is, indeed, a new IRS.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for those who are watching the proceedings of this House, I hope they are not missing the bipartisan enthusiasm for real, comprehensive, significant and serious reform of one of the most important agencies of the United States Government, the Internal Revenue Service.

This is the product of 2 years of very hard work. It is a thoughtful product. It is a powerful product. Indeed, it is going to make an enormous difference to the opportunity employees of the IRS have as well as to the taxpayers that they serve.

So I am proud to support the motion and join my colleagues on both sides of the aisle in urging prompt action by the conference so this bill can be on the President's desk in the very near future.

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

□ 1500

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

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania (Mr. COYNE).

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

Mr. COYNE. 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 388, nays 1, not voting 44, as follows:

[Roll No. 189]

YEAS—388

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Canady

NOT VOTING—44

Archer
Bateman
Blunt
Burr
Burton
Conyers
DeFazio
Deutsch
Dicks
Fawell
Foley
Furse
Gephardt
Gonzalez
Green
Harman
Hefley
Hoekstra
Hutchinson
Hyde
Johnson, Sam
King (NY)
Kingston
Lofgren
McCrery
McDade
Meeks (NY)
Miller (CA)
Mollohan
Morella
Parker
Quinn
Rangel
Reyes
Riggs
Sanford
Skaggs
Smith (OR)
Stenholm
Taylor (NC)
Torres
Towns
Wamp
Wicker

□ 1521

Mr. ENGLISH of Pennsylvania changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair appoints the following conferees:

Mr. ARCHER, Mrs. JOHNSON of Connecticut, and Messrs. PORTMAN, RANGEL, and COYNE.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2709. An act to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

The message also announced that pursuant to Public Law 103–227, the Chair, on behalf of the President pro tempore, appoints the following individuals to the National Skill Standards Board—

Tim C. Flynn, of South Dakota, Representative of Business; and

Jerald A. Tunheim, of South Dakota, Representative of Human Resource Professionals.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT OF RULES COMMITTEE MEETING AND LEGISLATIVE SCHEDULE

Mr. SOLOMON. Mr. Speaker, the Committee on Transportation and Infrastructure has filed the conference report on BESTEA. The Committee on Rules will be meeting at 3:35 on that. Of course, all of my colleagues know what is in this 1,000 page bill, so it should not take too long.

I would ask the Members of the Committee on Rules to please come upstairs right now, because we have another bill to act on. We will then act on BESTEA at 3:35. We will try to be back here on the floor within 15 or 20 minutes; and, hopefully, since we all know what is in the bill, we will only take a little while to debate it. We should be out of here by no later than 5 o'clock and possibly sooner, if everybody will control themselves.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces its intention to proceed to Special Orders without prejudice to the resumption of further legislative business.

EPIDEMIC OF CHILD VIOLENCE NEEDS IMMEDIATE ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise for a rather solemn occasion, one that pries at the very heartstrings of most Americans. Might I offer my sympathy to the citizens and schoolchildren and the entire State of Oregon for another tragedy of a child with a gun?

I believe it is important for this body to acknowledge that we have an epidemic. We have a situation where, if it goes unaddressed, more and more children will find a level of frustration to act out their frustration through violence, more and more lives will be lost, less attention to the issue will be given, and we will not have a solution. Our children cannot be frightened in their schools. We cannot see a greater loss of life.

As someone who passed the first parent responsibility ordinance in the City of Houston and later became State law, I do believe parents should be held responsible for children holding guns and, ultimately, winding up with a serious and tragic incident. But my main challenge, Mr. Speaker, is that this House must act, and it must act now. We have to save our children and the lives of all others. Guns in children's hands must not happen in this country.

My sympathy to those who have lost their life and to the child who acted out from frustration and heartache.

POTENTIAL DANGER FOR U.S. AS A RESULT OF TRANSFER OF TECHNOLOGY

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

Mr. CUNNINGHAM. Mr. Speaker, many Members have wondered why the technology that was loosed to Communist China is dangerous to the United States. There is a lot of talk in the newspapers about different facets, but let me be specific.

In planning the war potential in different areas in all Southeast Asian countries, we looked at the ranges of different missiles. The booster that China had trouble with had problems, and we gave it the command and control guidance which allows it to target the MIRVing, which allows multiple warheads on different targets, but, even more important, the satellite technology at the Navy fighter weapon school. We can read the label on a missile stashed on an SU-27 to tell what kind of missile it is, what kind of intell.

So they not only increased the range, the targeting, they increased the ability to target U.S. cities specifically. That is why this is a problem and potential problem not only for the United States but other allied countries as well.

□ 1530

We need to look into this, Mr. Speaker. It is serious, and it is a problem.

LET THE HOUSE ENACT SOME TYPE OF CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from North Carolina (Mr. HEFNER) is recognized for 5 minutes.

Mr. HEFNER. Mr. Speaker, we have heard a lot of debate in the last couple of hours about campaign finance. I do not come here to try to influence anyone about any particular proposal. However, the gentleman from Connecticut (Mr. SHAYS) has been someone who has labored in this vineyard for many, many years. He has taken a lot of ridicule for his proposals on campaign finance. I think that this House owes a great deal to his efforts that he has had in the past.

The late Sam Ervin, who was the Senator for a lot of years from North Carolina, when talking about campaign financing, talking about how much it costs to run, he said, spending a half a million dollars or $1 million running for a job, at that particular time, that paid $44,000 was kind of like putting a $100 saddle on a $40 mule. It just did not make a lot of sense.

Someone in the debate earlier said that the average citizen cannot afford to run for Congress. Actually, the average citizen cannot even afford to run for county commissioner, because it has gotten to where campaigning is so expensive the average person cannot get involved in the political process.

There are some folks here who do not think we need to do anything on campaign financing, some who think we need to put a lot more money in campaigns. The gentleman from Texas (Mr. DELAY) did a marvelous job last night, he should get an academy award, for his opposition to any kind of campaign finance reform.

Let me just remind the Members of a couple of things. If we go back to the old days when it was only the companies, a lot of these towns would get together and they would pick their candidate and they would fund him. He would be the man that was going to win in a State House seat or a congressional seat. That way, the average guy never got to run for political office.

When I first ran for political office, I spent $44,000. I thought that that was a tremendous amount of money, and it was. We wasted a lot of that. Now it is not uncommon to spend $1 million to get a congressional seat that pays $135,000. It does not make a lot of sense, does it?

If Members think that money does not make a difference in both parties, the Democrats and Republicans, they have their sources. And I will be a little partisan on this. We heard in our newspapers and in Roll Call, in the magazines, that the business community was served notice, and the Republicans said, you have been giving too much money to the Democrats. If you are going to have any access to this Congress, you are going to have to come up with more money for Members that are running on the Republican ticket. That is soft money and hard money.

Mr. Speaker, what someone has referred to as third-party, and everybody has had it, in my district we had at the churches all these flyers that were put under the windshield wipers of the cars: If you want to vote for somebody who wants to kill babies, vote for Bill Hefner and Mike Dukakis. I do not think that was real fair, but we did know who put them under there, or what have you.

Television commercials, they do not have to tell us who is paying for these television commercials. This money comes in and it makes a tremendous hardship on people who are trying to go out and raise hard money from constituents. I challenge anybody in this

House in a regular district. I doubt if they can raise, from the constituents in hard money, in small denominations, even $200,000. So the big money plays a part in campaigns, make no mistake about that. It may not buy a direct commitment, but it buys access to this process.

I do not know what is going to pass on campaign finance reform. I am going to be leaving here after this year. Thank God I do not have to raise any more money. But if something is not done to get a handle on campaign financing and the money that influences it, it is going to get to where even the middle-income folks cannot afford to run for office.

It will only be the people that have the contacts, the people that are millionaires, that will be able to run for Congress, either that or they will be able to go out and get a pretty charismatic candidate that could never make $100,000 in the private sector and fix him up for television, get a smooth consultant, and he will get elected. But it will still be the money trail that puts people in this House. Let us put together some kind of campaign finance reform.

TRIBUTE TO AMERICA'S VETERANS AND TO DR. CARL GORMAN ON MEMORIAL DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I would ask that all of us pause to remember the reason why we are preparing to take a break from our activities here in Washington, the reason why the highways will be filled with vacationers in just a couple of hours. The reason why has more to do with the history of this country than any type of chronological observance on the calendar, for we approach Memorial Day.

Mr. Speaker, I have a special wish for this coming Memorial Day, that those who are wrapped up in the ball games at the beach and the fun and the activities that surround this time of year, that those who pause not even a New York nanosecond to remember the significance and the history of this holiday, I would ask that perhaps they would pause to remember and reflect on what we approach.

In so doing, Mr. Speaker, I would remember one for whom this Memorial Day will carry a special significance, because he no longer walks among us. He passed away in February of this year. His name is Dr. Carl Gorman, one of my constituents from the Sixth Congressional District of Arizona.

Dr. Gorman has a very interesting story, because Dr. Gorman, born in 1907 in Chinle, Arizona, in the sovereign Navajo Nation, overcame many obstacles to have a chance to serve this Nation in the military.

First and foremost, we should note that the Navajo Tribal Council in fact set the pace for this Chamber, for it was the Navajo Tribal Council in 1940, over a year before the Japanese attacked Pearl Harbor, the Navajo Tribal Council passed a resolution asking the United States to enter World War II on the side of the Allies.

Then following that attack, December 7, 1941, Carl Gorman, who was older than what would fit the profile, got a little creative about his age, said he was a younger man, drove all night to the Navajo capital of Window Rock to enlist, and he and 28 others formed an elite unit, a unit so elite that its activities were not declassified until 1968.

Mr. Speaker, they were known as the Navajo Code Talkers. Dr. Gorman and his Navajo brethren went into the South Pacific using terms from their unique language, and so befuddled and confused the enemy that the code, the Navajo language, was never interpreted. That code was never broken, and it reigns as one of the great successes of World War II.

The Marine Corps high command, in looking back at the activities of Dr. Gorman and his comrades, considered the Navajo Code Talkers heroes. They determined that the Code Talkers saved hundreds if not thousands of American lives because of the success in the South Pacific. Indeed, Mr. Speaker, were it not for the actions of Carl Gorman and the Navajo Code Talkers, our Marine Corps high command believes that perhaps the battle of Iwo Jima would have had a far different outcome.

Like for so many who returned from World War II, life went on for Carl Gorman following that war. He went to art school in Los Angeles. He taught Navajo art at the University of California at Davis. He went on to work again in his home State down in Douglas, Arizona.

But always and forever on this Memorial Day and those that follow, we should remember all our veterans, yes, those who fell on the field of battle, but those who continued to contribute to their Nation, like Dr. Carl Gorman. We honor his memory and those of all veterans this Memorial Day.

CONGRESS CAN ENACT LEGISLATION TO PREVENT ACCESS TO WEAPONS FOR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, yesterday for the seventh time in the 2 years that I have been in Congress we have been witness to what can only be described as a massacre on one of America's schoolyards, for the seventh time in less than 2 years.

This experience struck a little close to home because it was in my State of Oregon. I am finding already the connections with family and friends of people who knew people who were victims of this event.

But in a sense, I hope all of us in this country who look at those anguished faces, the terror-stricken young people, the sense of what was happening in what should be a sanctuary for our youth, causes us in Congress to reflect on what we are prepared to do to try and make a difference.

Last fall we were unable to secure the right for Members of this assembly to vote on a simple piece of legislation in the juvenile crime bill that would have provided for child access protection against access to guns. This is not something that is some sort of bizarre, hard-edged gun control proposal. These efforts have already been successful in 15 American States, starting with the State of Florida, to make it clear to gun owners at the point of purchase that they have a responsibility to keep that deadly weapon from the hands of children. It requires the person who sells the gun to make available at point of purchase a lockbox or a trigger lock.

We reflect on what happened almost exactly 2 months ago today in Jonesboro, Arkansas, where there was another massacre in a schoolyard. Those two young men who are allegedly the people who inflicted that attack tried first to get the guns from one of the parents' homes. They even tried using a blowtorch, but because it was in a lockbox, they could not get access to it. Their next stop was at the home of someone who had the guns readily available to them, and the rest was history. Five people were dead.

There is no reason that we in this Chamber have to sit back and assume that there is nothing we can do to make America safer for our children. Is it going to take an example like this in the home district of some member of leadership that has denied the House the right, and then be accountable to people they know personally because of a massacre?

□ 1545

If it makes a difference stopping one of these multiple tragedies, it will be worth it. Survey research indicates that over 80 percent of the American public support this legislation. I have been involved with a voluntary program with my sheriff in Multnomah County, Portland, Oregon, Dan Nolle, who has been so enthusiastic supporting lockbox initiatives that he has decreed that every deputy who takes a loaded gun home at night has a lockbox.

There are things that we can do to make sure that this is not something that is replicated across America. I would hope that the leadership of this

Chamber would look into their heart and soul and relinquish for a moment and allow the Members of the House to vote on noncontroversial, meaningful proposals that will reduce the carnage of gun violence in this country. Our young people deserve it.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, as a result of the 1996 presidential elections, the Nation's news media and many other people began to focus upon the way campaigns are financed in America. This focus was generated because of the Clinton/Gore campaign violating provisions that said, you cannot receive funds from foreign sources.

The Democratic Party is not the only one guilty of violating campaign finance laws, whether deliberately or not deliberately, because they are very complex.

I would like to suggest to my colleagues that when people talk about campaign finance, they focus on two things. First of all, they talk about special interests as if it was something horrible. Yet what special interest means is that any citizen belonging to any group in America, whether it be a nurse, a labor union member, a doctor, a tobacco farmer, a teacher, whatever, has a right to speak on issues that affect them and to join together with others to speak on issues that affect them.

Those are what you refer to as special interests. That is all that they are. All of us have some special interest. So I do not see that there is anything particularly negative about having a special interest.

The second thing that people talk about in a very negative way is this term "soft money." Now, what is soft money? Soft money is money spent by any organization in America, any individual in America, any political party in America, regardless of their philosophy, to take time on television or in the newspapers or on the radio to educate the American people about issues that affect them. And they pay for that with their money. And when they run these ads, they are required to put at the bottom of the television the group that paid for it. But we all talk about soft money, and those who are advocating the Shays-Meehan bill and others are talking about, we have got to get rid of soft money.

Now, what is hard money? Hard money is money that candidates themselves and their committees spend to expressly ask that you defeat or elect a particular candidate. And hard money is regulated by the Federal Government, and it has been for some time. But reformers, when they talk about reform, it is interesting to note that they never want to talk very much about the hard money. That is the money they spend. They want to talk about the soft money. That is the money that can be spent by any person in America. And the Supreme Court has repeatedly said that it is a constitutionally protected right.

So in the Shays-Meehan bill, for example, they talk about any time within 60 days of an election, they broaden the definition of express advocacy to include any ad run 60 days prior to the election and they would stop those ads from being run, if it is paid for by soft money. It would be stopped.

And when you do that, this is what you end up guaranteeing will happen. Sixty days before an election, there will be two groups talking about candidates running for office, the candidates themselves will be running their ads and then the only other group speaking will be the news media through editorials. And it is not surprising that the news media editorialize all the time about we need campaign finance reform, because the way these bills are designed to eliminate soft money, the American people's money, the interest groups, the labor unions, the pro-choice, the environmentalists, the management groups, whatever, eliminating them spending their money, then you get down to a point that the news media is the only entity that will be editorializing on which candidate should be supported.

I hope that as we continue this discussion that we will think deeply about these terms and what they really mean.

APPLAUDS "OPERATION CASABLANCA"—DRUG MONEY LAUNDERING CASE—CALLS FOR INVESTIGATION INTO CITICORP/CITIBANK'S ROLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, it is about time. The big money laundering bust successfully executed by the United States Customs Department is the kind of work that our government ought to be doing. Clearly we know that 70 percent of the cocaine and over half the heroin is imported by the multinational drug cartels, like the Colombian Cali cartel and the Mexican Juarez cartel. Finally, the money operations of these international syndicates have been successfully targeted.

If we are to get drugs off the streets of our communities, South Central Los Angeles, East Los Angeles and other cities, we must capture, indict and convict the white collar criminals that run the drug trade's money laundering operations and not spend all of our time and resources going after the small time street level criminal.

Without the ability to spend the profits of drug trafficking, the drug trade would come to a screeching halt. It is money laundering that keeps the drug trade going. But we must go further. We must also target the American banks who cooperate with foreign banks to launder drug money. Today I wrote to Attorney General Janet Reno to inquire about Citicorp/Citibank's involvement in the latest money laundering raid. Citicorp/Citibank is currently under investigation into its involvement with the drug money laundering activities of Raul Salinas, the former senior Mexican official and brother of former President Carlos Salinas. Citibank controls one of the three banks that was indicted just the other day in the money laundering case. Confia is one of three Mexican banks indicted in Operation Casablanca for systematic involvement in drug money laundering for the Juarez and Cali cartels.

According to the Attorney General and Customs officials, they have been involved in massive money laundering for years. Confia's previous parent group, Abaco Grupo Financiero, was recently implicated in a major bank fraud case in which Abaco's chairman was sent to prison for defrauding investors of $170 million. During the same period, Citibank worked to acquire Confia in order to expand its position in the Mexican market.

In August of 1997, Citibank signed a letter of intent to acquire Confia; this is the bank that is known to be trafficking and laundering money. They paid $45 million over the market value to secure control of Confia. Why? On May 11, 1998, Citibank took control over Mexican bank Confia and a week later guess what happened? Confia was indicted in this big drug raid. This is the bank that just was acquired by Citicorp and Citicorp acquired the bank at the same time that it was under investigation by the Justice Department for money laundering.

I am interested in determining whether Operation Casablanca raises new questions about Citicorp/Citibank's banking practices. Today we learned that, in addition to that, $4.2 million was seized in this operation from an account in Bankers Trust in New York as part of further arrests and indictments.

We do not know where this is going, and we do not know where it is going to stop, but there certainly are a lot of unanswered questions. I am pleased that this enforcement action appears to have been a success. However, we should not allow the indictment of the banks to stop at the border. They could not be successful without the cooperation of some of our American banks. We cannot allow our American banks off the hook.

To that end, I am calling on Attorney General Janet Reno to look into the role of Citicorp/Citibank, Bankers Trust of New York and any other U.S. bank that is involved in this and related money laundering cases.

Let me just say that this is a big discussion going on in this House. The Republicans have taken it up as a political issue in an election year. They would like to point their fingers at the Democrats and say, oh, you have not done enough. Let me warn the Republicans and the Democrats, this issue is not to be played with. This cannot be a short-term Band-Aid type look at these problems. Some of us have invested priority time in trying to get to the bottom of drugs in this country. Illegal drugs are destroying America. It is our greatest risk.

I am saying to this entire Congress, we have got to be serious about the business of getting to the bottom of it. It is about time we look at big boys in high places and white collar criminals who are involved in money laundering.

I submit for the RECORD the letter to Janet Reno that requires her to look further into this matter.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 1998.

Hon. JANET RENO,
U.S. Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: As a senior member of the House Banking and Financial Services Committee, I read the reports of the U.S. Customs Service break-up of a major drug money-laundering operation with great interest. I congratulate all those involved in targeting the top levels of the Juarez and Cali cartels and their bankers and banks. I am encouraged to learn that the Attorney General's office and the Department of Treasury is starting to put more resources into targeting drug money laundering. Cutting the drug lords off from their profits is key to ending this deadly trade.

However, a careful review of the situation raises additional, unanswered questions regarding the role of U.S. banks in this investigation.

It is common knowledge that Citicorp/Citibank is under investigation, regarding its involvement with Raul Salinas' money laundering activities. We now learn that Citicorp's banking unit, Citibank, recently assumed management control over Confia—one of the three indicted banks in Operation Casablanca.

In addition to the current indictment, which came after three years of undercover investigations, Confia's parent group, Abaco Grupo Financiero S.A., recently was implicated in a major fraud case in which Abaco's chairman was imprisoned last November for defrauding investors of $170 million dollars. While Confia was engaged in systematic drug money laundering for the Juarez and Cali cartels, Citibank signed a letter of intent to acquire Confia in August of 1997. Citibank took over control of Confia on May 11.

These facts raise some serious questions about the relationship of U.S. based financial institutions to those implicated in this major money laundering case.

1. Did the acquisition of Confia by Citibank help facilitate money laundering by Confia?

2. Given what we know of the rampant money laundering activities by Confia, what was the responsibility of Citibank to exercise due diligence in the acquisition of Confia and did Citibank meet its burden?

3. Is the current investigation of the potential involvement of Citicorp/Citibank in Raul Salinas' drug money laundering activities close to concluding?

4. Are there any other U.S. financial institutions under investigation for money laundering activities?

As Members of the House Banking Committee consider the implications of Operation Casablanca with regards to the integrity of our financial system, I would greatly appreciate a prompt response to these questions.

Sincerely,

MAXINE WATERS,
Member of Congress.

THE SPACE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise today to speak out on Space Day, which is actually celebrated May 21, it was yesterday, a day set aside to celebrate the anniversary of John F. Kennedy's bold challenge to land a man on the moon. The space program, as we all know, has matured tremendously. We now have the space shuttle program, which has been a tremendous success, being able to go up and return with a crew and do all kinds of very sophisticated things while on orbit, such as repair the Hubble telescope, and soon it will be launching the elements of the space station.

We have all heard about the tremendous scientific breakthroughs that have been the fruit of our space program. I know I, as a physician, saw that on a daily basis when I was practicing medicine prior to being elected to the House. Some of the technology from the space program is used on a daily basis, such as the imaging technology with MRI scanning and CAT scanning, as well as a lot of the materials science used in cardiac catheterization and prosthetic hips. But today I rise to talk about what I think may prove to be ultimately in the end one of the greatest breakthroughs that has benefited people here on Earth from our space program, and to talk about that I need to talk about a product made by a company in my district. It is called Quick Boost, and I have a can of that in my hand right here.

You put this stuff in your air conditioning unit in your car and it will cause your air conditioning unit to run about 10 to 20 percent more efficiently. Now, what is really interesting is they have a version of this that they will be releasing on the market very soon that will go in your home air conditioning unit that will cause your home air conditioning unit to run 10 to 20 percent more efficiently.

Why am I talking about this product? This product is a spin-off of the space program. Yes, it was NASA who had the need to develop more efficient air conditioning units on spacecraft that caused the technology to be developed that has gone ultimately into this product. And this product has the potential to cause the consumption of electricity to decline in the United States. It has the potential to allow us to save billions of dollars on electricity costs as well as reduce our demands for foreign oil, and probably what is more important is that families all across America, particularly those living in the South that run air conditioning units all year round, may be able to save up to as much as $20 a month, $2250 a year, which is more than equal to their tax portion of what is going to fund our space program.

□ 1600

Our space program is having a profound effect on our culture, on our society, and there is probably no better example than this product called Quick Boost made by a company in my district, Mainstream Engineering.

So for those people in this House of Representatives who frequently get up and claim that we should not be spending this money on our space program and that we should be applying it to education or health care or better roads and bridges, all of which are very worthwhile things, I challenge them to stop and think and look at all of the benefits that have accrued to us here on earth from our space program: whether it is the medical technology, whether it is through the better prediction of weather, or, yes, right down to something like this, a product that is going to decrease our reliance on foreign oil, that is going to decrease the consumption of electricity.

It will actually be good for the environment, because we will be burning less fossil fuels; and, indeed, it will help families all across this country to save a little bit of money each year, money that they can better use for their children's education, money that they can better use for braces for the kids or new tires for the car.

So the space program is more than just sending rockets up to space, it is more than just motivating our kids in science and technology, it is more than just exploring the new frontiers. It is about helping us here on earth. It is about learning ways to do things better.

I would encourage all my colleagues who have opposed funding for the space program to look at this breakthrough, to look at this technology and the billions and billions and billions of dollars of savings that it will cause our Nation in the years ahead and to rethink their position on the space program.

I encourage all of my colleagues to vote to increase NASA's budget, because these are the kinds of breakthroughs that not only will help the

United States, they as well have the ability to help all of mankind and all people throughout the world.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–552) on the resolution (H. Res. 449) waiving points of order against the conference report to accompany the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 445 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 445

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee on the legislative day of May 22, 1998, providing for consideration or disposition of the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, an amendment thereto, a conference report thereon, or an amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore (Mr. EVERETT). The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (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.

Mr. Speaker, House Resolution 445 is a simple resolution. The proposed rule merely waives the requirement of clause 4(b) of Rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House for resolutions reported from the committee on May 22, 1998, under certain circumstances.

This narrow, short-term, waiver only applies to special rules providing for the consideration or disposition of H.R. 2400, BESTEA, which will authorize funds for the Federal-aid highways, highway safety programs, transit programs and for other purposes, amendments thereto, a conference report thereon, or an amendment reported in disagreement from a conference for H.R. 2400.

Mr. Speaker, House resolution 445 was reported by the Committee on Rules with voice vote. The Committee recognizes the need for an expedited procedure to bring this important bill forward as soon as possible.

Mr. Speaker, approval of the conference report to H.R. 2400 will provide desperately needed funds to help rebuild America's roads and bridges. This legislation provides the resources to meet America's infrastructure needs. Simply put, this bill is going to build America, reduce congestion, save lives. I urge my colleagues to support House Resolution 445.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Colorado (Mr. MCINNIS), my good friend, for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, this rule waiving the two-thirds requirement for same day consideration of the transportation conference report is really a terrible way to legislate.

This conference report has only been available to Members for a very short period of time, and I would be willing to bet that most Members have not seen this legislation, and that very few, if any, have had a chance to read the whole conference report, unless they are actually a member of the conference committee.

Mr. Speaker, this bill is a major piece of legislation which impacts every single Congressional District in this country, but few in the House have had an opportunity to look at the final product. We are spending billions upon billions of dollars, and we should know what we are voting on.

However, having said that, I will not oppose the rule because I realize that this conference report needs to be considered by the House before we leave for the Memorial Day break. We need to get highway construction monies back in the pipeline in time for the summer construction period.

I can only add that I hope the leadership will exercise more caution in the future when a bill of this magnitude comes before the House so that it will give Members sufficient time to read and fully comprehend the contents before voting on such comprehensive, far-reaching, expensive legislation.

Mr. Speaker, although this is not a good way to legislate, this transportation bill is far too important to let it fall by the wayside at this late hour, so I will reluctantly support this two-thirds rule.

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

Mr. MCINNIS. 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 resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 449

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

House Resolution 449 is a straightforward resolution. The proposed rule merely waives all points of order against the conference report and against its consideration. This resolution was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, the approval of House Resolution 449 will allow us to move forward with the consideration of the conference report to H.R. 2400, the new highway bill entitled the Transportation and Equity Act for the 21st Century.

Mr. Speaker, this is legislation that will provide desperately needed funds to help rebuild America's roads and bridges. This bill provides the resources to meet America's infrastructure needs.

Furthermore, the legislation improves safety on America's highways. For example, the conference report significantly strengthens drunk driving protections, including an increase in funding to help States enact and enforce programs to combat drunk driving. States can strengthen the .08 blood alcohol concentration legal limits, license revocation for repeat offenders,

young offenders aged 21–34, and other targeted efforts.

Mr. Speaker, I urge my colleagues to support House Resolution 449 and the underlying legislation.

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

Mr. MOAKLEY. Mr. Speaker, I once again thank the gentleman from Colorado (Mr. MCINNIS) for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I would like to at this time congratulate my colleagues, the gentleman from Pennsylvania (Mr. BUD SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. JIM OBERSTAR), for their very hard work on this bill.

Despite the months and months of clamoring, despite the vastly different transportation needs of the 50 States, the gentleman from Pennsylvania and the gentleman from Minnesota have managed to come up with a bill that satisfies the vast majority of Members and, for that, they deserve our thanks.

I am sure that most Members would change a thing or two in this bill if they could, but, all things being considered, it is about the best we are going to get, and I urge all my colleagues to support it.

As far as I am concerned, this conference report is coming not a moment too soon. The Intermodal Surface Transportation Efficiency Act of 1997 expired in September of 1997. It is critical that we do not leave the States with enormous half-finished transportation projects on their hands.

Mr. Speaker, a lot of people take America's infrastructure for granted. They get in their car and drive to work or school without even thinking about it. But those roads they drive and those bridges they cross do not last forever, especially in the northeast, and we need to do our best to make sure they stay as safe and as accessible as possible.

So anyone who does not understand the need for transportation funding needs to remember that this is how we get our products to the market, this is how we get our Reebok sneakers to the malls, our Gillette blades to the malls, and our computer chips to the docks to be sent overseas.

A good transportation system creates jobs, keeps America safe and advances our country's economy. The conference report we are considering today is a 6-year bill that retains the basic structure from ISTEA, including its good environmental programs and its commitment to safety.

It also encourages equal opportunities by keeping the disadvantaged business enterprise program for women and minority-owned construction firms.

I am happy to say, Mr. Speaker, that this bill applies Federal labor standards and employee protections like the Davis-Bacon Act for people working on the highway and transit projects that are contained in this bill.

In my opinion, Mr. Speaker, the safety programs in this bill are 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 to lower that number by just one, it is well worth it.

Once again, Mr. Speaker, I thank the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for their outstanding work on this bill; and I urge my colleagues to support the rule.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I take this time on the rule to simply announce to the House that I intend to oppose the conference report and, if I have the opportunity, I intend to offer a motion to recommit.

I do so for the following reasons: Number one, this bill is a budget buster. It is a veritable pork bonanza. It now contains not the 1,500 special projects which we were told about yesterday. I am told that it now contains about 1,800 special projects. That is 80 percent more projects in 1 year than was provided by the Congress in the previous 42 years of the history of the Highway Act combined.

There are projects in here that have been scrutinized by no one other than the Member who requested them. There are a number of projects that have nothing whatsoever to do with transportation. There is funding for museums, the Corporation for Public Broadcasting, grants to medical schools, direct subsidy payments to private corporations, money paid to trade schools, renovations for historic buildings. A lot of that may be worthy, but it has no business in a highway bill.

□ 1615

I would say that I do not know how many Members know it, but this bill actually authorizes a $120 million project for a highway in a foreign country, $120 million for a highway in Canada, paid for by U.S. taxpayers.

The worst thing about this bill in my view is that it is financed out of the hides of veterans' health care and now, as of early this morning, out of child care for our kids, Meals on Wheels for our seniors, foster care, and adoption services for orphans, because the bill provides for a $2 billion cut in the title XX block grant. So we are again pummeling the most defenseless people in this society in order to provide more concrete.

I am a strong supporter of highway construction, but I do not want to build roads on the backs of kids who need child care and poor seniors who have difficulty getting their wheelchair to the sidewalk and are not going to be getting congregate meals and will not have the luxury of using the public highways. It just seems to me that this is an irresponsible bill, a spectacularly irresponsible bill.

I would close by reading two paragraphs from two letters from veterans' organizations. One from the Disabled American Veterans reads: "We strongly urge a no vote on the previous question for consideration of any such recommittal motion. Defeat of the previous question will allow the veterans' recommittal motion to be offered and give veterans the straight up or down vote on this proposal to cut compensation, which simple fairness dictates they be given."

Paralyzed Veterans of America says as follows: "It has been purported that veterans do now agree to the offsets due to the inclusion of certain other increases in benefits."

This is patently untrue. Paralyzed Veterans Association, and I am sure other veterans' organizations, have never supported the increase of one benefit at the expense of another. The conferees should reconsider their actions in using veterans' funds as offsets to pay for transportation highway projects that far exceed the levels established in last year's Balanced Budget Amendment.

That is why, Mr. Speaker, if I have the opportunity, I will plan to offer a motion to recommit this conference report and ask the conferees to take out the cut in veterans' funding. If someone attempts to preempt my motion with a sweetheart motion that denies the House an up or down vote on the veterans' issue, I will ask for a rollcall on the previous question. Veterans' groups have indicated in writing that they strongly support the motion that I will offer.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I respect those who have worked hard to develop America's highway infrastructure. I believe that is an important function of the Federal Government.

But for anyone who has come to this Congress on the platform of fiscal responsibility, I would like to suggest there is something very wrong with our voting in just a few minutes to spend $200 billion of our taxpayers' money, when frankly I cannot get a copy of the bill to even look at before we vote on it.

Whether one thinks this could be a great bill or one thinks it is a horrible bill, the fact is that we are about to spend $200 billion and most Members have not even had a chance to look at the bill. It is fiscally irresponsible.

Whether you are Republican or a Democrat or an Independent, the fact

is that this does not make sense for us to so cavalierly spend that much money of taxpayers' dollars without being given a fair opportunity to review the details of this bill.

A few minutes ago, I was told by staff that we could get a copy of this bill sometime tomorrow, of course, after we have voted on it. And I guess it would be nice if they vote for this to get a copy tomorrow so they can tell their constituents what is in it.

So my objection to this rule, Mr. Speaker, is not any specific content in the bill. Because, frankly, most of us do not have a chance, I cannot find a copy of the bill, at least on this side of the aisle. Perhaps the majority party has a copy of the bill. But we also have a constitutional responsibility to review legislation before we vote on it even though we are on the minority side of the aisle.

So I object and I hope other Members of this House from both parties who have gone back home year after year after year and said, we have got to spend your taxpayer dollars wisely, we have got to be careful in how we spend it, we ought to show fiscal responsibility, I hope those Members will think twice before spending $200 billion without even looking at a copy of the bill.

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

Mr. McINNIS. Mr. Speaker, before I yield to the honorable gentleman from Pennsylvania (Mr. SHUSTER) I should point out that I am overly impressed with the comments of the gentleman from Texas (Mr. EDWARDS) about worrying about the taxpayer.

Also, the gentleman from Wisconsin (Mr. OBEY) impresses me. I am glad that both of these individuals have come forth on behalf of the taxpayer. Because, in 1997, under the National Taxpayers Union, both of them were rated with F's as big spenders. But, apparently, in the last couple hours we had have had a conversion. I am pleased to see it. I am impressed. I am excited about it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I simply rise to announce that the Senate has just passed this conference report by a vote of 88–5 and also to announce that at 2:30 this afternoon, the President of the United States announced that he will be pleased to sign this law.

The President said that first it must keep our budget balanced, it must preserve the budget surplus until we have saved Social Security, and then it must not undermine our national priorities, including education, health care, child care, and the environment.

The bill being considered by the Congress this afternoon meets those principles. I am quoting the President of the United States, and he says: "I will be pleased to sign this bill into law."

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

I would like to congratulate the chairman. He has done a heck of a job. He ought to be very pleased with those numbers that have just come out of the United States Senate and the announcement from the White House. Congratulations.

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 (Mr. PEASE). The question is on the resolution.

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

Mr. MOAKLEY. 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 359, nays 29, not voting 45, as follows:

[Roll No. 190]

YEAS—359

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—29

Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Boehner
Boyd
Chabot
Christensen
Coburn
Doggett
Edwards
Hall (TX)
Hastings (FL)
Hobson
Kennedy (RI)
Largent
Lewis (GA)
Maloney (NY)
Minge
Obey
Sabo
Shadegg
Shaw
Shays
Souder
Thurman
Tierney
Wexler
Yates

NOT VOTING—45

Archer
Bateman
Boucher
Burr
Burton
Conyers
DeFazio
DeGette
Deutsch
Fawell
Foley
Furse
Gephardt
Gonzalez
Graham
Green
Harman
Hefley
Hoekstra
Hyde
Johnson, Sam
King (NY)
Kingston
Lofgren
McCrery
McDade
Meehan
Meeks (NY)
Miller (CA)
Mollohan
Parker
Quinn
Rangel
Reyes
Riggs
Sanford

Skaggs	Taylor (NC)	Wamp
Smith (OR)	Torres	Waxman
Stenholm	Towns	Wicker

□ 1641

Mr. JACKSON of Illinois changed his vote from "nay" to "yea."

So the resolution was agreed to.

The results of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3433, TICKET TO WORK AND SELF-SUFFICIENCY ACT OF 1998

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-553) on the resolution (H. Res. 450) providing for consideration of the bill (H.R. 3433) to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to return to work and to extend Medicare coverage for such beneficiaries, and to amend the Internal Revenue Code of 1986 to provide a tax credit for impairment-related work expenses, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 2400, TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Mr. SHUSTER. Mr. Speaker, pursuant to the House Resolution 449, I call up the conference report to accompany the bill (H.R. 2400), to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 449, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

□ 1645

Mr. OBEY. Mr. Speaker, under the assumption that the gentleman from Minnesota (Mr. OBERSTAR) is in favor of the conference report, I rise in opposition to the conference report and pursuant to rule XXXVIII, I request one-third of the time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is the gentleman from Minnesota opposed to the bill?

Mr. OBERSTAR. No, Mr. Speaker.

The SPEAKER pro tempore. Under the rule, the gentleman from Wisconsin (Mr. OBEY) will control one-third of the time, the gentleman from Minnesota (Mr. OBERSTAR) will control one-third of the time, and the gentleman from Pennsylvania (Mr. SHUSTER) will control one-third of the time.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Speaker, Henry Clay, the great compromiser, once said the good thing about compromise is that for everything you give up, you get something in return. And, indeed, that is where we are today.

We bring back from our conference with the Senate a compromise. Now, if I could waive a magic wand, there are several things in this bill I would do differently. So we do bring a compromise to the floor, but it is a good compromise. It is more than a good compromise, Mr. Speaker. It is an historic piece of legislation. It is an historic piece of legislation because we put the trust back in the transportation trust funds.

This is an historic piece of legislation, Mr. Speaker, because now the American people will know that trust is being put back in the transportation trust fund. The revenue they pay, the gas tax which they pay into the transportation trust fund, will be available to be spent on transportation purposes. Indeed, while I and many others in this Chamber would have preferred to take the trust funds off budget, the compromise we reached is a good one, it is a solid one, it is a guarantee, an ironclad guarantee, that sets aside firewalls on the revenue coming into the transportation trust fund so that that money is available to be spent.

So when the average American drives up to the gas pump and pays his 18.3-cent Federal tax, that money is free to be spent. It is a guarantee, it is an ironclad guarantee. This is an historic matter in and of itself, and that is one of the major reasons why this legislation is so important to America.

What it means, if we do spend the revenue going into the trust fund, and not a penny more, only the revenue going into the trust fund, means that this bill over six years can guarantee $200,500,000,000 spending, because that is the revenue projected to go into the trust fund.

Should there be more revenue going into the trust fund, that money will be available to be spent. Should there be less revenue going into the trust fund, then we will have to reduce the expenditures. It is fair, it is equitable, and it is keeping faith with the American people.

This legislation is going to save, the experts tell me, approximately 4,000 lives a year, not only because of the safety provisions we have in it, but because about 30 percent of our 42,000 highway fatalities each year are caused as a result of bad roads. As we improve the roads, we save lives.

Another very significant feature to this legislation is that the donor States will now get 90.5 percent minimum allocation guaranteed on the formulas. This is better than the guarantee in either the Senate or the House bill.

Also, we have streamlining provisions in here which make it more easy for the States to proceed giving the various groups their opportunity to express themselves, but to get highways and transit systems built more expeditiously so we can gain the increased productivity, convenience and safety that goes with it.

Mr. Speaker, I am very pleased to emphasize that just a few minutes ago the Senate passed this conference report by a vote of 88 to 5, and this afternoon the President of the United States said, "I will be pleased to sign it into law."

So we bring to Members now T-21, the Transportation Equity Act for the 21st Century, and urge its passage.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I rise in support of the conference report.

I rise today in strong support of the conference report on H.R. 2400, the TEA-21 Act, which addresses a number of important environmental and safety issues that were committed to the attention of the Committee on Commerce.

As requested by the States, the conference report provides certainty regarding EPA's schedule for implementing the new ozone and PM air standards. The conference report also ensures that EPA will keep its promise to harmonize the schedule of its regional haze program and its promise to pay for PM monitors. To ensure that EPA uses the best science possible, the conference report directs the EPA Administrator to consider recommendations made by the National Academy of Sciences.

These provisions enjoyed wide support from the States and others, and I ask unanimous consent to include in the record three letters of support.

The conference report also includes many of the provisions contained in H.R. 2691, the National Highway Traffic Safety Administration Reauthorization Act of 1998, which passed the House unanimously last month. In addition to reauthorizing NHTSA, it addresses the important issue of air bag safety and improves the protection of drivers, passengers, and children who are involved in motor vehicle crashes. These provisions will ultimately save lives.

The conference report also addresses the issue of NHTSA lobbying. We agreed on a bipartisan basis to prohibit NHTSA from lobbying State and local officials, just as they are prohibited from lobbying Members of Congress.

In closing, I would like to recognize the extraordinary effort that it took to bring this legislation to the floor today. Chairman BILIRAKIS, Chairman, TAUZIN, and Ranking Member DINGELL all worked very hard and on a bipartisan basis. I would also like to thank Chairman SHUSTER and Chairman PETRI, as well as Ranking Members OBERSTAR and RAHALL, for the high level of cooperation we received from the Transportation Committee.

Mr. Speaker, I strongly urge the adoption of the conference report.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the bill that we are pleased to bring to the House today is strong on mobility, strong on safety, strong on economic development. It sustains the economic expansion that our country is experiencing. It gives us thrust to continue the international competitiveness of the nation's economy. It is a balanced bill. It is strong on transportation, including all modes of transportation, transit, alternative transportation. It protects the environment, enhances safety, ensures fair treatment for construction and transit workers, for pedestrians, for bicyclists, for disadvantaged contractors, for people trying to end their dependence on welfare through the welfare to work provisions. Most importantly, it restores trust, the trust of the American people, to the Highway Trust Fund. It, with the guarantee provision we have included in this legislation, assures that we achieve in principle the goal we have sought in practice for so long, to take the trust fund off budget, but within the budget.

This is no small accomplishment. We have been working since 1968, for 30 years, to bring the Highway Trust Fund back to the position where the revenues in are the revenues spent out and invested in the Nation's transportation needs.

For the leadership that brought us to this point, I salute the gentleman from Pennsylvania (Chairman SHUSTER). I like the name of the bill that passed the House, BESTEA, the Bud E. Shuster Transportation for All Eternity Act. And I salute my chairman for the leadership he has given us for the strong role that he played in the conference, and bringing back to this body an extraordinarily proud piece of legislation.

We have much to be proud of with this legislation. All of the points that I mentioned a moment ago can be expanded upon, but I think we can sum it up best with what the President said just moments ago. "Let me say, this bill does show that fiscal responsibility and investing in our future go hand-in-hand toward preparing our people and our country for the next century. I want to thank Secretary Slater, Larry Stein, especially the Members of the economic team, for the hard work they did starting from a very difficult position to reduce the spending in this bill. If the Congress does in fact pass the bill as expected, I will be pleased to sign it into law."

We would have liked a higher spending level. We would have liked many other provisions in this bill as we passed it in the House. But we bring back to you something that every Member of this body can take home to his or her district and stand up and be proud of and tell the American people we have done good as we approach the 21st Century, that that bridge to the 21st Century will not be a chimerical bridge, but it will be a bridge built on steel girders and concrete and asphalt and will take America into the 21st Century.

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Speaker, I have a great deal of respect for the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER). He is, without question, I think one of the most effective chairs in this House, and he certainly knows how to run a railroad.

I also have considerable respect for the gentleman from Wisconsin (Mr. PETRI), the subcommittee chair for surface transportation. As far as the gentleman from Minnesota (Mr. OBERSTAR) is concerned, my friend from the wrong side of the bridge in Minnesota, he and I vote against each other about, I think we voted against each other more in the past week on this issue than we have in all of the time we have been here. I have great respect and affection for him. But I stand here today because I believe it is important to recognize that there are certain principles which are being grossly violated by this bill that should not be violated.

Mr. Speaker, the gentleman from Minnesota just said that there is something in this bill that every Member can take back home to their districts. That is certainly, certainly true. There are some 1,800 projects in this bill. To put that into perspective, in the entire history of the highway program, we have only had 1,022 projects for Members. In this bill, in one year, there will be 1,800. That is the most spectacular example of excess that I can recall.

There is even in this bill a $120 million authorization for a highway in Canada. Now, I know a lot of citizens in a lot of States who would prefer that those dollars be spent in their own States. I did not know that Canada had become attached as another State, but evidently, despite that, we are going to spend money there any way.

The main reason to oppose this bill is that it is simply a budget buster. As I understand it, it is $32 billion over the CBO baseline over 6 years, and as a consequence of that, to find ways to pay for that excess, the committee has taken, we are told, about $15 billion out of the hides of veterans' health care perhaps. They have also taken out $2 billion out of the title XX block grant. That is the program which pays for child care, for child protective services, for foster care, for home base services for the elderly, for services for at risk youth, for Meals on Wheels for the home bound. $2 billion coming out of that over three years. And then the bill says that for every year thereafter, there will be a continued reduction in that program.

I do not believe that home bound senior citizens expect us to build highways by running over their needs, and I do not believe that veterans think we should do so either.

I have two letters which I read earlier and I will read again a portion of them. The Paralyzed Veterans Association of America says as follows: "It has been purported that veterans have now agreed to the offsets due to the inclusion of certain increases in other benefits. This is patently untrue. The conferees should reconsider their actions in using veterans funds as offsets to pay for transportation and highway projects that far exceed the levels established in last year's budget agreement."

□ 1700

The Disabled American Veterans urge a "no" vote on the previous question on this bill because of their objections to the veterans' cuts.

It just seems to me, Mr. Speaker, that while highways certainly deserve to be a top priority, they do not deserve to be the only priority, and we should not be funding concrete in another country. Certainly, we should not be paying for 1,800 special congressional projects by taking it out of the hides of veterans' health care and title 20 block grant, which is needed by our most needy and defenseless citizens.

So that is why I will be offering, if I have the opportunity at the end of the bill, I will be offering a motion to recommit to at least eliminate the cuts for veterans that are used to finance a portion of this bill.

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

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. PETRI), the distinguished chairman of the subcommittee.

Mr. PETRI. Mr. Speaker, I salute the Chairman's leadership in this matter.

Mr. Speaker, the true social safety net of this country is not made up of speeches delivered in this hall or even legislation passed in this hall. The true social safety net of this country is the productive capacity of the American people and the American economy. Passage of this legislation will enhance that productivity that will improve, thereby, the social safety net and the well-being of all Americans.

I would join my colleagues in supporting this legislation that is backed

by the National Conference of State Legislatures, the National Governors Association, the National League of Cities, the U.S. Conference of Mayors, the U.S. Chamber of Commerce, the AFL-CIO, the American Public Transit Association and the Representatives of America's Motorists, the AAA, the Senate of the United States by an 88-to-5 vote, and the President of the United States, who suggested the offsets that some of my colleagues deplore. But it has his support. It should from my colleagues. It is a good bill.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise in strong support of this measure.

This bill provides the vital funds necessary to rebuild Michigan's crumbling roads, bridges, and interstates, and I congratulate and thank Chairman SHUSTER and Ranking Member OBERSTAR for their work.

This legislation also includes provisions within the sole jurisdiction of the Committee on Commerce. They address important public health and safety matters, and do so in a manner that is fully bipartisan. I want to commend and thank Chairman BLILEY, Mr. TAUZIN, and Mr. BILIRAKIS for their efforts on these issues.

H.R. 2400 contains provisions reauthorizing the activities of the National Highway Traffic Safety Administration. The legislation contains the funding level requested by the Administration, and does two other important things.

One, it establishes a rulemaking for the next generation of motor vehicle occupant protection systems. This is designed to address the tragic problems we've seen with the current generation of airbags.

Second, the legislation corrects some flaws and anomalies in the formula used for calculating the domestic parts content of motor vehicles. This provision will give consumers more accurate information about the origin of their vehicles.

H.R. 2400 contains one other provision of special note. It will give States and communities certainty regarding the implementation of the new national ambient air quality standards for ozone and particulate matter.

These legislative provisions do not change Administration policy, nor do they address fundamental questions regarding these standards and their impact. They simply ensure that the Administration's schedule for these standards is met and that the necessary monitoring data will be gathered expeditiously without imposing any financial burden on the States.

In addition, we included language in the Statement of Managers to ensure that Administrator Browner carefully considers the recent recommendations of the National Research Council regarding the national fine particle monitoring network which will be developed and deployed over the next two years.

This group of independent scientists urged EPA to ensure that the plans for this monitoring program are thoroughly peer-reviewed at an early date, while such a review can still inform the monitoring-network design and operation. The Statement of Managers endorses this reasonable and prudent step and I fully expect EPA to take the necessary steps to ensure that all aspects of the development of this monitoring network are in fact subject to peer review.

Beside making several minor technical changes, the Conferees made only one significant change to the original Inhofe Amendment as passed by the Senate. And that was to address an issue raised but not resolved by the Senate provision. Section 4102 not only calls for the establishment of a national network of fine particle monitors, it provides that areas will not be designated as nonattainment until States have the opportunity to review three years of data from these monitors. This guarantee was established by the President and adopted by EPA last summer. State submissions of programs to control fine particles are also delayed since they are triggered by the nonattainment designation process.

However, EPA's proposed regional haze program could short-circuit this timing by requiring States to make decisions regarding the control of fine particles before the necessary technical information from the monitoring network is available. Why? Well, as Administrator Browner has testified: "Like the new ambient air quality standards for fine particulates, the proposed rule for regional haze would similarly require the control of fine particulates." So since the two programs control the same pollutant and rest on the same technical information, even EPA has recognized that the two programs must be harmonized. To again quote Administrator Browner, "it is our intention to manage the two together" and "not to have regional haze go first, but to actually combine them." These comments have been echoed by the Administrator and other EPA officials in other forums and in the Agency's official writings.

However, there is a statutory glitch in EPA's efforts to harmonize the two programs. A provision in the Clean Air Act's visibility section requires State plans within one year after the visibility regulations are final. To address this statutory deadline, the Conferees added language to guarantee that the State submissions on regional haze will coincide with the State's fine particle submissions. As such, the provision implements EPA's stated policy regarding the timing issue.

(I would add that the provision is not intended to endorse or ratify EPA's proposed regional haze program and the Conferees took no position on the legality or prudence of any portion of the proposed regulations.)

Mr. Speaker, the Inhofe Amendment as modified by the Conferees represents a modest initial step to deal with the many issues raised by EPA's new air quality standards. I must promise with regret that this will not be the last time we will be before the House with legislation on this topic. Until that date, I urge members to support this first step.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking Democrat on the Subcommittee on Surface Transportation, who has spent such an enormous amount of time on this bill, and I congratulate him on his work.

Mr. RAHALL. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of this conference report on this most historic piece of legislation.

For too long, this Nation has allowed its basic surface transportation system to deteriorate. For too long, we have witnessed unsafe road conditions contributing to the fatality and injury rate of the American public. And for too long, we have experienced our competitive posture in world commerce be adversely affected by an increasingly inefficient surface transportation network.

Today, we are making an historic move that this shall be no more.

This conference agreement to authorize Federal highway, highway safety, motor carrier and transit programs is the largest and most comprehensive surface transportation bill to be considered in the history of our Nation, and I am very proud of this legislation.

I am proud of our chairman, the gentleman from Pennsylvania (Mr. Shuster), and our ranking member, the gentleman from Minnesota (Mr. OBERSTAR). I am proud of our subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI). I am very proud of the staff that has worked virtually around the clock for the last 2 or 3 weeks to get this historic legislation to the floor of the House, and they deserve the highest words of praise as well.

Indeed, in dollar terms, this legislation will provide over $200 billion during the course of a 6-year period for highway and transit facilities.

However, there is much more than just dollars in this legislation. It transcends considerations of the concrete, the asphalt, the steel and stone. Indeed, what we are doing in this legislation is improving our standard of living for our children in generations to come. It entails a type of legacy that we wish to leave future generations of Americans. It is an investment in America's infrastructure finally and foremost, rather than throwing money overseas.

So I approve of this legislation wholeheartedly.

We address safety. We address the environment. We address flexibility. We truly have an intermodal piece of legislation here, and I commend it to my colleagues for passage.

Safety. We are all concerned about the safety of our children and our families. This bill contains an impressive array of weapons to combat unsafe road conditions, and importantly, unsafe drivers. Road rage is on the rise in the country. Tempers flare as drivers are gridlocked in traffic snarls.

This bill will bring to bear a better financed Congestion Mitigation and Air Quality program that contains the keys to unlock that gridlock and sooth those flaring tempers.

With this bill, we are also escalating the war against drunk driving, including through a $500 million arsenal of incentives to the States to lower blood alcohol content standards.

The environment. Transportation is about much more than roads, bridges and highways. It is also about alternative means of moving people from place to place. The Transportation Enhancements Programs will experience a significant increase in funding for an expanded list of eligible projects that will serve to make the transportation experience more enjoyable for many Americans.

Innovation. Americans are innovative by nature, and this bill rewards that attitude in terms of both technology and financing.

Under it, intelligent transportation systems, maglev and other new transportation initiatives will be further advanced, and indeed, taken past the demonstration stage and placed into every day use.

Further, this legislation further promotes innovative financing approaches to transportation problems through a wide range of tools.

And finally, a promise. A promise that will now be fulfilled to the people of the Appalachian Region more than 30 years ago.

For the first time, the Appalachian Highway System will be fully incorporated into the Nation's highway program and financed by trust fund revenues.

This will provide a secure and dedicated source of funding for the unfinished segments of the Appalachian Development Highway System, opening impoverished areas greater accessibility and subsequent economic development.

In this regard, the inclusion of this program in this legislation is due to the efforts of West Virginia's senior Senator, ROBERT C. BYRD. And it will stand as his lasting legacy.

In conclusion, to the American motorist, know this. The taxes we pay every time we gas-up our vehicles will no longer be used for non-transportation purposes.

This bill contains an iron-clad, rock-ribbed, copper-riveted guarantee that fuel tax revenues will be spent on highway and transit improvements. We have built a fire wall around these revenues from which there will be no diversion.

My colleagues, I would be remiss if I did not express our appreciation of the chairman of the Committee on Transportation and Infrastructure, BUD SHUSTER, and for our ranking Member, JIM OBERSTAR, for their tireless efforts on behalf of securing fairness, equity and justice in the federal highway and transit programs as exemplified by this conference agreement.

These two gentlemen, along with Subcommittee Chairman TOM PETRI and myself, worked to uphold the principles espoused in the House bill during our meetings with the other body.

I must also commend the Secretary of Transportation. During the course of our deliberations over this legislation, Rodney Slater did not sit idly in his office. He rolled up his sleeves and got down to work with us to seek resolution of many, many difficult issues and decisions that were addressed.

I urge approval by the House of this conference report.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time.

At this time, I yield to my colleague, the gentleman from Arizona (Mr. STUMP), chairman of the Committee on Veterans' Affairs.

Mr. STUMP. Mr. Speaker, I rise in opposition to the conference report.

When this measure was before the House last month, it included a provision which stated that savings from veterans' programs should not be used to offset any costs associated with the bill.

The House also passed a second provision which I supported, instructing House negotiators not to use funds from changes in veterans' programs to pay for these projects.

The conference report ignores those provisions for the most part.

Mr. Speaker, over the past dozen years, the VA Committee has reported legislation changing veterans' programs and saving the American taxpayer over $12 billion.

In addition, Congress has reversed veterans' spending created by courts in the Davenport and Gardner cases, leading to an additional billion dollars or more in savings.

When the Administration suggested that we repeal the windfall created by the VA General Counsel decision that requires the VA to compensate veterans with tobacco-related illnesses, the Administration projected that the repeal would save $17 billion over five years.

The Administration also suggested that we spend only $1.5 billion of that savings to enhance neglected programs serving veterans.

Unfortunately, the conferees have handed the Administration a victory by using all but $1.6 billion of the $17 billion in savings for purposes other than veterans' programs.

It's not right that less than 10 percent of those savings is being put back into the budget for veterans.

While this $1.6 billion will be used to improve some of our highest priority veterans' programs, we should do better.

It's not right Mr. Speaker—vote against the conference report that takes too much from veterans' programs.

Mr. Speaker, for the information of my colleagues, I am including the following information on the issue of VA disability compensation for tobacco-related disabilities.

I also include an explanation of the proposed increase in benefits for veterans going to school under the Montgomery GI Bill and other benefit enhancements.

BACKGROUND AND DISCUSSION

LEGISLATIVE HISTORY OF PROVISION REPEALING VA TOBACCO COMPENSATION AUTHORITY

In January 1993, the General Counsel of the Department of Veterans Affairs, Mr. James A. Endicott, Jr., signed a memorandum addressed to the Chairman of the Board of Veterans' Appeals (BVA) which had as its subject "Entitlement to Benefits Based upon Tobacco Use While in Service." This memorandum was Office of General Counsel Precedent Opinion 2-93. Under applicable Department regulation (38 C.F.R. 14.507(b)), a "precedent opinion" is one that "necessitates regulatory change, interprets a statute or regulation as a matter of first impression, clarifies or modifies a prior opinion, or is otherwise of significance beyond the matter at issue." A precedent opinion is:

"Binding on Department officials and employees in subsequent matters involving a legal issue decided in the precedent opinion, unless there has been a material change in a controlling statute or regulation or the opinion has been overruled or modified by a subsequent precedent opinion or judicial decision."

The precedent opinion arose in the context of an appeal to the Board of Veterans' Appeals by the surviving spouse of a veteran who died of adenocarcinoma of the lung and who had smoked a pack and a half of cigarettes per day for over forty years. In the opinion, the General Counsel held that the BVA could determine whether nicotine dependence may be considered a disease or injury for disability compensation purposes. It also held that "direct service connection of disability or death may be established if the evidence establishes that injury or disease resulted from tobacco use in line of duty in the active military, naval, or air service" and that "tobacco use does not constitute drug abuse within the meaning of statutes" prohibiting VA from considering drug or alcohol abuse as occurring in line of duty.

A subsequent decision by the BVA determined that the veteran's tobacco use while in service was an "event or exposure" that resulted some years after service in disease that produced disability and death. Accordingly, the claim of the surviving spouse was allowed.

The Compensation and Pension Service of the Veterans Benefits Administration (VBA) advised VBA field adjudicative units in a March 4, 1993 conference call to defer action on claims involving the use of tobacco products during active service. This moratorium on action lasted for four years until a January 28, 1997 directive was issued giving field adjudicative units instructions on how to process tobacco-related claims. In May of 1997, VA General Counsel Mary Lou Keener issued another precedent opinion addressing the circumstances in which VA could determine that tobacco-related disability or death that was secondary to in-service tobacco use was service connected for VA benefit purposes. That opinion held that if: 1) nicotine dependence could be considered a disease for purposes of laws governing veterans' benefits; 2) the veteran acquired a dependence on nicotine in service; and 3) that dependence was the proximate cause of disability or death, then service connection could be established on a secondary basis.

In May of 1997, Secretary of Veterans Affairs Jesse Brown transmitted a legislative proposal on behalf of the Administration to terminate the VA's authority to compensate or otherwise award benefits to a veteran for diseases or deaths attributable in whole or in part to the use of tobacco products by a veteran during military service. According to Secretary Brown's letter:

"This amendment is consistent with the 1990 budget reconciliation act, in which Congress prohibited compensation for disabilities which are the result of veterans' abuse of alcohol and drugs. This was fiscally responsible action which enhanced the integrity of our compensation programs, and our proposal regarding tobacco use is offered in that same spirit. In addition, claims based upon tobacco-related disorders present medical and legal issues which could impede ongoing efforts to speed claim processing by placing significant additional demands on the adjudicative system. This provision would not preclude establishment of service connection for disability or death from a disease or injury which became manifest or was aggravated during active service or became manifest to the requisite degree of disability during any applicable presumptive period

specified in section 1112 or 1116 of title 38, United States Code. This amendment would apply to claims filed after the date of its enactment."

The House Committee on Veterans' Affairs Subcommittee on Benefits held a hearing on May 14, 1997 on the VA's proposal. Testimony was received from veterans organizations and the Department. The Subcommittee made no recommendation on the proposed legislation.

In a letter dated September 19, 1997, (copy attached) VA Secretary-Designate Hershel W. Gober urged the Congress to take action on the VA's legislative proposal regarding tobacco-related benefits. In this same letter, Secretary-Designate Gober highlighted a new cost estimate of the impact of processing and paying tobacco-related claims. According to the Secretary-Designate, if VA could process all claims immediately, the cost of compensating veterans would be $4.4 billion in fiscal year 1998 and $23.8 billion over five years. It was estimated that VA could receive 540,000 tobacco-related claims, and that this would increase the VA's backlog of pending claims to over 1.5 million in fiscal year 1998, and that average processing time would increase from 113 days to 312 days.

A letter dated March 17, 1998 (copy attached) from VA Acting Secretary Togo West reaffirmed the Administration's position on compensation benefits for tobacco-related disabilities. It also noted that according to the President's budget submission "enactment of VA's proposal would result in FY '99 savings of $741 million and five-year savings of $16.9 billion."

In response to a question about the intent of the Administration's proposal, Acting General Counsel Robert E. Coy clarified the intent of the legislative language with regard to veterans with diseases that could be attributable to tobacco use or some other cause. Mr. Coy stated in his March 19, 1998 letter (copy attached) that:

"The Administration's proposal would in no way affect veterans' ability to establish service connection on the basis of any legal presumptions authorizing VA benefits. The Administration has proposed only that disabilities or deaths may not be considered service connected "on the basis that" the underlying diseases are "attributable in whole or in part to the use of tobacco products by the veterans during service." The effect of enactment of this proposal would be that if the *only* manner in which a disability or death could be considered service connected is "on the basis that" it is due to either the veteran's tobacco use or nicotine dependence in service, that avenue for establishing service connection would be foreclosed."

On March 30, 1998, Acting Secretary West transmitted a revised draft of its proposed legislation to the Congress (copy attached). Acting Secretary (now Secretary) West noted that:

"Like the consumption of alcohol, the use of tobacco products is not a requirement of military service. Most veterans, like most Americans, do not use tobacco products. It is inappropriate to compensate those veterans who do use tobacco, and their survivors, under a program developed for veterans who became disabled in service to our nation.

"In the debate which has ensued since our proposal of last May, we have heard no persuasive argument for why it should fall upon the government to compensate veterans for, or treat on a service-connected basis, disabilities first arising postservice whose only connections (sic) to service are the veterans' own tobacco use. *We do not believe the American people consider these to be the government's responsibility*. (emphasis added)."

In the VA Committee's report to the Committee on the Budget on the budget proposed for veterans' programs for fiscal year 1999, the Committee expressed the following view on the Administration's proposal:

"The Committee concurs with former Secretary Brown's concerns about the integrity of the compensation system. The Committee also believes that paying compensation to veterans for tobacco-related illnesses goes beyond the government's responsibility. There is a significant philosophical difference between service-connected compensation and other disability programs such as Social Security or the VA pension program which make no distinctions based on when a disability or illness occurs or is first diagnosed. Service-connected compensation, on the other hand, is based on the presumption that a person would not have the illness or disability save for some event or circumstance beyond the person's control. A policy of paying compensation for tobacco-related illnesses absolves the veteran of personal responsibility for his or her choices about tobacco use. In the past, Congress has determined that the individual, not the federal government, is responsible for illnesses which are related to the use of alcohol or drugs. Thus, a policy of paying benefits for illnesses related to the use of tobacco would be inconsistent with these prior determinations.

"The Committee is also very concerned that the projected annual caseload of 540,000 tobacco-related claims would overload the adjudication system and lengthen the already-too-long processing time for all types of claims. VA estimated in 1997 that processing time for an original compensation claim would increase from 113 days to 312 days.

"To reflect the nation's commitment to its veterans, the Committee will recommend legislation that will use all of the savings from enacting a limitation on compensation for tobacco-related illnesses to improve a wide range of programs. These are programs affecting our most disabled veterans, surviving dependents, separating service members, unemployed and under-employed veterans, and those seeking an education or a home."

Section 8203. Twenty percent increase in rates of basic educational assistance under Montgomery GI Bill. This provision would increase the current Montgomery GI Bill basic rate from $440 per month to $528 per month (chapter 30) beginning October 1, 1998, and the basic rate for the Selected Reserve Educational Assistance (chapter 1606). This is a 20 percent increase and follows the Administration's proposal.

Section 8204. Increase in assistance amount for specially adapted housing. This section increases the adaptive housing grants for severely disabled veterans from $38,000 to $43,000. The VA offers a one-time Specially Adapted Housing grant to certain severely disabled veterans so that they may purchase a home specially adapted to their needs or make modifications to current residences. The last increase was 10 years ago.

Section 8205. Increase in amount of assistance for automobile and adaptive equipment for certain disabled veterans. This increases the auto allowance for severely disabled veterans from $5,500 to $8,000 to account for the rising cost of automobiles. The VA provides a one-time payment toward the purchase of an automobile or other conveyance to certain veterans with a service-connected loss of one or both hands or feet or permanent loss of use, or permanent impairment of vision in both eyes. This would be the first increase since 1988.

Section 8206. Increase in aid and attendance rates for veterans eligible for pension. This section increases the monthly pension benefit by $50 for severely disabled veterans in need of the full time aid and attendance of another person. This increase is intended to assist the increasing number of low-income veterans who will need alternatives to nursing home care over the next 15 years.

Section 8207. Eligibility of certain remarried surviving spouses for reinstatement of Dependency and Indemnity Compensation upon termination of that remarriage. This provision will allow all surviving spouses of veterans who die from a service-connected disability to resume their Dependency and Indemnity Compensation if their subsequent remarriage ends. This repeals an OBRA 1990 provision.

Section 8208. Extension of prior revision to offset rule for Department of Defense Special Separation Benefit program. The 1997 DOD Authorization Act prohibited VA compensation offsets on the gross amount of special separation bonuses (SSB) for those separating after September 30, 1996. This section would make that provision in the 1997 DOD Authorization Act retroactive to 1991. If a bonus recipient subsequently qualifies for VA disability compensation, current law requires VA to offset the entire amount of SSB, including amounts withheld as income tax.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, September 19, 1997.

Hon. BOB STUMP,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: It is because of my deep concern about the impact that tobacco-related compensation could have on the integrity of the entire compensation system, coupled with the fiscal impact, that I am writing you to encourage your action on the VA legislative proposal regarding tobacco-related service connection. I am also concerned that this sizable influx of claims into our system will so significantly increase our backlog that veterans with non-tobacco related conditions will experience intolerable delays in the processing of their claims. These concerns are made eminently clear in our official estimate of the potential impact of compensating veterans for tobacco-related conditions which is transmitted with this letter.

This is an extremely complex estimate—one which has been taken us considerable time to develop. Contributing to its complexity is the number of assumptions that had to be made about veterans' health and mortality, veterans' smoking behavior, and most significantly, the rate at which veterans' tobacco-related compensation claims may be anticipated. I believe that the assistance provided us by Jeffrey Harris, MD, Ph.D., a nationally, known expert in the area of costs associated with tobacco-related diseases, was critical to informing our decisions. Dr. Harris' report is included as part of this package.

Although some of the many assumptions in our calculations could produce differing results, any reasonable calculation would know just how big an issue tobacco-related compensation is for VA, and for the Nation.

I want to highlight some significant points about the estimated cost and workload impact of tobacco-related compensation. If we

could process all claims immediately, we believe that compensating veterans and survivors could cost an estimated $4.4 billion in Fiscal Year 1998 and $23.8 billion over the next five years. These estimates do not include the cost of benefits to survivors of already deceased veterans.

Realistically, we estimate that while we may receive over 540,000 tobacco-related claims, we will not be able to process them upon receipt. The backlog of all VA disability claims will increase from current 465,000 to over 1.5 million in Fiscal Year 1998, and increase steadily to over 2 million in Fiscal Year 2000. At the same time, the processing time of original claims will deteriorate from the current 113 days to 312 days.

Because of the backlog, the actual tobacco benefits paid will likely be $40 million in the first year and $1.9 billion over the next five years unless there is a significant reallocation of resources that would permit dramatic changes in the Veterans Benefits Administration's information technology and infrastructure, and allow for massive hiring and training of new VA employees.

I appreciate your patience in waiting for this estimate. We are also examining the impact of tobacco-related compensation on the VA health care system. Clearly, the service connection of substantial numbers of veterans for tobacco-related conditions that in most cases have intense and costly medical treatment associated with them has the potential for large numbers of newly eligible, high priority veterans to seek health care from VA.

I hope you will agree with me that the enormity of the impact on the claims backlog and on timeless of processing as well the fiscal impact, punctuate the critical need for prompt enactment of that legislation. I will be happy to personally discuss this with you, and VA staff are available to provide further explanation to Committee staff as desired.

I think that these estimates clearly explain why we should all be concerned about the implications of tobacco-related compensation. I look forward to the Committee's prompt action on the proposed legislation to remedy this situation.

Please let me know if we can provide additional information.

Sincerely,

HERSHEL W. GOBER,
Secretary-Designate.

DEPARTMENT OF VETERANS AFFAIRS,
Washington, DC, March 17, 1998.

Hon. BOB STUMP,
Chairman, Committee on Veterans' Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you and your colleagues on the House Veterans' Affairs Committee make final preparations to submit your Fiscal Year 1999 budgetary views and estimates to the House Budget Committee, I am taking this opportunity to highlight and reaffirm the Administration's position on compensation benefits for tobacco-related disabilities.

VA has proposed legislation to preclude service-connected benefit eligibility based upon diseases which first arise after service (and after any post-service presumptive period) if their only connection to service is the veterans' own use of tobacco products. VA's proposal would not preclude service connection for tobacco-related diseases actually manifesting themselves in service or within presumptive periods in law, and would apply only to claims filed after the date of enactment.

The Department's position is based upon several considerations. First, the responsibility to compensate veterans for diseases whose connection to service is the veterans' own tobacco use—in some cases only briefly—while in service, should not rest with the Government. Second, we believe that providing benefits in these cases exceeds the American public's sense of the Government's obligations to veterans, and so threatens to undermine support for VA programs. Third, if projections regarding the magnitude of future tobacco-related claims—perhaps as many as 540,000 in a year—prove anywhere near correct, without our legislation VA's claims system could be so overwhelmed as to seriously impair its ability to process claims of any kind in a timely manner.

As reflected in the President's FY '99 budget submission, enactment of VA's proposal would result in FY '99 savings of $741 million and five-year savings of $16.9 billion. We appreciate your consideration of our views on this critical issue.

Sincerely,

TOGO D. WEST, Jr., *Acting Secretary.*

DEPARTMENT OF VETERANS AFFAIRS, OFFICE OF THE GENERAL COUNSEL
Washington DC, March 1, 1998.

CARL COMMENATOR, ESQ.,
Chief Counsel and Staff Director, Committee on Veterans' Affairs, Washington, DC.

DEAR MR. COMMENATOR. You have requested that we provide, as a technical service, an explanation as to how the Administration's proposal to restrict service connection for certain tobacco-related disabilities and deaths would, if enacted, affect claimants' ability to establish service connection under certain presumptions in law and regulation. Specifically, you referenced a number of conditions presumed to be service connected if suffered by certain veterans exposed to ionizing radiation or herbicides I service.

The short answer is that the Administration's proposal would in no way affect veterans' ability to establish service connection on the basis on any legal presumptions authorizing VA benefits. The Administration has proposed only that disabilities or deaths may not be considered service connected "on the basis that" the underlying diseases are "attributable in whole or in part to the use of tobacco products by the veteran during service". The effect of enactment of this proposal would be that if the only manner in which a disability or death could be considered service connected is "on the basis that" it is due to either the veteran's tobacco use or nicotine dependence in service, that avenue for establishing service connection would be foreclosed.

The new §1103(b) of title 38, United States Code, as proposed in the Administration's bill, would specifically provide that this change in law would in no way preclude establishing service connection on the basis of the presumptions authorized under §§1112 and 1116 of title 38:

Nothing in subsection (a) shall be construed as precluding the establishment of service connection for disability or death from a disease or injury which . . . . became manifest to the requisite degree of disability during any applicable presumptive period specified in section 1112 or 1116 of this title.

In other words, if a disability or death could be presumed service connected on the basis of the various provisions of sections 1112 and 1116, which of course include presumptions for certain radiation-exposed and herbicide-exposed veterans, the proposed limitation on establishing service connection "on the basis of" tobacco use in service would have no preclusive effect at all.

For example, as authorized by §1112(c), specified cancers may be presumed service connected if suffered by certain radiation-exposed veterans. If a veteran could qualify for service connection under such a presumption, as the Administration's tobacco legislation plainly states, that service connection and resulting benefit eligibility would be unaffected by enactment of the legislation. The same is true for all other presumptions in law, including the herbicide presumptions for respiratory cancers and other illnesses authorized by §1116 of title 38.

The result of enactment of our legislation would be to simply restore the manner and method by which VA adjudicated claims prior to issuance of the two General Counsel opinion on tobacco use and service connection.

I hope the foregoing is fully responsive to your request.

Sincerely yours,

ROBERT E. COY, *Acting General Counsel.*

DEPARTMENT OF VETERANS AFFAIRS,
Washington, DC, March 30, 1998.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a draft bill, the "Veterans Tobacco Amendments of 1998", which I ask be referred to the appropriate committee for prompt consideration and enactment. It would relieve the Government of an unjustified liability for certain postservice health effects of veterans' tobacco use in service.

On May 9, 1997, VA submitted to Congress a draft bill whose provisions included a proposal bar to establishing service connection for disabilities or deaths if their only relationship to service were the veterans' inservice nicotine dependence or use of tobacco products. The enclosed draft is substantively identical to section 105 of the bill VA offered last year, introduced in the Senate as S. 987.

Our Nation has an enduring obligation to those who, because of serving in defense of our freedoms, become disabled or die. We at VA are privileged to be the ones who deliver on that obligation. However, Congress has recognized the appropriateness of boundaries to the compensation program. This bill is consistent with the 1990 budget reconciliation act, in which Congress prohibited payment of disability benefits for illnesses based solely on use of alcohol or drugs during military service. Like the consumption of alcohol, the use of tobacco products is not a requirement of military service. Most veterans, like most Americans, do not use tobacco products. It is inappropriate to compensate those veterans who do use tobacco, and their survivors, under a program developed for veterans who became disabled in service to our nation.

In the debate which has ensued since our proposal of last May, we have heard no persuasive argument for why it should fall upon the government to compensate veterans for, or treat on a service-connected basis, disabilities first arising postservice whose only connections to service are the veterans' own tobacco use. We do not believe the American people consider these to be the government's responsibility. However, our proposal would not preclude service connection for tobacco-related disabilities or deaths from diseases which actually manifest themselves during service or within any applicable presumptive period, and to this extent our bill is less preclusive than the alcohol- and drug-abuse proscription. Our proposal also is limited in its

reach to claims filed with VA after its enactment. Thus, veterans and survivors currently receiving these benefits and veterans and survivors filing claims prior to enactment would not be affected by the change.

We are privileged to serve as stewards for veterans programs, which deservedly enjoy broad public support. With that stewardship, however, comes a responsibility to recommend appropriate changes when we sense they may become imperiled by something which could undermine public support for them. The estimated influx of tobacco-related claims—perhaps as many as 540,000 in the next year—threatens to overwhelm our adjudication system and result in unconscionable delays for all VA claimants. Because of the enormous implications it could have in terms of both costs and impact on claims processing, the current requirement that VA consider these smoking-related disabilities and deaths to be service connected carries the potential for just such programmatic harm.

This legislation would affect direct spending; therefore, it is subject to the pay-as-you-go (paygo) requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. As reflected in the President's Budget for FY 1999, enactment of this proposal would result in paygo savings of $741 million during FY 1999 and $16.9 billion over the period FYs 1999–2003.

The Office of Management and Budget advises that there is no objection to the submission of this draft bill to the Congress, and that its enactment would be in accord with the Administration's program.

Sincerely yours,

TOGO D. WEST, JR., *Acting Secretary*.

A Bill to amend title 38, United States Code, to provide that service connection for certain disabilities or deaths may not be established solely on the basis of inservice tobacco use or nicotine dependence.

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 "Veterans Tobacco Amendments of 1998".

SECTION 2. PROHIBITION AGAINST VETERANS BENEFIT ELIGIBILITY BASED SOLELY UPON TOBACCO USE IN SERVICE.

(a) SERVICE CONNECTION.—Subchapter 1 of chapter 11 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1103. Special provisions relating to claims based upon effects of tobacco products.

"(a) Notwithstanding any other provision of law, a veteran's disability or death shall not be considered to have resulted from personal injury suffered or disease contracted in line of duty in the active military, naval or air service for purposes of this title on the basis that it resulted from injury or disease attributable in whole or in part to the use of tobacco products by the veteran during the veteran's service.

"(b) Nothing in subsection (a) shall be construed as precluding the establishment of service connection for disability or death from a disease or injury which is otherwise shown to have been incurred or aggravated in active military, naval or air service or which became manifest to the requisite degree of disability during any applicable presumption period specified in section 1112 or 1116 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 38, United State Code, is amended by adding the following new item after the item relating to section 1102:

"1103. Special provisions relating to claims based upon effects of tobacco products.".

SECTION 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to claims received by the Secretary after the date of enactment of this Act.

Mr. SHUSTER. Mr.Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I believe that the Chairman of the Veterans' Affairs Committee has indicated that he is not supporting this piece of legislation. I heard my colleague say that this is a social safety net. Well, what we need to know that just got paved over are low-income, disabled veterans who had a funding in this bill. It was only $500 million, but it was a chance to create a permanent program for low-income, disabled veterans to get what we said they deserve.

Mr. Speaker, the reason I wanted to enter into a colloquy is that if they are not allowed to use the tobacco money, is it not true that there are a number of excess acres and VA sites around the country, my understanding is, on Wilshire Boulevard in Beverly Hills? How ironic that this land is not being used for the veterans, but they want to preserve it for a greenbelt, and yet we are taking veterans' money to pave over areas for highways.

Would the Chairman look at the excess acreage in veterans' holdings to try to provide money for long-term care for veterans?

Mr. STUMP. Mr. Speaker, if the gentleman will yield, first, the gentleman is absolutely correct. We do have that property, and I make a proposition that we will look into it. We are being shortchanged in this bill. We are getting back less than 10 percent of this for veterans' savings, and that is simply not fair to the veterans of this country.

Mr. THOMAS. Mr. Speaker, reclaiming my time, frankly, as a Member of this side of the aisle, to say that the President said we should take this money away from veterans certainly is no reason to do so as far as I am concerned.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. NUSSLE), representing the conferees on behalf of the Committee on Ways and Means.

Mr. NUSSLE. Mr. Speaker, I want to thank the chairman for yielding me this time and for his leadership on this bill.

As the lead House conferee on the revenue title of H.R. 2400, I want to begin by thanking the Speaker for the honor of leading the House of Representatives as the conferee on the House tax title. In particular, I would also like to thank the chairman of the Committee on Ways and Means for his assistance and leadership and guidance during this conference, as well as staff members Jim Clark, Norah Mosely and Ben Hartley of the Joint Committee on Taxation and Rich Meade on my staff.

The provisions of this title I think are important, first of all, because it continues the Highway Trust Fund, the mass transit account, for an additional 6 years through the fiscal year 2005. As many of my colleagues know as well, I, along with the gentleman from Missouri (Mr. HULSHOF) and many others, worked to include in the conference report a continuation of the Federal Government's commitment to a clean-burning, renewable fuel, such as ethanol, until the year 2007.

This conference report also simplifies the matter in which gasoline and diesel fuel tax refunds are administered. This is welcome news to registered fuel terminals and those who seek a simplified refund procedure for motor fuel excise taxes.

Railroads currently face an onerous fuels tax which was imposed in the name of deficit reduction a number of years ago. This conference report begins to roll back those taxes by 1.25 cents per gallon starting in November of 1998.

More than half of the taxes sport fishermen and other users of motor boat fuels pay are not used for aquatic resources, but instead was dedicated for "budget deficit reduction." This conference report takes a big step towards dedicating those revenues for aquatic resources restoration and development.

Mr. Speaker, the gentleman from South Dakota (Mr. THUNE) worked very hard to include a provision in the conference report to allow Amtrak more flexibility to use their funds in States where Amtrak does not operate. This provision will allow States such as South Dakota to enhance their rail service in their States.

Finally, Mr. Speaker, the conference report expands the tax-favored treatment to employer-provided transit passes and van pooling. More specifically, the conference agreement would allow employers to offer their workers the option of electing cash compensation in lieu of any qualified transportation benefit. In addition, the inclusion for transit passes and van pooling benefits is increased by $100 per month beginning in 2002.

I want to again thank the chairman of the Committee on Transportation and Infrastructure for his leadership. I want to thank my fellow conferees.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute.

I yield to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the ranking member.

It is my understanding that the Department of Transportation has entered in Full Funding Grant Agreements with 15 transit agencies nationwide. FFGAs are commitments by the

Federal Government to provide funding for a project according to a schedule established by the agreement.

In my region, the San Francisco Bay Area Rapid Transit District worked for more than 10 years to put together the financing package necessary to gain a full funding grant agreement. Our region has committed significant State and local resources for the BART-to-San-Francisco Airport and Santa Clara County Tasman projects, both of which have FFGAs.

Is it correct that the intent of this conference report is to meet the full funding grant agreements that have been signed by the DOT?

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, as explained in the report accompanying H.R. 2400, the Committee on Transportation and Infrastructure "emphasizes the importance of fulfilling the Federal commitment to projects under full funding grant agreements at page 201 of report 105–467."

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman.

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

Mr. DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, as we know, language was included in the House bill, H.R. 2400, which would have directed the Commonwealth of Virginia Transportation Board to resolve funding issues relating to rights-of-way acquisition and engineering overruns associated with segments of the Fairfax County Parkway.

Mr. Speaker, is it the intent of the legislation that this provision be applicable?

Mr. SHUSTER. Mr. Speaker, reclaiming my time, I concur with the gentleman's comments. I am aware of the situation. I would hope that this problem would be rectified before any other legislative action is necessary.

Mr. DAVIS of Florida. Mr. Speaker, I thank the gentleman, and I thank him for his leadership on this matter.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. LIPINSKI), a distinguished member of our committee.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding to me, and I would like to enter into a colloquy with both the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER).

This pertains to Wacker Drive, which is a two-level road structure that runs through central downtown Chicago. It is a major arterial road for business operating in downtown Chicago. Without Federal funding, lower Wacker Drive will have to be closed in 3 or 4 years.

I would also like to talk about the Stevenson Expressway. It is an interstate that runs through the 3rd Congressional District in Illinois. It is in dire need of reconstruction. Without adequate Federal funding, the reconstruction effort will take 4 years. With adequate Federal funding, it will only take 2 years, saving 2 years of congestion and traffic headaches.

The State of Illinois and the City of Chicago would like to begin construction of these projects using its own funds, applying $175 million to the Stevenson Expressway and $400 million to the Wacker Drive project.

It is my understanding that, under section 115 of title 23, the United States Secretary of Transportation has the authority to allow a State or city to begin a project with non-Federal funds and then be reimbursed by the Highway Trust Fund discretionary funds.

Would the ranking member of the committee and the chairman support application of the State of Illinois and the City of Chicago to proceed in this manner?

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, not only would I support the application and urge the Secretary to approve this proposal to fund these two worthwhile projects, I have already discussed this matter with the Secretary. We have his attention, and we will work very closely and vigorously with the gentleman.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of our committee.

□ 1715

Mr. SHUSTER. Mr. Speaker, I would emphasize that under the formula in this legislation Illinois gets $203 million a year more than it was getting under ISTEA, and there are very substantial additional State funds also available.

Mr. LIPINSKI. Mr. Speaker, I thank the chairman of the full committee, and I also want to thank the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. WISE), a member of the committee and one of our conferees.

Mr. WISE. Mr. Speaker, there has been a lot said about veterans. The veterans are definitely on all of our minds today.

Let me just say that the membership should be aware that working with the gentleman from Ohio (Mr. NEY), working with others, we were able to include in this bill a sense of Congress resolution that the Attorney General should have commenced a civil action to seek to recover from the tobacco companies those amounts corresponding to the costs which would be incurred by the Department of Veterans Affairs for the treatment of tobacco-related illnesses of veterans if such payments were authorized by law, and also that the Congress could authorize those payments then to be given to those veterans who have been affected.

This is only a first step, but it is an important step, because it puts the Congress on record requesting the Department of Veterans Affairs and the Attorney General to enter into this litigation on behalf of our veterans and our taxpayers.

Upon the return of Congress after Memorial Day, a number of us will be introducing a free-standing bill to accomplish this as well, as well as working with many of the others of the Members to make sure that we are able to secure some level of benefits for those veterans that have had tobacco-related illnesses from their military service.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. SHAW).

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

Mr. Speaker, I would congratulate the chairman and the ranking member of both the full committee and the subcommittees for a job well done. This bill is definitely not just an expenditure, it is an investment in the future of this country. I view it as that.

I do, however, take exception with one small portion of the bill that I am greatly concerned about. That is cutting into title XX, which is clearly under the jurisdiction of the Committee on Ways and Means. There are $3 billion that are taken out of that program.

Also, the flexibility has been reduced in order to get a budgetary advantage. That is going to require some damage control, and I would tell my colleagues, where the Governors and State legislatures all over this country are going to be very delighted and very happy with what we are going to pass today, but they are going to be coming back and to be very upset with title XX, which is a very important program to all the people across this country.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER), a member of the committee.

Mr. NADLER. Mr. Speaker, this bill, which has many good features, unfortunately is going through this House in great haste. Very few people have had the opportunity to read it, since I do not even know how many copies are in print.

One of the problems with that, one of the problems with the fact that the bill was not printed until an hour or two ago is that people can slip things into this bill with other people not knowing about them.

There is in my district a project, a huge boondoggle which wants to waste a few hundred million dollars. We have had language in every appropriations

bill in this House for the last 5 years saying no funds herein appropriated should be spent on this boondoggle. The Porkbusters Coalition, headed by the gentleman from Wisconsin (Mr. NEUMANN) and the gentleman from Minnesota (Mr. MINGE) have said this is the worst project. NBC TV featured it on Fleecing of America, but it is a project Donald Trump wants because it will put money in his pocket. It puts more money in his pocket. It will spend $300 million to move a highway we just finished rehabbing for $90 million, solely for the purpose of getting it out of the way of sightlines of Mr. Trump's new buildings.

We oppose this. Suddenly there is money in this bill for this project. It appeared in it last night. We just found out about it. It was put there by a Congresswoman whose district comes nowhere closer than 75 miles, and no one knew this. No one can comment on it.

The chairman tells me the mayor supports it. That is not my information, but who can check it in this time? This is the wrong way to proceed. I hope that this money is not completely wasted.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute, and I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to engage the gentleman from Minnesota in a colloquy. I would say to the gentleman from Minnesota (Mr. OBERSTAR), is it the intent of the conferees that the authorization for section 332(a)(96), the Westlake Corridor Commuter Rail Link, include authorization for the acquisition of eight commuter rail cars for the South Shore Railroad?

Mr. OBERSTAR. Mr. Speaker, I would tell the gentleman, it is, indeed, and the statement of managers confirms that intention in that language.

Mr. VISCLOSKY. I thank the gentleman.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, the conference report before us today marks a major achievement in providing the developments that are needed in our Nation's transportation infrastructure.

I want to congratulate the chairman and the ranking minority member on the committee, and in New York and in communities across the United States our highways, bridges, transit systems will be far better off because of this bill. That is the good news.

The bad news is that this bill does not go nearly far enough in making the streets safer from the horrible tragedy of drunk driving, a crime that claims more than 16,000 Americans, and injures countless more every year.

First, let me say that I am very pleased that this bill contains provisions to encourage States to crack down on repeat drunk drivers. Too often, convicted drunk drivers find their way right back behind the wheel of a car to commit their crime again. I introduced repeat offender legislation last year after the tragic death of my constituent, Burton Greene, and I am pleased that Congress is finally taking action in this area.

As many of my colleagues know, however, I had also hoped that the conference report would contain the Senate-passed provision to ensure that the United States, like other industrialized nations, adopt a national uniform DWI standard of .08 blood alcohol content.

Regrettably, this Chamber was silenced by the Republican leadership from voting on that lifesaving measure last month. Even though the .08 provision enjoys strong bipartisan support in the Senate, the Republican leadership did bow to pressure from the powerful liquor lobby and bottled the bill up in the Committee on Rules, and killed it in the conference.

This outcome was an outrage, but not a surprise. Mothers Against Drunk Driving have big hearts but small wallets. On this bill, it came down to a battle between big hearts and deep pockets, and the deep pockets won. The liquor lobby pays a lot for the privilege of writing our Nation's drunken driving laws, and today, unfortunately, they got what they paid for.

So here we are today with a compromise of a targeted incentive program to encourage states to adopt the .08 standard. While the measure is better than current law, history tells us that incentives alone will not be enough to match the power of the alcohol industry in state houses across the country.

On behalf of the mad Moms and mad Dads of Mothers Against Drunk Driving, Advocates for Highway and Auto Safety, and all the medical and law enforcement experts who lobbied on behalf of .08, I want to make clear that this is not the end. This is not the last time Congress will consider the .08 issue. We will be back, and we will continue to fight to make .08 the law of the land. We will continue to insist that our Nation's drunk driving laws are written by medical and safety experts—not the liquor lobby.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I just want to observe that the bill that we bring back from conference is a very strong bill on the blood alcohol level .08 issue. There are very strong real dollar incentives for States to adjust their laws to the .08 level.

This reflects a longstanding position in this body of providing incentives rather than penalties. I can only speak from experience myself with the National Driver Register, that where I started out with legislation that was mandatory 15 years ago to require States to participate in the National Driver Register, I adjusted that to make it a voluntary participation. Today every State in the Nation is a participant in the National Driver Register, and over 300,000 bad drivers with multiple records are being caught and kept off the roads.

We can, through incentives, produce good results, even better results than through punishment or penalties. This bill is strong on incentives. It is a good bill, it is good on safety. We ought to support it.

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

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, it has been said that this bill has a sense of the Congress resolution that if there is a tobacco settlement, that funds from that settlement should be used to restore benefits for veterans which are being cut in this bill.

To me, that is like promising to bring somebody back to life after you have shot them. It just seems to me that that language is clearly a fig leaf. It is about as useful as the previous sense of Congress resolution which was in the original highway bill when it left the House. That sense of Congress language said that the conferees should not cut veterans, and yet they did. So I think we can see that a new sense of Congress resolution in this proposal is not worth the paper it is printed on.

Let me also say that I think we ought to understand that we are about to go home on Memorial Day and rub shoulders with veterans' groups all over the country, and tell them, yes, sirree, boys, we really appreciate what you done for us, and yet, we are about to stick them with a $16 billion reduction in veterans' health care.

We are also about to say to seniors who need home-based services for the elderly, we are about to say to families who need help to deal with foster children, we are about to say to women who need child care, we are about to say to them, we are going to cut you by one-third in the social service block grant.

I have a letter which I received from 49 Members of this House just 2 weeks ago asking us to maintain the full level of funding for the same title XX services which this committee cuts by $2 billion. I want to see how many Members are going to vote for this bill today, and then go home and tell their veterans that they are for veterans' health care, and go home and tell their seniors that they are for home health care, and go home and tell women of this country who need child care help that we are going to cut that block grant by 20 percent. I just do not think we ought to do it.

I would point out there are 1,800 special projects in this bill. That is 80 percent more than we have provided in the history, in the 42-year-history, of this highway bill, and we are even providing $120 million to build a shiny new road through Canada.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, that was the question I was going to ask. I remember around here when we had the Lawrence Welk restoration that caused a lot of people a lot of heartburn. Why are we building, for my own information, why are we building a highway in Canada? Are we going to take Canada in, or what is the story?

Mr. OBEY. Mr. Speaker, I know the gentleman from Minnesota (Mr. PETERSON) was thinking of attaching part of Minnesota to Canada, but I did not know it was going to be accompanied by $120 million for a highway for our Canadian friends. You will have to ask somebody who favors it.

Mr. HEFNER. Could I ask some of the proponents of the highway bill, which I tend to support, but I do not like explaining a Lawrence Welk type boondoggle, if that is what it is, what is the rationale for it?

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

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

Mr. SHUSTER. It is my understanding this is a defense highway which connects Alaska, as a result of a treaty which exists with Canada. So it is a treaty provision. That is the reason for it.

Mr. OBEY. I would simply say, Mr. Speaker, that I think the national defense of the United States needs a new highway in Canada about as much as each of us needs a case of pneumonia.

I would suggest that I do not think our taxpayers are going to be very impressed by that explanation. Let me simply, in closing, read one paragraph from the American Legion. It says, "Members who support rescinding future veterans' benefits to pay for roads and other projects should be ashamed of their actions. It is unfortunate that Congress is willing to redirect veterans' monies to pay for highways and mass transit. This is truly disturbing, since CBO estimates there will be a $636 billion surplus. On the eve of the Memorial Day weekend," the American Legion says, "remember that a government which cuts veterans' benefits relinquishes the right to ask its citizens to serve in the Armed Forces to protect the country. This is especially true when their government shares responsibility for their service-connected disabilities, their illnesses, in the first place."

□ 1730

I agree with that and that is why, Mr. Speaker, if I have the opportunity, I will be offering a motion to recommit which would eliminate the cuts in veterans benefits that are proposed in this conference report.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute.

It is all well and good to complain about policy and about mistakes or projects that one disagrees with, but we ought to do so on the basis of fact. It is just simply fact that in order to get to one part of Alaska from another part of Alaska you have to go through Canada. It is just that simple. I have been there. I know it.

Furthermore, this is not without precedent. In order to relieve flooding in North Dakota and Minnesota, many years ago the Congress approved flood control works in Canada in order to relieve pressure in the United States on North Dakota and Minnesota and the Red River Valley. So there are many other things that my good friend from Wisconsin could justify he may be opposed to, but I do think we ought to express the facts.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, would the gentleman tell me how many Canadian citizens use that highway every year versus how many U.S. citizens use the highway?

Mr. OBERSTAR. It is for the benefit of Alaskans and other travelers from the lower 48 States who come to Alaska for tourism.

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

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

We have already made the arguments for this historic piece of legislation. I am particularly pleased not only that it was passed in the Senate just some minutes ago, 88 to 5, but also that the President of the United States has stated this afternoon, and I quote, that he will be "pleased" to sign this legislation.

I want to recognize the tremendous cooperation we have received from the administration. Secretary Slater; OMB, about to become the director there Jack Lu, Michael Deitch; Larry Stein at the White House, Chuck Brain at the White House have really provided tremendous cooperation, and we would not be able to be here today but for their help.

This has been a bipartisan effort. I particularly want to recognize Jack Schenendorf, our chief of staff. He deserves the Congressional Medal of Honor for the kind of skill and management expertise and capability that he has provided throughout, as well as the staff, which literally have been without sleep for the last few days: Roger Nober, Debbie Gebhardt, Chris Bertram, Adam Tsao, Susan Lent, Darrell Wilson, Linda Scott, John Glaser, Mike Strachn, Bill Hughes, Charlie Ziegler, Trisha Law, Mary Beth Will, Jimmy Miller, Kathy Guilfoy, Denise Beshaw and, indeed, I must emphasize the tremendous cooperation and support we received from the Democratic staff as well.

In fact, I hesitate to call it the Republican staff and the Democratic staff, because we have worked together as one on a bipartisan basis for the good of the country. Certainly the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Wisconsin (Mr. PETRI), members on both sides of the aisle on our committee have worked very hard and have brought this bill to the floor. Indeed, we recall that it passed through the House 337 to 80.

And particularly for some who are concerned about the guarantee, let me point out that, really, the guarantee is less than we wanted to accomplish in the House. We wanted to take the trust funds off budget, but we had an overwhelming vote to do that. Seventy-five percent of the Republicans voted in favor of doing that. So this is historic legislation, puts the trust back in the trust fund. I urge its adoption.

Mr. QUINN. Mr. Speaker, although I am unable to cast my vote today for this legislation due to prior family commitments, I am pleased to voice my support for H.R. 2400 the Transportation Equity Act for the 21st century, or TEA 21.

I would like to thank all of the conferees for their leadership in making this bi-partisan legislation a reality. This is truly an historic day for the United States of America. TEA 21 is a magnificent work which addresses many transportation related concerns.

For example, this bill contains the most comprehensive anti-drinking and driving measures ever put into legislation. The people in my district will see the results of the significant steps this Congress will be taking to combat drinking and driving. This bill reauthorizes the discretionary bridge program. This program will give our states the tools to replace or repair our crumbling bridges. The bill authorizes funds for the Rails to Trails program, access to jobs, school bus safety, and many other important programs. And of course the legislation takes care of specific district priorities.

I have worked with community leaders of the 30th district of New York over the past 2 years to find out what they needed to better the quality of life in our community. I submitted that list, along with over 400 of my house colleagues, to the committee for their consideration. Fortunately, for my district the Committee saw fit to authorize some of the things I requested.

In the last six years, there have been two severe accidents on the same road in Buffalo, New York. Both of these accidents resulted in the loss of several lives. H.R. 2400 provides us with an opportunity to fix that stretch of road by creating a shoulder for disabled vehicles. This bill allows me to receive funding for that priority. Can anyone in this Chamber tell the families of the victims of these horrific accidents that this is pork? That it is an unnecessary project? Can anyone in this Chamber tell the New York State Thruway Authority, who has asked for funds to correct this problem that it is unworthy?

In closing, this is a good bill. It covers a variety of needs in the sphere of transportation. It will rebuild our crumbling roads and bridges and in turn make our nation's highways safer. This is my third term, this is my first opportunity to authorize our nation's transportation policy. I only wish, for the sake of the families who have suffered losses on my district's highways over the past 6 years, that it could only have come sooner.

Vote to rebuild our nation's roads and bridges. Vote for the safety of our highways. Vote Yes for the TEA 21 Conference Report.

Mr. STARK. Mr. Speaker, H.R. 2400, the "Building Efficient Surface Transportation and Equity Act (BESTEA)" bill is a highly needed piece of legislation. Every member of Congress wants to be able to go back to his or her district over the Memorial recess and give their constituents new roads and improved public transportation. I would be as proud as the next member to go back to California's 13th District and give them millions of dollars for road repairs and improvements—if it was not a deceptive form of Congressional pork and budget busting.

This legislation authorizes approximately $216 billion in federal highway and transit assistance over a six-year period. This bill is too large and too complex to agree to when the whole process went awry. When Congress agrees to "Save Social Security First" but votes to spend a bloated highway bill—filled with various pork barrel projects—then Congress is deceiving the American people.

The proposed funding in the BESTEA bill will deny states block grant funds for social services. Three billion dollars has been taken from programs that would have otherwise gone to services for children without health insurance, the disabled and the impoverished.

The BESTEA legislation unjustly denies $15.5 billion in benefits to veterans for disabilities relating to tobacco use in the military—a service-connected disability—to fund highway construction projects. I will not tell veterans that we would take away an earned benefit—that we would deny them of a healthy and productive lifestyle—to pay for potholes.

Like every member of Congress, I realize the importance of safe roads and bridges and its impact on public health and safety. But unlike most members, I will not sacrifice children and welfare recipients to pave America's streets. I will not vote for H.R. 2400.

Ms. VELAZQUEZ. Mr. Speaker, first and foremost, I want to thank the Transportation and Infrastructure Committee, particularly Chairman SHUSTER, Chairman PETRI, Ranking Member OBERSTAR, and Ranking Member RAHALL, for their monumental work in completing this historic transportation legislation. Throughout the process both they and their hard working staff were responsive to our inquiries and carefully considered our transportation project proposals.

Two of the projects authorized in H.R. 2400, Building Efficient Surface Transportation and Equity Act, involve major repairs and reconstruction of Flushing Avenue. This roadway spans through various communities in Brooklyn and is known as a linking gateway to economic development. By funding these projects, we will improve and preserve a roadway that not only links people, industry and commerce across Brooklyn, but across New York City.

The infrastructure improvements are long overdue for these communities. The work involved includes: removal of old trolley tracks (some parts of the Avenue are cobblestone); setting of new concrete bases (some parts of the Avenue have never had road bases); new street surfacing; and curbs and sidewalks rebuilding that is necessary from the road reconstruction work, particularly for the commercial residents. This project is part of the effort to bring economic development and opportunity to the area.

Under the $3.75 million project, two segments of Flushing Avenue in Williamsburg and Bushwick would be reconstructed and resurfaced in one of the authorized projects for the people of the 12th District. One segment runs between Humboldt Street and Cypress Avenue and is lined by businesses, public housing units, and other residential buildings. Another segment falls between Porter Street and Cypress Avenue and is lined by commercial establishments and residential buildings.

Another Flushing Avenue segment to be reconstructed and resurfaced with $2.25 million is equally important for the economic development and quality of life of Bushwick and the adjoining Ridgewood community. The segment falls between Wycoff Avenue and Gates Avenue and is lined by businesses, many mom-and-pop shops, supermarkets, a hospital, a post office, and 2–6 family-size homes.

Mr. Speaker, I also rise today on behalf of myself and my distinguished colleague from New York, Congressman TOWNS. Today is a very important day for the residents, small businesses, neighborhoods, and public facilities of our respective congressional districts. We have worked tirelessly for years with the communities in Brooklyn surrounding the Gowanus Expressway to find the best answer to the congestion and crumbling condition of this major highway, which is a key component in the New York area's transportation network.

The people living and businesses operating every day in these areas have patiently asked that a full study of alternatives to the planned reconstruction of the Gowanus Expressway be performed. For the economic viability of the area and the environmental health of the families living near this planned reconstruction, it is crucial that the impact on the surrounding communities be adequately assessed.

The Building Efficient Surface Transportation and Equity Act finally responds to the pleas of these New York neighborhoods. H.R. 2400 authorizes $18 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 proposal, the Gowanus neighborhoods are one step closer to a real solution to this long-standing local transportation dilemma. This project is not only about transportation—it is also about the economic development and empowerment future of our communities.

In sum, these transportation projects represent a new era for Brooklyn. No longer should we approach the economic support of these communities with a narrow scope. All components—good schools, safe neighborhoods, reliable public services, clean air and water, and safe roads—must come together for a serious revitalization and urban development strategy.

Ms. DELAURO. Mr. Speaker, I would like to join in congratulating my colleagues, particularly Chairman SHUSTER and Congressman OBERSTAR, for their hard work in bringing BESTEA to the floor. This legislation is critical to the upkeep and development of our Nation's transportation system.

I am particularly pleased that innovative financing for highway and mass transit projects has been included in this legislation, which I worked for in the House. Innovative financing will help fill annual transportation funding shortfalls by using limited federal dollars to attract private capital for the construction of federal highways and worthy transit projects. For every $100 million invested by the government, we can attract $1 billion in private capital.

BESTEA is also good for Connecticut. It creates true "equity" for the state of Connecticut. In addition, as part of Connecticut's overall funding, this legislation contains funding that will enable the City of New Haven to begin work on I–95 at Long Wharf. This project will enhance the safety of this section of I–95 between New York and Boston, improve access to high speed rail, and recomment New Haven to its harbor front.

I urge my colleagues to pass BESTEA. It's good for our Nation's transportation system. It's good for workers. And it's good for commerce.

Mrs. ROUKEMA. Mr. Speaker, I rise in opposition to this Conference Report. This Conference Report is a far cry from the bill this House passed in April.

I voted for the House passed bill on the assurance that the formula for reallocating the money from the Federal Gasoline Tax would

be fair and equitable to all and take into consideration the unique concerns of states like New Jersey.

But the Conference Report has New Jersey losing federal dollars. For every $1 paid in Federal Gasoline Tax by a citizen of New Jersey, the State of New Jersey will receive only .93 cents back from the Federal Government.

This is unacceptable. New Jersey ranks near the bottom in the nation in the ratio of federal money returned from federal taxes paid by our citizens. This Conference Report adds insult to injury.

I voted for the House passed bill in April to settle the tough budget issues in Conference, to create a bill that is responsible to states like New Jersey, to ensure that veteran and other vital programs were not sacrificed and to move the process along. I am sad to say that the Conference Report failed to resolve any of these keys issues.

NEW JERSEY

My state of New Jersey is the economic crossroads of the northeastern United States. If it moves by truck, train, or ship chances are it moves through New Jersey.

New Jersey is unique in many ways to other states. Our infrastructure is older, has more wear than other states and intensely urban. Our highways are traveled by more and more people through the northeast crossroads. New Jersey is also the most densely populated state in the nation.

The previous ISTEA had New Jersey's unique needs in mind. From 1992 through 1997, New Jersey received $1.03 back on every dollar paid.

The loss of 10 cents on the dollar is unacceptable. This is not a good deal for New Jersey. New Jersey can no longer be a siphon for money for other states.

The House passed bill took this into consideration. But this Conference Report reduces New Jersey's funding below the level that is acceptable. My "no" vote is to register my disagreement with the Conference.

VETERANS

In the bill that passed in April, this House strongly stated that No Veterans benefit or service would be reduced or eliminated to pay for any part of the bill.

On May 20, 1998, this House voted 422 to 0 to instruct Conferees not to allow any Veterans benefit or service would be reduced or eliminated to pay for any part of the bill.

On two occasions, this House stood up for our nation's veterans. But now, the Conference Report eliminates the benefit for veterans with tobacco related illnesses to pay for the bill.

And now we find that the Conference has decided to use a higher estimate of costs of the benefit for veterans with tobacco related illnesses by the OMB that puts the cost at $17 billion. (The CBO says it is around $10 billion if that much.)

Of that $17 billion of those so-called savings $15 billion will go to pay for this bill. The extra $2 billion was promised to be directed toward disability and education programs.

Does that mean $2 billion this year, next year, over six years? How much for disabilities? How much for education? There are too many questions and not enough answers.

As my friends from the South say, "This dog don't hunt." Now regardless of how you feel about paying for veterans with tobacco related illnesses, I have my questions on the merits, but the fact is: The House stated on two occasions, almost unanimously, that this bill would not cut veterans programs but in the end it does by billions of dollars to pay for other government programs. I personally would like to see all the savings from paying for veterans with tobacco related illnesses to be directed back into the VA to pay for a veterans health program that they were promised.

So here we are, just a couple of days before Memorial Day, ready to vote to sacrifice those who have already sacrificed for all of us. Is this really the vote we want to make before Memorial Day? Is this really the vote we want to make after this House said not on the same question twice before?

SOCIAL SERVICE BLOCK GRANTS

The Conference Report takes $2.4 billion from Social Service Block Grants and directs it to transportation spending. These important grants are vital to New Jersey in providing for Child Care, Meals on Wheels, aid victims of domestic violence, aid to the disabled citizens, and emergency food to the homeless. I might add that New Jersey has one of the highest number of homeless veterans in the nation. Social Service Block Grants are a key element in providing assistance to the most vulnerable parts of our community. This is another unacceptable part of this Conference Report.

For the reasons I have described, I can not support this Conference Report and I urge a "no" vote.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today in strong support of the conference report on H.R. 2400, the Building Efficient Surface Transportation and Equity Act, (BESTEA). A historic piece of legislation which will impact positively on just about every Congressional District.

I want to thank the Chairman and Ranking Democrat of the Transportation and Infrastructure Committee, Mr. SHUSTER and Mr. OBERSTAR for their commitment and leadership in fashioning the BESTEA Conference Report in time for it to be considered before the Congress embarks on the Memorial Day District Work Period. This isn't a perfect bill but is the best compromise that could have been gotten under the circumstances.

Had I had the opportunity to write this Conference Report, Mr. Speaker, I would have written it differently. I am inexorably opposed to the fact that, as I understand it, this Conference Report uses funding from certain Veterans disability payments for smoking related ailments to help pay for the bill. I am ashamed that this had to occur and pledge to work with my colleagues in the House to do all we can to restore this cut.

But my support for this Conference Report is based, in no small measure, on the fact that for my constituents in the Virgin Islands, this Conference Report and the funds that it will provide, will mean that we will be able to go forward with many of the important road projects which are so critically important to our economy.

In conclusion Mr. Speaker, I want to also thank Mr. RAHALL for his work on this Conference Report and his assistance in making sure that the U.S. offshore areas were treated equitably in this bill. I urge my colleagues to support passage of this bill.

Ms. FURSE. Mr. Speaker, I rise in support of the conference report on H.R. 2400 which is before the House. First, I want to give credit to the dean of the Oregon delegation, PETER DEFAZIO, for his good work attending the needs of Oregon and the entire Pacific Northwest. He has been a source or guidance and support since I was elected in 1992, and I will miss working with him in Congress. My colleague from across the Willamette River, Mr. BLUMENAUER, has also worked hard on behalf of our region and deserves credit for his efforts on this bill.

This bill invests in our nation's future because it makes our intermodal transportation needs a propriety for the next six years. I am lucky to represent a beautiful part of the country that is a national model for incorporating effective land-use planning in our long-term transportation plans. Oregon's future, a vision with less traffic and vibrant commerce, depends in no small part on regional and state land use decisions, as well as federal support. In my district and across the state, decisions emphasize corridor and zoning planning and are predicated on an integrated transportation system. Ultimately, transit and road networks work hand-in-hand to continue what we believe is an unparalleled quality of life. We are fortunate in Oregon, and this conference report helps us continue our innovations at the state level.

I am pleased that the bill today authorizes completion of the Westside Light Rail project, one of my top priorities in Congress for the last six years. The Westside Light Rail project needs an appropriation of $36.6 million to be completed on time this year, and this legislation authorizes those funds. I am also pleased that this bill includes $3.5 million to obtain standard fixed-route buses for services increases associated with the opening of the Westside Light Rail project in September. In addition, BESTEA includes authorization of the South-North Light Rail project, a key part of our region's 2040 long-term transportation plan.

While this bill includes our region's important light rail and transit priorities, it also includes a number of other projects that are so important to the future of my district. It includes planning funding for the Tualatin-Sherwood Bypass and the Newberg-Dundee Bypass. I have worked to gain federal support for the Newberg-Dundee Bypass for four years, and am pleased that it will finally receive some funding under this bill. I hope the state and the entire region will follow suit and finally realize how important the Newberg-Dundee Bypass is to Yamhill County's future.

This legislation also includes nearly $3 million to help Astoria, including funding to prepare for the Lewis and Clark Bicentennial. It will allow for improvements at two intersections along Highway 101 which have chronic safety problems, as well as provide seed money for a future intermodal transportation center. This bill also includes funding to reopen the Astoria Railroad Line, a vital transportation connection to the Port of Astoria. It is my hope that these funds will help create jobs in Astoria and prepare for the upcoming Lewis and Clark celebration.

I am also pleased that this bill includes funding for two highway projects in Washington County, one of the fastest growing regions in the entire Pacific Northwest. It includes funding to upgrade the I–5/Highway 217 Kruseway Interchange which is a constant source of traffic headaches for motorists in our region, as well as funding to improve commuter access and widen the Murray Road Overpass. These projects will greatly enhance access and safety in two critical commercial centers in my district.

Finally, the BESTEA conference report includes two important legislative provisions that I have been working on over the last year. As Co-Chair of the Diabetes Caucus, I worked with my colleague, Mr. NETHERCUTT, to overturn a 28-year-old Federal Highway Administration prohibition on people with insulin-dependent diabetes operating commercial vehicles in interstate commerce. This legislation takes steps to reverse this discriminatory regulation. In addition, this conference report includes technical language I authored in the Commerce Committee to reinstate an exemption from the National Highway and Traffic Safety Administration's vehicle importation regulations for vehicles imported for show or display. I am pleased that these provisions are included in the final conference report.

I thank Chairman SHUSTER and Ranking Member OBERSTAR for their hard work on this legislation. Once again, I want to express gratitude on behalf of all my constituents to Oregon's members of the Committee, Mr. DEFAZIO and Mr. BLUMENAUER, as well as their staff members Kathie Eastman and Elizabeth Humphrey. I urge my colleagues to support passage of the conference report.

Ms. NORTON. Mr. Speaker, I rise today to discuss the historic transportation bill being reported out of conference today. This bill will provide badly needed assistance to communities across the country struggling to maintain and repair the transportation infrastructure which is the lifeblood of our nation's social and commercial activities.

I commend the conferees for including the Disadvantaged Business Enterprise program in this bill. This affirmative action program for contractors in the transportation industry will ensure that all Americans have an opportunity to participate in the construction and other activities envisioned by this legislation. The Disadvantaged Business Enterprise Program, also known as the DBE program, is fair, constitutional and, most importantly, it works. It is a tribute to the Congress that it is included in the bill before us.

Despite ample evidence that the DBE program is necessary and effective, there are still some who apparently wish to ignore the need for this program. Along with the House Transportation and Infrastructure Committee report accompanying this bill, nine members of this body filed additional views in which they criticized the DBE program and expressed their view that it is not needed. The fact is, however, that I, and the majority of my colleagues, disagree with this assessment. If we did not, the DBE program would not be included in this bill.

The authors of the House committee's additional views made several serious factual misstatements. The most serious misstatement is that there is no evidence of discrimination in the transportation construction industry before the Committee on Transportation and Infrastructure. This could not be more false. The fact is that there is a raft of evidence of discrimination in the transportation construction industry—and many related industries. Moreover, much of this evidence has been formally presented to Congress. In order to set the record straight, I want to make sure that my colleagues are aware of at least some of the volumes of evidence of the persistence of discrimination. It is beyond the scope of a brief floor statement to detail all of the evidence that exists with respect to discrimination, but I must mention at least some of the most important and probative evidence.

Evidence of Discrimination Presented to Congress:

In the Additional Views section of the House committee report entitled "Additional Challenges", the authors contend that based upon existing case law, the DBE program raises significant constitutional questions for the following reasons:

(1) No evidence was presented to the Committee that actual discrimination has occurred within the transportation construction industry;

(2) No evidence has been presented that race neutral remedies were attempted and found deficient;

(3) No evidence was presented justifying the program on a nationwide basis;

(4) No statistical evaluations have been presented justifying the program in any given market; and

(5) No evidence has been presented justifying the fact that the program does not include a procedure for individualized inquiries into whether a particular DBE has suffered from past discrimination.

The first four claims are similar to claims made by Adarand Constructors before the district court after the Adarand case was remanded from the Supreme Court. The court rejected these contentions when it stated that Congress had a compelling government interest in adopting the statutory provisions that support the DBE program. Consistent with current precedent, the court agreed that Congress had a unique role as a national legislature which permitted it to address nationwide problems with nationwide legislation. The court also found that Congress had considered the use of race-neutral measures before adopting the statutory provisions supporting the DBE program. The fifth claim ignores the provisions in the current DBE regulation that permit challenges by a third party to the certification of a DBE as disadvantaged. Furthermore DOT's proposed rules revise the current regulation to include an even more rigorous certification of disadvantage.

In the Adarand remand, the district court reviewed an extensive record of hearings, reports, testimony and statistics that had been presented to Congress in the twenty years since Congress first amended the Small Business Act in 1978 in order to provide that small businesses owned by socially and economically disadvantaged individuals have the "maximum practicable opportunity" to participate in federal contracts and subcontracts. That record included material from the time period when Congress first enacted a 10% goal for disadvantaged business enterprises in the Surface Transportation Assistance Act in 1982, through the continuation of the DBE program in 1987 in the Surface Transportation and Uniform Relocation Assistance Act (STURAA) and its renewal in 1991 in the Intermodal Surface Transportation Efficiency Act (ISTEA). The court noted that on numerous occasions Congress had received testimony and evidence, as well as annual reports from the Small Business Administration, regarding the discriminatory barriers faced by minority businesses and the continuing need for remedial efforts to address such discrimination. The court concluded that this record met the constitutional standard by providing a "strong basis in evidence" from which Congress could conclude that significant discriminatory barriers faced minority businesses.

The Department of Justice highlighted the extensive number of hearings held by Congress on the subject of racial discrimination and minority businesses when it published in the Federal Register, "The Compelling Interest for Affirmative Action in Federal Procurement: A Preliminary Survey" as an appendix to Proposed Reforms to Affirmative Action in Federal Procurement (DOJ Appendix). 61 Fed. Reg. 26042 (May 23, 1996). At that time, Justice identified at least 29 hearings on this subject between 1980 and 1995. Congress has continued to hold hearings on this issue and an update of this list shows an additional eleven Congressional hearings through the end of 1997 on the same issue.

Some of the testimony that has been offered most recently is very relevant to the DBE program. While there have been a great many statements on the subject, I will quote only one here. On April 30, 1996, Assistant Attorney General for Civil Rights, Deval L. Patrick, testified before the Committee on Education and Labor about the ongoing need for affirmative action. In his testimony he discussed many types of discrimination but his comments about discrimination against minority and women entrepreneurs is especially important in this context. Mr. Patrick stated:

Congress has repeatedly reviewed and supported the SBA's program, as well as those of some other agencies, such as the Department of Transportation, to aid small and disadvantaged businesses. In doing so, Congress recognized the need to help such firms combat the effects discrimination has had on their ability to develop in our economy. A few facts demonstrates Congress' wisdom.

While minorities make up over 20 percent of the population, minority-owned businesses are only 9 percent of all U.S. businesses (U.S. Commission on Minority Business Development, Final Report 2–6 (1992)). The minority-owned firms that do exist have, on average, gross receipts that are only about one-third those of nonminority firms (id. at 4). Similar inequities apply to women-owned businesses. Women own nearly 20 percent of all businesses with employees and a third of all small businesses but received less than 3 percent of federal procurement contract dollars in 1994 (Expanding Business Opportunities for Women, The 1995 Report of the Interagency Committee on Women's Business Enterprise, at 3, 11, January 1996; see also 1992 Survey

of Women-Owned Businesses. U.S. Department of Commerce, Bureau of the Census (1996)).

Discrimination in the critical ability to secure necessary capital persists; white business owners in the construction industry receive over 50 times as many loan dollars per dollar of equity capital as African American owners with identical borrowing characteristics (Grown & Bates, Commercial Bank Lending Practices and the Development of Black Owned Construction Companies Journal of Urban Affairs, Vol. 14, No. 1, 34 (1992)). Recent studies have shown that limited access to capital has had a similarly negative effect on firms owned by women, and that due to that lessened access to capital more women than men finance businesses out of their own resources (Expanding Business Opportunities for Women at 8).

Discrimination occurs in both private and public contracting. Disparity studies completed by state and local governments after the Croson decision routinely found that minority-owned businesses are locked out of public contracting markets. After the Croson decision, many states suspended affirmative action business programs, with a devastating effect on minority business. In Richmond, in the absence of affirmative action, minority participation in construction dropped from 40 percent of all contracts to less than 3 percent (U.S. Commission on Minority Business Development, Final Report at 99 (1992)). Similar falloffs occurred in Philadelphia (97% decline), Tampa (99% decline for African American-owned businesses and 50% for Hispanics), and San Jose (minority participation fell from 6 percent to 1 percent in prime construction contracts) (ibid).

In private industry, discrimination is even more pronounced. Both minority and women-owned firms report that they are routinely unable to secure subcontracts on private work where there are no affirmative action requirements, and that white owned prime contractors even reject minority or women-owned firms that offer the lowest bid.

Beyond the record of various Congressional hearings, there is further evidence supporting Congress' determination to continue to use the DBE program. In 1992, the Final Report of the U.S. Commission on Minority Business Development concluded that the severe under representation of minorities in business was caused by discrimination and benign neglect. The Small Business Administration's State of Small Business report in 1994 stated that in 1992, minorities owned 9% of all business, but only received 4.1% of federal contracting dollars. The 1992 Economic Census: Survey of Minority-owned Business Enterprises published in 1996 by the Department of Commerce revealed a similar ratio of minority owned construction firms to receipts for such firms. In 1994, the House Committee on Government Operations found that minority-owned firms face particular difficulties in the construction industry which is dominated by "old buddy" networks and family firms and tends to exclude minority firms. H.R. Rep. No. 870, 103d Cong., 2d Sess. (1994).

The DOJ Appendix described in some detail the discriminatory barriers to minority contracting opportunities, evidence of which is found in studies and reports issued by congressional committees, executive branch commissions, academic researchers and state and local governments. Such evidence demonstrates that discrimination works to preclude minorities from obtaining the capital needed to form and develop a business because of discrimination by trade unions and employers as well as lenders and that minority firms are denied full and fair contracting opportunities because of discrimination by private sector customers, prime contractors, business networks, suppliers and bonding companies. As described in the DOJ appendix, much of this evidence has been presented to Congress and has been the subject of Congressional hearings, particularly in the area of discrimination by lenders and surety bonding companies.

Additional Evidence:

The fact of the matter is that there is a great deal of additional evidence that is available to Congress in less formal forms. Every day each of us receives evidence of national needs from our constituents and from studies and articles we discover in our efforts to represent those who elected us. Some of this evidence is not presented formally in hearings or Congressional reports—but it is evidence all the same and it informs the work we do. I do not have time here to outline all of the evidence of discrimination in transportation construction that has come to my attention, but I would like to mention a few of the more recent studies and writings. Perhaps the most important source of information comes to us from the numerous disparity studies that have been completed in communities across this Nation. Over one hundred and fifty of these studies have been completed and many have dealt with transportation construction contracting. I will describe just a few of these studies and their conclusions here.

A study of the historical record of minority and women-owned business enterprises in public and private contracting in New Jersey submitted to NJ Transit and the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts by the Afro-American Studies Program of the University of Maryland at College Park in August of 1992 states: "Despite extraordinary efforts to promote equal opportunity in employment and other areas of social and economic life in New Jersey, significant inequalities remain. One persistent area of inequality is business ownership. Many minority group members and women lack access to key channels for entry into business ownership. Some of these blocked paths are the direct result of specific policies by the state in the past to favor white-owned firms or the indirect result of inaction on the part of the state to prevent discrimination that ultimately has resulted in an underutilization of the potential business talents of women and minority citizens of New Jersey. The record of these actions and inactions . . . strongly supports the (re-) introduction of race- and gender-specific remedies to fulfill the state's own constitutional mandate to promote equality of opportunity to all its citizens." (NJ Transit, University of Maryland at College Park study at 32.)

A study of the Executive Office of Transportation and Construction for the Commonwealth of Massachusetts performed by D.J. Miller and Associates (DJMA) in March of 1994 states that "there is ample evidence of discrimination against African Americans, Latinos, other minority groups, and women." In addition, the report's executive summary states that "[t]he information revealed in the disparity study leads DJMA to conclude that a sufficient inference of discrimination can be made from this factual predicate to warrant the implementation of a race-conscious procurement program." (DJ Miller study at ES11.)

A study of the Fort Worth, Texas Transportation Authority by Browne, Bortz and Coddintgton (BBC) issued in November of 1993 concludes that "[t]he combined quantitative and qualitative evidence of discrimination against minority and woman-owned firms forms a sufficient factual predicate for remedial action by the Fort Worth Transportation Authority. Race and gender-neutral remedies should be considered, but the study team concludes that they alone will not be sufficient to fully remedy the effects of past and present discrimination. Therefore, a basis exists for the Transportation Authority to consider narrowly-tailored race and gender-based remedies." (BBC, Fort Worth Transportation Authority study, at ES11.)

Of course, disparity studies are only one source of data about discrimination. One recent report also deserves special mention because it deals exclusively with affirmative action in public contracting and because a summary of this report was sent to every member of Congress. in late 1996, the Urban Institute released Do Minority Owned Businesses get a Fair Share of Government Contracts? The Answer to the question posed by the study was a resounding "no." The report was based upon the evidence contained in 58 disparity studies commissioned by various state and local governments and demonstrated wide statistical disparities between the share of contract dollars actually received by minority- and women-owned firms and the share those firms should have received. These disparities are very important evidence. In the Croson decision the Supreme Court made clear that "gross statistical disparities" will be considered "prima facie proof of a pattern or practice of discrimination" in contracting.

The report found that minority firms received only 57 cents for every dollar they would be expected to receive based upon their availability. While this statistic is shocking, it should be no surprise to those of us in Congress who for years have been hearing evidence of the discrimination against women and minority entrepreneurs. For specific facial groups the disparities were even greater: African-American-owned firms received only 49 cents on the dollar, Latino-owned firms received 44 cents on the dollar, Asian-American owned firms received 39 cents on the dollar and Native American-owned firms received 18 cents on the dollar. In addition the report found that women-owned firms received only 29 cents of every dollar they would be expected to receive based upon their availability.

The report also provided information about the disparities in construction contracting, work which quite often includes transportation construction contracting. In the construction arena minorities received only 61 cents for every dollar they should have received given their availability. Women received only 48 cents on the

dollar. The statistics were even more disheartening for certain minority groups. For instance, African American owned firms received only 56 cents for every dollar they would be expected to receive based on their availability—Asian owned firms received only 60 cents on the dollar.

What we must all remember is that these statistics—disturbing as they are—represent a world in which there are the kinds of affirmative action programs that some would have us end. Without affirmative efforts like the DBE program, the situation would be far worse. For example, the Urban Institute report found that the disparities between minority- and women-owned firms and other firms were more pronounced in areas in which no affirmative action contracting program was in place. When only areas and years in which affirmative action is not in place are considered, the percentage of awards to women falls from 29 percent of what would be expected in 24 percent. For African Americans the percentages dropped from 49 percent to 22 percent, for Latinos the percentage dropped from 44 percent to 26 percent, for Asians from 39 percent to 13 percent, and for native Americans from 18 percent to 4 percent. These figures clearly show that affirmative action programs are not only effective, but they are also still desperately needed.

Statistical evidence—the primary focus of the Urban Institute report—must be considered in combination with other social science evidence and anecdotal evidence provided by those involved in the contracting process. In addition to documenting statistical disparities, the Urban Institute report reviewed the social science literature and the disparity studies to determine the challenges confronted by disadvantaged firms.

The study notes that the social science literature reveals several areas in which minorities may confront barriers in their efforts to form businesses. Firsts the study notes that minorities tend to have lower incomes, less wealth, and limited access to financial markets. A second area of disadvantage involves minorities' limited access to business networks and the relative lack of family members who are self-employed or run a business. Minorities may also be disadvantaged by lower levels of educational attainment and less experience in business relative to their white counterparts. The report also notes that minority firms may face limited access to wealthier white customers due to discrimination by white customers and residential segregation.

Finally, the study points out that the individual disparity studies contain a huge number of anecdotes about discrimination. According to the study, barriers early in the contracting process may include: failure of the government to break down large contracts into smaller components which could increase the participation of smaller minority-owned firms; restricting affirmative action solely to subcontracting and thus limiting the opportunity of minority firms to work as prime contractors; abuse of good faith waivers; and inadequate prosecution of "front" firms. Barriers during the bid solicitation stage include: use of closed or private requests for bids; failure to advertise bids in minority media; failure to notify minority firms of bidding opportunities; provision of incomplete bid specification information to minority firms; and untimely notification of minority firms of bidding opportunities. Barriers during the evaluation of bids include: discrimination in pricing by suppliers; "bid shopping;" and renegotiating specific projects in order to manipulate the process in favor a majority firms. Finally, the report notes that there is anecdotal evidence of barriers during the actual execution of contracts including: exclusion of minority firms by prime contractors after contracts have been awarded; slow payment of amounts owed to minority firms; and project sabotage.

The bottom line is this: there is a vast amount of evidence of discrimination against minority and women owned firms in America. This evidence exists in both the transportation construction arena, and in markets (such as finance and bonding) which are directly related to the construction industry. All of this evidence provides this Congress with a compelling interest to address discrimination through the enactment of the Disadvantaged Business Program.

Other Errors in the Additional Views

Finally, I cannot complete this statement without noting the misleading pattern of factual misstatements and omissions in the Additional Views in the House committee report filed by my distinguished colleagues. The section of the views entitled "History of the DBE Program" obscures the fact that the Department of Transportation has proposed extensive changes to its own program regulations to improve and strengthen the DBE program. Some of the regulations referred in this section are not DOT's regulations, but instead regulations issued by the Small Business Administration. Moreover, the Additional Views represents these SBA regulations as final and they are not. The SBA regulations issued in August of 1997 are proposed regulations which have not yet been finalized. The Department of Transportation's proposed regulations were issued in May of 1997.

The section of the Additional Views entitled "Effect of the Adarand Court Decisions" states that the courts have made it clear that federal affirmative action programs "must be restructured to provide targeted remedies to only those who have been the victims of specific discrimination." This assertion is incorrect. Seven of the nine Justices recognized "the unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country" [emphasis added] and reaffirmed the government's authority to address this problem. The majority opinion in Adarand is consistent with the longstanding understanding of affirmative action programs that, when members of a group have been discriminated against on the basis of their race, then members of that group may benefit from affirmative action measures even if they themselves have not made specific showings of injury due to discrimination. The assertion made in the Additional Views, that individual members of racial groups may benefit from affirmative action only if they prove that they themselves have suffered discrimination, was simply not the position of the Court.

In order to be correct, the section entitled "Challenge to the Subcontracting Compensation Clause" should note that the subcontracting compensation clause provision was not implemented to comply with the DBE program as asserted in the second sentence of this paragraph, instead it was developed to comply with the contracting requirements of the Small Business Act. Moreover, the argument made before the Tenth Circuit was not that the program should be evaluated under "lenient" scrutiny, but under the "intermediate scrutiny" standard which had been upheld by the Supreme Court prior to its decision in Adarand.

In the section entitled "Application of the Strict Scrutiny Standard" the Additional Views state: "[c]ase law stipulates that the only compelling governmental interest for race preference if the remedying of past discrimination." This statement is flatly incorrect. First of all, the Court has clearly held that the government has a compelling interest in addressing not only past discrimination, but also present discrimination. Second, there are also suggestions in the case law that diversity may constitute a compelling government interest for the use of race-based affirmative action measures in certain contexts such as higher education.

In this same section, my nine distinguished colleagues repeat the completely untrue assertion that the Sultan of Brunei would qualify for the DBE program. The presumptions of social and economic disadvantage under the DBE program are rebuttable, not absolute. The Department of Transportation maintains a system under which any person, whether or not they are directly involved in the DBE program may challenge the certification of a firm as a DBE. The existing rule has a specific procedure to accomplish this. Moreover, the proposed rule would institute a mechanism to make challenges easier to bring and would allow recipients to hold an application in abeyance while deciding a challenge. If the Sultan of Brunei—or anyone with substantial wealth—were ever erroneously certified as a DBE, the Department would take steps to decertify that firm. The Department has taken such steps in the past, and will undoubtable do so in the future. Opponents of this program are simply wrong when they state that the Sultan of Brunei qualifies for the DBE program. He does not. Moreover, the proposed regulations issued by the Department of Transportation would impose even tighter restrictions on the economic status of DBE owners by imposing a personal net worth test.

A similar—but even more misleading—point is made in the section entitled "Additional Concerns Regarding the Presumption of Economic Disadvantage." Here, the Additional Views quotes the Department's proposed regulations in a grossly inaccurate way. Quoting two sentences as if they appear consecutively in the rule, the section complains that the Department is not doing anything to economically target the benefits of the program. In truth, the section is worse than misleading—it intentionally omits the intervening sentence which clearly changes the focus and meaning of the paragraph:

"However, in order to have relevant information to enable them to make determinations about whether there should be inquiry into the disadvantage of applicants, the applicants

would have to submit a signed certification that they are socially and economically disadvantaged and a brief summary statement of their personal net worth, which the recipient would have to keep confidential." (Federal Register Vol. 62, No. 104, May 30, 1997, page 29565.)

The import of this sentence, which the authors of the Additional Views apparently wanted to obscure, is that the Department is taking action to ensure that recipients have the information necessary to be certain that only those who are truly economically disadvantaged benefit from the DBE program.

The section entitled "Houston Metro" is also misleading. The Department of Transportation has worked hard to collaborate with Houston Metro to find a workable solution to the problem caused there by the court case brought by the Houston Contractors Association. In fact, in a recent hearing a distinguished member of the Republican leadership who represents Houston, commended the Administrator of the Federal Transit Administration, Gordon J. Linton, for the "cooperation" and "creative" efforts made by the Department in responding to the Houston situation. It is important to understand that despite having twice filed motions to intervene, the Department of Transportation is not a party to the case involving Houston Metro. Despite this, the Department has assisted Houston Metro in developing a race-neutral program to replace its DBE program during the pendency of the injunction. In addition, the Department recently extended the exemption it has provided to Houston Metro until October 31, 1998 in order to ensure that funds continue to flow and projects are not unnecessarily disrupted while Houston appeals the district court's decision.

Finally, the paragraph entitled "Monterey Mechanical" does not belong in a Committee report expressing views on a federal affirmative action program. The Monterey Mechanical case does not address the DBE program—in fact it does not address any federal program. It is not a case based upon the Supreme Court's holding in Adarand, but instead deals with the Court's opinion in Croson and the recent enactment of Proposition 209 which is relevant only to California. Similarly, in the section entitled "Additional Challenges" the vast majority of the cases referred to do not deal with the Department of Transportation's DBE program. In fact, most of the cases listed appear to deal with state and local program, not federal programs.

I thank my colleagues for their attention to those important issues. The fact of the matter is this: affirmative action and equal opportunity are far too important to be left to the mercy of political rhetoric masquerading as legislative history. The existence of discrimination in the transportation construction industry in this nation is clear—and the legislative record should be clear as well.

Mr. VENTO. Mr. Speaker, I rise in support of H.R. 2400, the BESTEA Conference Report. This legislation represents an important step in revitalizing our national infrastructure.

H.R. 2400 contains a number of provisions that are of special concern to my constituents. I am pleased that adequate funding was included for these proposals, of particular interest are the Phalen Corridor Initiative and the Shepard Road Upper Landing Interceptor Project.

The Phalen Corridor Initiative is a congressionally designated project in BESTEA. This Initiative is an innovative infrastructure project. The Initiative is an excellent example of what BESTEA is all about, a multipurpose intermodal system that will help revitalize the east side of St. Paul and carry the Minnesota urban transportation network into the 21st century.

The Phalen Corridor Initiative presents an opportunity to position the Twin Cities area and the State of Minnesota at the forefront of innovative transportation development efforts. The Initiative has already been recognized as "a model for urban renewal." The Phalen Corridor Initiative also emphasizes the role of infrastructure plays on the overall health of our national economy, environment and community development. The 4,000 jobs will likely result which are expected to achieve a $7 million annual reduction in public assistance expenses putting people to work. This Phalen Initiative is built within the framework of a dramatically changing industrial and railway core and will revitalize bootstrapping a new vibrant economic development and importantly reinforcing existing manufacturing business and job housing, and the recreation amenities which are a vital part of such interfaces.

The Shepard Road Upper Landing Interceptor Project initiative is a multimodal transportation interceptor project. Included within this project is a multimodal facility to accommodate public and private transit service, pedestrian pathways between the Mississippi River and downtown St. Paul, a bicycle hub for commuters and recreational riders, a ride sharing hub and a bus staging and dispatching area for busses serving visitors to the immediately adjacent St. Paul Civic Center, Science Museum of Minnesota and downtown St. Paul cultural attractions.

The Shepard Road Upper Landing Interceptor Project site is a gateway site critical to the redevelopment of the five mile segment of Mississippi riverfront which is the focus of a multi-year redevelopment strategy.

Mr. Speaker, H.R. 2400 also contains an important compromise on a national wilderness area in Minnesota, the Boundary Waters Canoe Area Wilderness (BWCAW). The BWCAW, the most popular wilderness in our entire wilderness system, has regrettably been the target of controversy and attacks over the past four years. Legislation has been introduced to increase the number of motorboats allowed in the wilderness; to remotorize three portages; to keep open the portion of Sea Gull Lake now scheduled to be closure next year and to turn over to a locally dominated board the management of this national treasure.

In light of the anti-environmental record of the Republican Majority Congress over the past four years, these proposals in my mind's eye represent a very real threat to the BWCAW. While some of the more egregious proposals have been dropped, the House and Senate were poised to act on legislation that would reopen three portages and maintain over 2,100 motorboats on 3,000 plus acres of Sea Gull Lake. Passage on such legislation was highly probable and would have delivered a devastating blow to the BWCAW resource.

Against this backdrop, I fortunately reached a good-faith agreement with Congressman Oberstar on the BWCAW. We have differed on this issue and the policy path and the loan for over two decades. My primary concern is protecting the BWCA wilderness to the maximum extend possible. This compromise accomplishes such goal. Under the agreement, Four Mile Portage will not be motorized and effective January 1, 1999, most of Sea Gull Lake, and all of Alder, and Canoe Lakes will be closed to motorboats. That represents over 3,000 acres of lake surface permanently closed to over 2,100 motorboats and an agreement which defuses the motor portage issue which unresolved promised continued polarization and attacks that would in the final analysis seriously damage the BWCAW resource.

As the Forest Service implements this agreement, they should look to the Resources Committee positive actions this year on H.R. 1739. During the consideration of this measure, amendments were adopted to insure that only those portages that were motorized in 1992 can be motorized under this compromise; that limits motorized portages solely to trucks and trailers and not to other commercial operations and importantly to prevent federal subsidies from private portage services. The Forest Service should most certainly look to these provisions in determining Congressional intent.

Mr. Speaker, the BWCAW has been the subject of extensive debate and numerous hearings in Minnesota and Washington, D.C. over the past four years, including Subcommittee and Committee deliberations. While I would have preferred a different process, the BWCAW process is far more open than the homogenized budget, tax, authorization and spending measures that are so commonplace over the past four years. I support this provision of H.R. 2400.

Mr. Speaker, I would have preferred that this BWCAW issue not be addressed in this forum, but the policy has been the product of open debate and extensive hearings the past four years and a flash point for much longer—the criticism of the process belies the merit of this compromise which reduces the number of motor boats in wilderness and keeps on track the nearly 3,000 acres of Sea Gull Lake, over 2,000 motor boat permits a year out of wilderness—at the same time permitting 2 portages to be motorized the equivalent of 274 days of motor use between lakes which are all permitted to have motor boat use and the number of permits will not go up regards this circumstance and change furthermore they are almost all being used today some at over 100% utilization.

The measure before the House H.R. 2400 represents a positive use of the gas tax revenue.

A major problem arises because the 1993 budget anticipated that the increase of 4.3 cents was for deficit reduction. The Congress determined later to transfer the money to the highway trust fund that means that over a five or six year period that we will experience an overall budget short fall. This deficit and the outlay budget issue is further complicated by the fact that over economic projections haven't been updated.

I certainly hope that the dire predictions being espoused by some today do not come

to pass and believe that we can avert some of this problem. No doubt that some of the earmarked projects in this measure will raise questions and should, but all each of us can do is point to the screening procedure and the hearings that most were subject to through the House committee.

Importantly this will provide significant funds for our state regarding highways and transit, this will provide an unprecedented amount of funds for these purposes and flexibility to the states and local communities to make the decisions as to the expenditure priorities of such funds raised by the national government. Also provided are continued commitment of funds for enhancement programs and mitigation programs, the goal is to help innovative expenditure of transportation including bike path trail purchases and other amenities that have become a very important program in our communities and the mitigation funding which reduces congestion, erects sound barriers, limit adverse impacts on our air quality. These programs attempt to address the full impact of motor vehicle traffic upon our environment and rectify and limit the adverse health consequences.

In any legislative matter this comprehensive we are faced with many policies that deserve more attention, indeed there are budget, authorization, tax and direct mandated spending provisions which cut across many topics which are not recognized as solely surface transportation. We could all find the basis to severely criticize this procedure and vote against such a measure but the good in this measure certainly outweighs the shortcomings within it.

I'm voting for this in good faith and with the needs of my state and people in mind. We will be here the next four months and with the mandate of the people some may well return for another term. This isn't a perfect bill but its a good measure and I believe moves forward about as well as we can in the current political environment.

Support H.R. 2400 today and let us keep working for better policy in the future.

Mr. THUNE. Mr. Speaker, I rise today in support of the conference report to H.R. 2400, the Building Efficient Surface Transportation Equity Act (BESTEA) of 1998.

This Act takes us yet one step closer to an important goal: Putting trust back into the Highway Trust Fund. For too many years, the taxes American motorists pay at the pump have been siphoned off from their intended uses to be used for other federal programs. Worthy though those programs may be, the fact is, hard working Americans have been deceived about how the money they pay at the pump is being used. Fortunately, this bill contains a guarantee that motor fuels taxes be used to fund roads, bridges, and mass transits.

Because Congress is honoring this commitment, we have been able to dedicate more funding to important transportation priorities. Those priorities include safety and development programs in addition to general allocation to the States. On the subject of State allocations, I think my colleagues in the House would agree that the conferees deserve praise for balancing the disparate needs and desires of the 50 states.

As always is the case with highway funding bills, regionalism plays a larger role than partisanship with forming coalitions. In this case, I would say we have struck an agreeable, if not a perfect compromise that will allow each of our States to continue to maintain and build our surface transportation networks.

Certainly this is the case for States like South Dakota. As you are aware, Mr. Speaker, and Chairman SHUSTER is aware, I was less than satisfied with the funding formula contained in H.R, 2400. Along with several of my colleagues from Western States, I attempted to amend H.R. 2400 in order to recognize the unique needs of sparsely populated States. That amendment, unfortunately, was not accepted by the Transportation and Infrastructure Committee and the funding formula was not amended to our satisfaction. However, I believe it clearly defined our concerns and shed light on our expectations that there be more funding made available to States like South Dakota that have miles of highways but lack the population base to adequately fund those roads. As a result, we have a bill before us now that recognizes the need for a national transportation system and a national system of highways.

It is true that each State and the citizens of each State bear a great deal of the responsibility in meeting their own transportation needs. If each State were solely responsible for funding its transportation, we would be ignoring an irrefutable fact: In order for goods and services to move from Boston and Seattle, they must pass through States like South Dakota. Consequently, people on the Coasts, on the National borders, and in urban centers, use these roads and have an interest in seeing that they are safe for travel. Though it does not provide the funding I would prefer, the bill before us does provide a level of funding that will help ensure middle America allows all areas of the Nation to be connected.

This accomplishment is the result of the hard work of my colleagues who were appointed to the conference committee to negotiate the differences between the House and Senate. Rep. Don Young of Alaska, one of the conferees, certainly understood my concerns. As an At-Large Representative, I was pleased to see that he was named to the conference to work for the interests of sparsely populated but geographically large states like ours.

This bill also is the result of many hours of hard work and dedication of those behind the scenes, including the staff of the Committee on Transportation and Infrastructure. This bill also is the product of the hard work of the men and women at the South Dakota Department of Transportation (SDDOT), who under the direction of Governor William Janklow, Secretary Ronald Wheeler, and Assistant Secretary Jim Jensen, provided invaluable information. And without any question, I and my staff owe much to Richard Howard, SDDOT Director of Intergovernmental Relations. Their hard work helped to ensure the members of this body understood the importance of maintaining a fair formula for South Dakota. They also helped develop important provisions of this bill. I would also like to recognize the hard work put into this legislation by my Legislative Director, Jafar Karim. He put in many long hours on behalf of the people of South Dakota.

One provision of particular importance will help South Dakota meet transit, rural air service, and rail safety needs. The provision will give South Dakota and other States not served by Amtrak the flexibility to use funds made available under the Taxpayer Relief Act of 1997 for the State's highest transportation priorities. I would like to thank Ways and Means Chairman BILL ARCHER, and the conferees for the revenue title of this bill, Rep. KENNY HULSHOF and Rep. JIM NUSSLE, for their support of this provision.

I also want to commend the gentleman from Missouri and the gentleman from Iowa for preserving and protecting the ethanol tax incentives through the year 2007. Though South Dakota and other corn producing States may best understand the benefits of these provisions, the entire Nation benefits from ethanol being a part of our fuel options.

Chairman SHUSTER and Chairman PETRI also deserve thanks for their support of priority projects I submitted on behalf of the State of South Dakota. Through this process, South Dakotans will have a new opportunity to build four lane highways to some of the State's trade centers, such as Aberdeen, Huron, Mitchell, Pierre, and Rapid City. As I have previously stated for the RECORD, these four lanes are the combined vision of former Senator Francis Case and the late Governor George S. Mickelson. These two South Dakota leaders saw the value of connecting our major population centers to Interstate 90 and Interstate 29 via four-lane highways. I am proud to carry forward that vision.

I also am pleased that the conference granted my request that the bill recognize the Heartland Expressway from Rapid City, South Dakota, to Scottsbluff, Nebraska, and Interstate 29 from Kansas City to the Canadian border, which would include the portion of the highway that runs through South Dakota, as High Priority Trade Corridors. Together these corridors provide important transportation links for the west and east ends of South Dakota. I am hopeful that each will be able to secure a portion of the funds to be made available for High Priority Trade Corridors under this bill.

These projects, and the programs this bill funds, will help South Dakota and the Nation provide the transportation infrastructure necessary to remain competitive into the next century. Clearly, this bill is a slam dunk for the State of South Dakota. Through this act, we will provide for important infrastructure; restore integrity to an important part of the federal budget process; and ensure an equitable national transportation network.

Mr. ARCHER. Mr. Speaker, I stand in reluctant opposition to the conference report on H.R. 2400, the "Building Efficient Surface Transportation and Equity Act of 1998."

I am reluctant because the conference report preserves the goals of the House bill to strengthen and enhance our country's transportation needs into the next century. However, the conference report contains a fatal flaw in the revenue title. Its inclusion was preordained before the conference committee was convened. Regrettably, longstanding traditions of the House were ignored to secure an outcome which I adamantly oppose and which forced my decision not to serve on the conference committee.

The objectionable provision relates to a 20-year-old subsidy for ethanol which the conference report extends through year 2007. The

extension was included despite overwhelming opposition by the Ways and Means Committee and, I believe, by a majority of the House of Representatives. A study by the General Accounting Office concluded that ethanol has had no discernible effect on environmental quality and America's energy security. Furthermore, half of the benefits from this inappropriate subsidy flows to a single company. Editorials in papers from all parts of the country, including the corn-growing Mid-West, have registered opposition to the extension of this outdated and reckless subsidy. Copies of some of these editorials are included below.

The bill as approved by the House would have allowed the ethanol credit to sunset in 2000 as provided under current law and instead provide meaningful tax relief and benefits to highway users, barges and railroads, as well as to millions of boaters and fishermen who enjoy our lakes, rivers and shores. Unfortunately, most of this House relief has now been siphoned off by the seven year extension of the subsidy contained in the conference report.

We now have before us an agreement which turns a deaf ear to those who want to eliminate inappropriate subsidies and reduce the size of government. In conclusion, the process has been wronged. Worse, the taxpayer has been wronged. I have no choice but to oppose the conference report.

WRONG WAY ON ETHANOL

House Ways and Means Committee Chairman Bill Archer has declined to serve as a conferee on the highway bill and says he'll vote against it, not for reasons having to do with highways but because party leaders have stacked the conference committee in favor of subsidizing ethanol. The chairman opposes the 20-year-old ethanol subsidy as ineffectual and a giveaway to the corn producers from whose crop the gasoline extender is made, as well as to the Archer Daniels Midland Corp., the principal manufacturer.

He is right on the merits, but this is one where the merits don't count. The Ways and Means Committee voted 22 to 11 to let the subsidy lapse when it is supposed to expire in two years. But the Senate voted to extend it. The Democrats, in the form of the Clinton administration and House Minority Leader Dick Gephardt, both support extension, and so, it turns out, does House Speaker Newt Gingrich. The speaker said he'd be pleased to name Mr. Archer a conferee, as custom dictates, but only if he is flanked by two other Ways and Means members prepared to out vote him on the issue. Rather than serve as a cipher, Mr. Archer withdrew.

The subsidy was enacted as part of the patchy national response to the energy crisis in the 1970s. The manufacturers receive income tax credits; the gasoline tax is also lower on gasohol—gasoline mixed with ethanol—than on the conventional product. The idea was to reduce both U.S. dependence on foreign oil and air pollution from the burning of fossil fuels. But the General Accounting Office concluded last year that at best ethanol has made only a marginal contribution to the achievement of either goal. Mostly, the subsidy helps prop up corn prices by adding a little to demand. The higher corn price may mean slightly higher beef and chicken prices than otherwise, since the corn is used for feed. ADM, which happens over the years to have been a major source of campaign contributions to members of both parties, likewise prospers.

It's not clear that gasoline extended by ethanol could be produced at a competitive price without the subsidy. Mr. Archer is willing to face that, and "at a time when we should eliminate inappropriate subsidies," thinks his colleagues should be, too.

[From Rapid City Journal]

ETHANOL TAX BREAK OUTDATED

The ethanol industry is mature enough to outlast its tax subsidy.

Since the Arab oil embargo of the 1970s and its resulting energy crisis in the United States, the demand for self-sufficiency in energy production inspired several taxpayer-assisted ventures.

The most well-known is the production of ethanol from fermented corn, an alcohol that is blended with gasoline. Since 1978, when ethanol production was less than 50 million gallons, the industry has grown to produce about 1.5 billion gallons in 1997. Along the way, a tax credit that costs Americans a little more than $800 million a year has been the principal assist for an industry that can't support itself without the subsidy.

Supporters of the subsidy say it's needed in order to convince investors that major capital allocations to ethanol producing plants are a reasonably safe bet, thereby employing workers in corn belt regions and giving corn producers an extra market for their product. The benefits to the rest of the country, says the American Coalition for Ethanol, are both strategic, in that foreign demand for oil is reduced, and environmental, in that cleaner air is the result of adding ethanol to gasoline.

It sounds great, but we disagree. Subsidies to ethanol have long since outlived their original intent, which was to help a fledgling industry that held some promise for energy self-sufficiency get off the ground. Annual production of 1.5 billion gallons, which consumes between 5 percent to 10 percent of the country's corn crop, suggests the industry has matured and should be able to make it on its own.

Ethanol backers retort that the petroleum industry gets subsidies, therefore so should they. On reviewing a list of petroleum industry tax breaks provided to us by ethanol spokesmen, tax experts we consulted tell us that the bulk of the so-called petroleum subsidies—principally tax credits for conducting business overseas and accelerated depreciation allowances—are available to every multi-national business, as well as every company that owns machinery and equipment. If the ethanol industry went multi-national, it, too, would get the same tax treatment.

The ethanol industry also lumps in military costs in the Persian Gulf as federal spending on oil, claiming the military cost adds as much as 20 cents a gallon to the final price of gasoline. We think the argument is specious. Even if ethanol production in this country were to double, as its backers hope, it would hardly make a dent in America's demand for cheap foreign oil. Besides, maintaining order in the Gulf is not tied exclusively to protecting the flow of oil.

As to environmental claims, researchers in recent years have been calling ethanol's benefits into question. A 1993 report by the University of Colorado in Chemical and Engineering News reported that EPA-mandated use of ethanol along Colorado's Front Range had a statistically insignificant impact on air quality. And the National Academy of Science's Douglas Lawson, lead author of a comprehensive study on oxygenated fuels, told Forbes Magazine a year ago that EPA policies mandating ethanol "may not be cost-effective or may be ineffective." Other studies are equally dubious about ethanol's purported environmental benefits.

We're also leery of the additional costs that will be borne by livestock producers, who could pay more for corn if ethanol production reached hope-for levels.

In a free-market world, we have no argument with ethanol, per se, but we believe that if it is indeed a product of such many-sided benefits, private sector resources will eagerly pursue a chance to get in on it.

American taxpayers have already given it as much of a boost as they should.

Mr. POSHARD. Mr. Speaker, I rise today in support of the conference report on reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). When I voted for passage of H.R. 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA) on April 1 of this year, I did so because it was a good bill for Illinois. Although that is not entirely true of the conference report, I will vote in favor of it because it contains some important provisions and will allow us to complete many desperately-needed projects.

Prior to passage of the original ISTEA bill, Illinois received only 93 cents for every gas tax dollar it sent to the federal treasury. As a member of the Transportation and Infrastructure Committee then and now, I worked hard to bring equity to this relationship, and this effort was successful. ISTEA returned $1.03 to Illinois for each tax dollar. H.R. 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA), of which I am a cosponsor, pledged to provide the Land of Lincoln over a billion dollars annually over the next six years and maintain this return. However, the conference report is a significant setback from this progress. It returns my state to donor status, at 92 cents for every dollar in gas taxes, and reduces Illinois' annual return significantly.

Nonetheless, the conference report earmarks funding for several transportation projects in the 19th Congressional District which will greatly benefit my constituents. We must have the funds to follow through with these contracts or risk losing an entire construction season. In addition, I am pleased that the state of Illinois has been guaranteed hundreds of millions of dollars in discretionary funding for critical projects, including construction on the Stevenson Expressway and Wacker Drive in Chicago. These funds will be crucial in improving conditions in the Chicago area. The bill also provides for increased transit funding, establishes an access-to-jobs initiative which will assist those making the transition from welfare to work, and gives Illinois 29% more funding that under the original 1991 ISTEA legislation.

The conference report extends the federal tax credit for ethanol until the year 2007, which I have fiercely advocated for over the years. This is sound policy that will help American agriculture and the environment, benefit consumers, and reduce our dependence on foreign oil. Unfortunately, the final version of this legislation does not contain House-passed provisions relating to the intrastate transportation of agricultural products, such as fertilizers, pesticides, and fuels. For two years, I have fought with Representatives EWING, BARCIA, and BUYER, and other supporters to allow

states to maintain their current exceptions to federal regulations that would overburden our family farmers with costly compliance fees. Another opportunity to address this reality is not likely before the end of this Congress, and I wish the outcome had been different. I am pleased that a portion of the offset moneys will be used for veterans' education and disability programs, and I will continue to work on behalf of America's veterans in every way I can.

No, this conference report is not perfect, but I nonetheless urge my colleagues to vote in favor of it. I have strongly supported this process since its inception, and truly believe the ISTEA framework has been successful. There are far too many critical projects and programs that must be funded immediately, and we can ill afford to allow this reauthorization process to continue any longer. I am proud of my work as a member of the Transportation and Infrastructure Committee in helping to craft this next incarnation of ISTEA, and I look forward to its passage.

Mr. FROST. Mr. Speaker, Title III of the Conference Report to accompany H.R. 2400 contains project authorizations in section (c)(1) making $3,000,000,000 available for fiscal years 1998 through 2003 for a variety of projects. Included in this section is authorization for the Dallas North Central Light Rail Transit Extension in the amount of $188 million. I am taking this opportunity to thank the conferees for making these funds available, but I would also like to take this opportunity to reiterate the position of the Dallas Area Rapid Transit regarding the full federal share of this project.

DART originally requested $333 million as the federal share for fulfillment of the Full Funding Grant Agreement that has been under negotiation between DART and the Federal Transit Administration. During these negotiations, FTA indicated its commitment to proceed with the implementation of the project by the issuance of a Letter Of No Prejudice. It is important to note that it is DART's understanding that the $188 million authorized in the conference report to accompany H.R. 2400 is a floor and not a ceiling and that the full $333 million will be made available for the federal share to ensure the completion of this project which has been the subject of the negotiations between DART and FTA.

Mr. BOEHLERT. Mr. Speaker, I rise today in strong support of Tea-21—a legislative package I refer to as "Green Tea." This is the most significant piece of environmental legislation passed in the 105th Congress. "Green Tea" provides billions of dollars to improve the quality of our nation's air through the Congestion Mitigation Air Quality (CMAQ) program. As we work to improve air quality CMAQ will prove to be one of our most valuable tools.

"Green Tea" dramatically increases our commitment to transit programs which are critical to improving our environment and relieving the commuter congestion that chokes our urban centers. This legislation secures $41 billion for transit over the next six years.

"Green Tea" continues the enormously successful Transportation Enhancement program. This program has built bike paths and preserved historic transportation structures across the country.

"Green Tea" promotes the use of electric and natural gas vehicles—an important step toward reducing green house gases.

In crafting "Green Tea" Chairman SHUSTER worked closely with the environmental community to produce a bill that will improve America's infrastructure and our environment.

Mr. BURTON of Indiana. Mr. Speaker, due to circumstances beyond my control, I am unable to cast my vote for the Building Efficient Surface Transportation and Equity Act (H.R. 2400) Conference Report. If I were able to vote on the conference report, I would vote in the affirmative. This legislation is vital to restoring integrity to the Highway Trust Fund, and funding equity to the several States.

While the issue of transportation infrastructure may not seem glamorous, it takes on a compelling National interest when economic growth is restricted, and our valuable time is wasted by crushing traffic jams, potholed and dangerous roads, and a crumbling National transportation infrastructure. The Conference Report on H.R. 2400 is landmark legislation that affirms the Federal government's commitment to a strong, modern, and safe transportation infrastructure.

This legislation restores the integrity of the Highway Trust Fund; it has the support of business and labor, contractors and environmentalists, safety groups, and State and local governments alike; it addresses many of the concerns of Hoosiers by returning a greater portion of the money collected by motor vehicle excise taxes to Indiana for much-needed infrastructure investment. Equally as important, BESTEA gives States and localities the ability to decide how and where transportation dollars should be spent.

Again, Mr. Speaker, if I were able to vote on the conference report, I would vote in the affirmative. It is crucial that the Congress restore integrity to the Highway Trust Fund and ensure funding equity to the several States.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. I most certainly am, Mr. Speaker.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the Conference Report on the bill, H.R. 2400, to the Committee of Conference with instructions to the managers on the part of the House to strike those provisions of the Conference Report that prohibit or reduce service-connected disability compensation to veterans relating to use of tobacco products.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 190, nays 195, not voting 49, as follows:

[Roll No. 191]

YEAS—190

Aderholt	Gordon	Obey
Baesler	Goss	Olver
Baker	Gutierrez	Pappas
Ballenger	Hall (TX)	Pastor
Barr	Hastings (FL)	Pelosi
Barrett (NE)	Hastings (WA)	Peterson (MN)
Barrett (WI)	Hayworth	Pickett
Bartlett	Hefner	Pomeroy
Barton	Hill	Porter
Becerra	Hilleary	Poshard
Bentsen	Hinchey	Price (NC)
Berman	Hobson	Pryce (OH)
Bilbray	Hoyer	Regula
Bilirakis	Hulshof	Rivers
Bishop	Inglis	Rodriguez
Bonilla	Jackson-Lee (TX)	Rogan
Boswell	Jefferson	Roukema
Boyd	Johnson (WI)	Roybal-Allard
Brady (TX)	Jones	Sabo
Brown (OH)	Kaptur	Salmon
Bunning	Kasich	Sánchez
Campbell	Kelly	Sanders
Canady	Kennedy (MA)	Sandlin
Cannon	Kennedy (RI)	Sawyer
Capps	Kennelly	Scarborough
Cardin	Kildee	Schaffer, Bob
Carson	Kind (WI)	Schumer
Castle	Kleczka	Scott
Chabot	LaFalce	Sensenbrenner
Chambliss	Lampson	Sessions
Chenoweth	Lantos	Shadegg
Christensen	Largent	Shays
Clayton	Leach	Sherman
Coburn	Lewis (GA)	Sisisky
Condit	Lewis (KY)	Slaughter
Costello	Lowey	Smith (MI)
Crane	Lucas	Smith (NJ)
Crapo	Luther	Smith, Adam
Cunningham	Maloney (CT)	Smith, Linda
Davis (FL)	Maloney (NY)	Souder
Deal	Manton	Spratt
DeGette	Martinez	Stabenow
Delahunt	McCarthy (MO)	Stark
Dicks	McCollum	Stearns
Doggett	McDermott	Strickland
Dooley	McGovern	Stump
Edwards	McHale	Stupak
Emerson	McIntosh	Talent
Engel	McIntyre	Tanner
English	McNulty	Taylor (MS)
Ensign	Metcalf	Thomas
Eshoo	Miller (FL)	Thompson
Etheridge	Minge	Thornberry
Evans	Moakley	Thurman
Fox	Moran (VA)	Tiahrt
Gejdenson	Morella	Tierney
Gibbons	Myrick	Turner
Gillmor	Nethercutt	Watkins
Gilman	Neumann	Watts (OK)
Goode	Norwood	Waxman
Goodlatte		Weldon (PA)

Weygand
Whitfield
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baldacci
Barcia
Bass
Bereuter
Berry
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Bryant
Buyer
Calvert
Camp
Clay
Clement
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cummings
Danner
Davis (IL)
Davis (VA)
DeLauro
DeLay
Diaz-Balart
Dickey
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Everett
Ewing
Farr
Fattah
Filner
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gingrich
Goodling
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Herger
Hilliard
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Kanjorski
Kilpatrick
Kim
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Linder
Lipinski
Livingston
LoBiondo
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McHugh
McInnis
McKeon
McKinney
Meek (FL)
Menendez
Mica
Millender-McDonald
Mink
Moran (KS)
Murtha
Nadler
Ney
Northup
Nussle
Oberstar
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Paul
Paxon
Payne
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Rahall
Ramstad
Redmond
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Rush
Ryun
Saxton
Schaefer, Dan
Serrano
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (TX)
Snowbarger
Snyder
Solomon
Spence
Stokes
Sununu
Tauscher
Tauzin
Thune
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Weldon (FL)
Weller
White
Wise

NOT VOTING—49

Archer
Bateman
Blunt
Boucher
Burr
Burton
Callahan
Conyers
DeFazio
Deutsch
Fawell
Fazio
Foley
Furse
Gephardt
Gonzalez
Graham
Green
Harman
Hefley
Hoekstra
Hyde
Johnson, Sam
King (NY)
Kingston
Lofgren
McCrery
McDade
Meehan
Meeks (NY)
Miller (CA)
Mollohan
Neal
Parker
Quinn
Rangel
Reyes
Riggs
Royce
Sanford
Skaggs
Smith (OR)
Stenholm
Taylor (NC)
Torres
Towns
Wamp
Wexler
Wicker

□ 1757

Mr. PETERSON of Pennsylvania changed his vote from "yea" to "nay."

Messrs. ADAM SMITH of Washington, STRICKLAND, BRADY of Texas, JEFFERSON, WEYGAND, YOUNG of Alaska, Mrs. KELLY, and Messrs. ENGEL, SMITH of Michigan, McGOVERN, MANTON, MARTINEZ, WYNN, INGLIS of South Carolina and Mrs. CLAYTON changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. QUINN. Mr. Speaker, due to family obligations I was unavoidably detained from several roll call votes today. Had I been present, I would have voted no on roll call votes 187, and 188. I would have voted yes on roll call vote 189, 190 and 191.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker 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 SPEAKER. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 297, noes 86, not voting 50, as follows:

[Roll No. 192]

AYES—297

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Bass
Becerra
Bereuter
Berry
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Bunning
Buyer
Calvert
Camp
Cannon
Capps
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Mink
Moakley
Moran (KS)
Murtha
Nadler
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Poshard
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snowbarger
Snyder
Solomon
Spratt
Stabenow
Stearns
Stokes
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thune
Tiahrt
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wise
Woolsey
Wynn
Young (AK)

NOES—86

Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentsen
Berman
Bilbray
Bilirakis
Bishop
Boehner
Bonilla
Boyd
Brown (OH)
Campbell
Canady
Cardin
Castle
Chabot
Chenoweth
Christensen
Coburn
Cox
Crane
Deal
Dicks
Edwards
Emerson
Eshoo
Frelinghuysen
Gilman
Goss
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hobson
Hoyer
Hunter
Inglis
Jones
Kasich
Kennedy (RI)
Kolbe
Largent
Lewis (GA)
Maloney (NY)
McCollum
McNulty
Miller (FL)
Minge
Moran (VA)
Morella
Myrick
Nethercutt
Obey
Paul
Porter
Portman
Price (NC)
Rohrabacher
Roukema
Sabo
Salmon
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Smith, Adam
Smith, Linda
Souder
Spence
Stark
Strickland
Stump
Taylor (MS)
Thornberry
Thurman
Tierney
Waxman
White
Wolf
Yates
Young (FL)

NOT VOTING—50

Archer
Bateman
Blunt
Boucher
Burr
Burton
Callahan
Conyers
DeFazio
Deutsch
Dixon
Fawell
Fazio
Foley
Furse
Gonzalez
Graham
Green
Harman
Hefley
Hoekstra
Hyde
Johnson, Sam
King (NY)
Kingston
Lofgren
McCrery
McDade
Meehan
Meeks (NY)

Miller (CA)	Riggs	Taylor (NC)
Mollohan	Rogers	Torres
Neal	Royce	Towns
Parker	Sanford	Wamp
Quinn	Skaggs	Wexler
Rangel	Smith (OR)	Wicker
Reyes	Stenholm	

□ 1807

The Clerk announced the following pairs:

On this vote:

Mr. Green for, with Mr. Sam Johnson of Texas against.

Mr. Wicker for, with Mr. Parker against.

Mr. Wamp for, with Mr. Sanford against.

Mr. McDade for, with Mr. Kingston against.

Mr. Burton for, with Mr. Archer against.

Mr. Quinn for, with Mr. Burr of North Carolina against.

Mr. TIERNEY changed his vote from "aye" to "no."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GRAHAM. Mr. Speaker, I would like to state that had I been present during the vote on the conference report for H.R. 2400, Building Efficient Surface Transportation and Equity Act, I would have voted "no" on the conference report.

PERSONAL EXPLANATION

Mr. SCARBOROUGH. Madam Speaker, on rollcall No. 192, I was reported as voting "aye." That was the transportation bill.

I recall voting "no" and would ask that the RECORD reflect that I opposed rollcall vote 192, the transportation bill, as I did from the beginning of the process.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 99. Concurrent resolution authorizing the flying of the POW/MIA flag.

CORRECTING ENROLLMENT OF H.R. 2400, TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Mr. SHUSTER. Mr. Speaker, I offer a concurrent resolution (H.Con.Res. 282) correcting the enrollment of H.R. 2400, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. PEASE). The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 282

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 2400 the Clerk of the House of Representatives shall make the following corrections:

(1) In the table contained in section 1602 of the bill—

(A) strike item 166, relating to Macomb County, Michigan, and insert the following:

No.	State	Project description	[Dollars in Millions]
166.	Michigan	Improvements to Tenth Street (Port Huron)	1.8;

(B) after item 1850 insert the following:

No.	State	Project description	[Dollars in Millions]
1851.	Michigan	Bridge-to-Bay bike path, St. Clair County	0.450;

(C) in item 755, relating to Cross Seminole Trail, Florida, strike "1.25" and insert "1.5";

(D) in item 902, relating to St. Johns River Bridge, Florida, strike "10.5" and insert "14.0";

(E) by striking item 242, relating to magnetic lane marking for I–4, Florida, and item 1065, relating to US 1792 in Volusia County, Florida;

(F) in item 702, relating to I–4 in Orlando, Florida, by striking "10.5" and insert "10.0";

(G) in item 770, relating to US–17/92 in Volusia County, Florida, striking "1.35" and insert "1.0";

(H) in item 789, relating to construction of interchange, Orange County, Florida, strike "2.0625" and insert "1.0";

(I) in item 635, relating to Florida National Scenic Trail, strike "1.875" and insert "2.15"; and

(J) in item 1383, relating to improvements to Alden Road, Florida, strike "0.525" and insert "0.35"; and

(2) in section 1212 by striking subsection (v) and inserting the following:

" (v) BOUNDARY WATERS CANOE AREA.—Effective January 1, 1999, section 4 of the Act of October 21, 1978 (Public Law 95–495) is amended—

" (1) by striking subsection (g) and inserting the following:

'(g) Nothing in this Act shall be construed to prevent the operation of motorized vehicles to transport boats across the portages between the Moose Lake Chain and Basswood Lake, Minnesota, and between Vermilion Lake and Trout Lake, Minnesota.'; and

" (2) in subsection (c)(2) by striking '; Alder, Cook County; Canoe, Cook County' "

On page 1A-71 line 22, insert after system "$10,000,000 of such amounts shall be available to the State of Alabama for fiscal year 1999 and 2000".

On page 1B–129, line 10, insert:

"(g)(1) The Secretary shall provide $10 million for construction of highway 323 between Alzado and the vicinity of Ekalaka, Montana.

"(2) Funds made available shall be available for obligation in the same manner as if funds had been appropriated under Chapter 1 of Title 23.

"(h)(1) The Secretary shall provide $1.125 million for construction of Third Street North, CSAH 81, Waite Park.

"(2) Funds made available shall be available for delegation in the same manner as if funds had been appropriated under Chapter 1 of Title 23.".

Mr. SHUSTER (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 1 hour.

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

Mr. Speaker, this is simply to correct some mistakes that were in the bill, inadvertent mistakes in the bill.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I concur with the statement of the gentleman from Pennsylvania (Mr. SHUSTER) that this does correct inadvertent omissions that were made and errors in the tabulation of the bill and support the unanimous consent.

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

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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 on the conference report to accompany the bill, H.R. 2400.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R.1385, EMPLOYMENT, TRAINING, AND LITERACY ENHANCEMENT ACT OF 1997

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1385) to consolidate, coordinate and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: For consideration of the House bill and Senate amendment and modifications committed to conference Messrs. GOODLING, MCKEON, RIGGS, GRAHAM, BOB SCHAFFER of Colorado, CLAY, MARTINEZ, and KILDEE.

There was no objection.

DESIGNATION OF HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 3, 1998

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 1998.

I hereby designate the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 3, 1998.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

DISPLAYING POW/MIA FLAG AT THE CAPITOL

Mr. PETRI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 99) to display the POW/MIA flag at the Capitol Sunday, May 24, 1998, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the Senate concurrent resolution.

The Clerk read as follows:

S. CON. RES. 99

Resolved by the Senate (the House of Representatives concurring), That, for the purpose of section 1082(b)(1)(B) of the National Defense Authorization Act for Fiscal Year 1998, the display of the POW/MIA flag at the Capitol shall begin at 6:30 p.m. on Sunday, May 24, 1998. As used in this section, the term "POW/MIA flag" has the same meaning as in section 1082 of such Act.

SEC. 2. The Architect of the Capitol may prescribe regulations with respect to the first section of this resolution.

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

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, JUNE 3, 1998

Mr. PETRI. Mr. Speaker, I ask unanimous consent that on Wednesday, June 3, 1998, the Speaker be authorized to entertain motions to suspend the rules and pass the following:

H.R. 2604—Religious Liberty and Charitable Donation Protection Act of 1997;

H.R. 3504—John F. Kennedy Center for the Performing Arts Authorization Act;

H.R. 3808—Designating the Carl D. Pursell U.S. Post Office;

H.R. 3630—Designating the Steven Schiff Post Office;

H.R. 2798—Designating the Nancy B. Jefferson Post Office;

H.R. 2799—Designating the Reverend Milton R. Brunson Post Office Building.

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

There was no objection.

PERMISSION FOR COMMITTEE ON BUDGET TO HAVE UNTIL MIDNIGHT WEDNESDAY, MAY 27, 1998, TO FILE REPORT ON A CONCURRENT RESOLUTION ON THE BUDGET

Mr. PETRI. Mr. Speaker, I ask unanimous consent that the Committee on the Budget have until midnight Wednesday, June 27, 1998, to file a privileged report on a concurrent resolution on the budget.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. DOOLEY of California. Mr. Speaker, I take this time in order to inquire about the schedule for the week we return.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce we have concluded legislative business for the week. Next week, the House will not be in session due to the Memorial Day district work period.

The House will next meet on Wednesday, June 3, at 2:00 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices.

On Wednesday, we also hope to consider H.R. 3433, the Ticket to Work and Self-Sufficiency Act of 1998, under a rule.

Members should note that we do not expect any recorded votes before 5:00 p.m. on Wednesday, June 3.

The House will meet at 10:00 a.m. on Thursday, June 4, and 9:00 a.m. on Friday, June 5, to take up the following legislation:

H.J.Res. 78—A resolution proposing an amendment to the Constitution of the United States restoring religious freedom; and a concurrent resolution on the budget for fiscal year 1999.

Next week, the House will also continue consideration of H.R. 2183, the Bipartisan Campaign Integrity Act of 1997.

Mr. Speaker, we hope to conclude legislative business for the week by 2:00 p.m. on Friday, June 5.

I thank the gentleman from California (Mr. DOOLEY) for yielding me the time.

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Mr. DOOLEY of California. Mr. Speaker, if I can further inquire, I know there is a lot of interest on both sides of the aisle for when we would, once again, revisit the agricultural research bill. I was interested if the gentleman has any plans on when that might come before the House.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for asking. Of course we are all concerned about getting this matter resolved as soon as possible on behalf of the concerns we had among our American farmers. We are working on that, and I can say that it is my hope that we may be able to do it possibly in the week we return, the week of June 3.

REPORT ON INVESTIGATION OF WHEREABOUTS OF U.S. CITIZENS WHO HAVE BEEN MISSING FROM CYPRUS SINCE 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

In accordance with Public Law 103–372, I hereby submit the enclosed "Report to Congress on the Investigation of the Whereabouts of the U.S. Citizens Who Have Been Missing from Cyprus Since 1974." The report was prepared by retired Ambassador Robert S. Dillon, with significant contribution by former State Department Associate Director of Security Edward L. Lee, II. Their intensive investigation centered on Cyprus, but it followed up leads in the United States, Turkey, Greece, Switzerland, and the United Kingdom.

The investigation led to the recovery of partial remains that were identified through DNA testing (done at the Armed Forces Institute of Pathology DNA Identification Laboratory) and other evidence as being those of one of the missing Americans, Andreas Kassapis. The report concludes that Mr. Kassapis was killed shortly after his capture in August 1974. The report also concludes that, although their remains could not be recovered, the other four missing U.S. citizens in all likelihood did not survive the events in Cyprus in July and August 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1998.*

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 3, 1998

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 3, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE NOTWITHSTANDING ADJOURNMENT

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, June 3, 1998, the Speaker, majority leader, and minority leader be authorized to accept resignations and make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the gentlewoman from New York?

There was no objection.

RESPONSE OF LORAL CORPORATION TO ALLEGATIONS

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am holding in my hand a copy of the Loral Corporation's 2-page statement in response to allegations that Loral gave sensitive information to Communist China. This statement is stunning in its claim of innocence.

While the statement may be factually accurate, what is stunning and misleading is what is left out, what Loral does not say, and most of all the questions which remain unanswered. I urge every Member of this body, Democrats and Republicans alike, to read this statement by Loral and ask themselves if they are satisfied with its replies. Ask themselves the following questions:

Is Loral arguing that its review of the China rocket failures did not help the Communist Chinese government perfect its Long March missile?

Does Loral explain why it released its report to the Chinese before seeking approval from the State Department?

Does Loral fail to mention that high-technology transfers were under criminal investigation at the Justice Department for previous technology transfers to Communist China at the time of President Clinton's February 19, 1998, waiver?

Loral must come forward and provide more answers than these.

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.

THE SITUATION IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, this afternoon I received the following message from Jason Miko with Mercy Corps International on the situation in Kosovo.

A Mother Theresa Society convoy of food aid was stopped and the aid was confiscated by the Yugoslav police forces on a road between Prishtina and Schtime. The four-truck convoy, three 10-ton trucks, one 5-ton truck, and one Range Rover, belonging to Mercy Corps, an international relief agency, and driven by Mercy Corps staff, was held by the police.

The convoy was destined for the Mother Theresa Society warehouse in Schtime when it was stopped at a police check point, police, called the financial/marketing police, which is another branch within the government, who came from a nearby town. The convoy was then impounded. The police told them to come back next Tuesday and took their documents, which were in order, without giving them a receipt for the food aid or the documents.

Mr. Speaker, that food aid is probably lost forever, and, meanwhile, the ethnic Albanian population in Kosovo continues to suffer from the oppression of Serbian President Milosevic. The incidents I have described are but the latest example of that oppression.

Earlier this week, there were new reports of rapidly escalating acts of violence and murder perpetuated by Serbian military and police forces in Kosovo against innocent, defenseless civilians, including women and children.

These actions represent a serious setback to achieving a lasting peace in Kosovo, as well as a major obstacle to any negotiations on easing the sanctions against the Federal Republic of Yugoslavia.

I understand that there are two sides to the dispute in Kosovo, but cultural or historic differences should not be an excuse for bombing defenseless villages and schools and killing innocent people who want nothing more than to live and raise their families in peace and security, while having a say in their government.

Mr. Speaker, Milosevic must stop his military campaign against the ethnic Albanians in Kosovo. He must negotiate a lasting and peaceful solution that recognizes the rights of all Kosovans.

TECHNOLOGY TRANSFERS JEOPARDIZE NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to spend the last few moments before we break for the Memorial Day work period to discuss an issue that has been in the national news this week and that has occupied the minds of most of our colleagues in this body and the other body; and that is the issue of proliferation.

We have seen a lot of discussion in the national media about the most recent transfer of technology from American corporations, most specifically the Loral Corporation, the Hughes Corporation, to China that may, in fact, jeopardize our national security and pose threats to us.

The issue of proliferation, Mr. Speaker, is not a new one. In fact, a week and a half ago, on May 13, I did a 40-minute special order on this floor where I documented in the public record 37 specific cases over the past 6 years of proliferation by Russia and China to Iran, Iraq, to India and Pakistan.

At that time, I said to our colleagues, Mr. Speaker, that we must take more aggressive action in imposing sanctions and enforcing requirements provided in our arms control agreements.

This week, Mr. Speaker, we have seen some of the results of that lack of inaction in enforcing those arms control agreements. In fact, we have seen the escalation of the conflict and the rhetoric and saber rattling between India and Pakistan.

Much of that technology, Mr. Speaker, that both of those Nations now have came from both Russia and China. We should have and could have stopped that proliferation. Iran and Iraq are both now developing medium range missiles. Iran will have one within 12 to 18 months. Again that technology came from Russia.

Again, our action should have been able to stop it. The Congress is talking about proliferation. And the White House, through spokesman Mike McCurry, has basically said it is a knee-jerk reaction, that the Congress is now voting as we did yesterday on the defense authorization bill to limit the transfer of technology to China.

I would remind the White House, Mr. Speaker, that it was back in November of last year that this Congress voted overwhelmingly with almost 400 votes to force the administration to impose sanctions on Russia because of transfers to Iran.

Mr. Speaker, this is a serious issue, but I want to leave our colleagues with two important points. First of all, let us make sure that when we impanel this special task force, the select committee, after we return from the break, that we do not politicize it.

The issue is national security. We must focus in a very deliberate way on what damage has been caused by the most recent transfer of technology by the Loral Corporation to China. We must not allow this special select committee to be politicized by either side of the aisle.

Secondarily, Mr. Speaker, we must remember that, while we must investigate whether or not the Chinese government deliberately try to acquire this technology and circumvent our laws, we must not rush to judgment, because trade with China is critical and important.

My concern is that we not overreact, overreacting then causing further isolation in our relationships with China.

Mr. Speaker, we saw a situation like this occur just a few short years ago when the President initially refused to grant a waiver for a visa for Taiwan President Li Teng-hui to come speak at his alma mater at Cornell. The day after that rejection by the administration, the Congress overwhelmingly voted in both bodies to overturn the President and allow President Li Teng-hui to come here, as I think he should have been able to do.

The problem is that we sent mixed signals to China. China read that as a deliberate slap in their face. That then partially led to the escalation of what could have been a very serious conflict as we sent our carrier battle groups up on the straits of Taiwan.

We do not need another confrontation with China. We must get to the bottom of what happened in the Loral technology transfer. We must have Members on both sides of the aisle who are serious sit down behind closed doors and assess whether or not our security has been jeopardized.

When we are done, if, in fact, it has been jeopardized, we must then determine why the administration took the actions they took. We must then take steps to deal with the results of what we have found. Until that happens, we must reserve our rhetoric; we must make sure that we base our decisions on fact.

I would encourage our colleagues to think carefully about this over the break because, when we return in June, this will be the major issue that will be the focus of this body and the Nation through the rest of this summer.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN (at the request of Mr. GEPHARDT) for today, on account of family business.

Mr. REYES (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. DEFAZIO (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. BURR of North Carolina (at the request of Mr. ARMEY) for today after 2 p.m., on account of illness in the family.

Mr. QUINN (at the request of Mr. ARMEY) for today, on account of family reasons.

Mr. RIGGS (at the request of Mr. ARMEY) for today after 9:15 a.m., on account of illness.

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 Member (at her own request) to revise and extend her remarks and include extraneous material:

Ms. JACKSON-LEE of Texas for 5 minutes today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. HEFNER for 5 minutes today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. HAYWORTH.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. BLUMENAUER.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. WHITFIELD, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. DOOLEY of California) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

(The following Members (at the request of Mrs. KELLY) to revise and extend their remarks and include extraneous material:)

Mrs. LINDA SMITH of Washington, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 73. Concurrent resolution expressing the sense of Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union;

To the Committee on Ways and Means.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, pursuant to Senate Concurrent Resolution 98, 105th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 98 of the 105th Congress, the House stands adjourned until 2 p.m. on Wednesday, June 3, 1998.

Thereupon (at 6 o'clock and 27 minutes p.m.), pursuant to Senate Concurrent Resolution 106, the House adjourned until Wednesday, June 3, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9270. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of China, pursuant to 12 U.S.C. 635(b)(3)(I); to the Committee on Banking and Financial Services.

9271. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Phoenix, Arizona Ozone Nonattainment Area, 15 Percent Rate of Progress Plan and 1990 Base Year Emission Inventory [AZ-005-ROP FRL-6101-9] received May 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9272. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Florida [FL-071-9810a; FRL-6015-4] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9273. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada; Nevada Division of Environmental Protection; Washoe County District Health Department [FRL-6014-5] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9274. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Nutrient Content Claims-General Provisions [Docket No. 98N-0283] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9275. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Revocation of Lather Brushes Regulation [Docket No. 97P-0418] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9276. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Petitions for Nutrient Content and Health Claims, General Provisions [Docket No. 98N-0274] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9277. A letter from the Deputy Secretary, Securities And Exchange Commission, transmitting the Commission's final rule—Amendments to Rules on Shareholder Proposals [Release No. 34-40018; IC-23200; File No. S7-25-97] (RIN: 3235-AH20) received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9278. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 98-33), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9279. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Australia (Transmittal No. RSAT-3-98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9280. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 51-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9281. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 57-98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9282. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 53-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9283. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Germany and Kuwait (Transmittal No. DTC 56-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9284. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Saudi Arabia (Transmittal No. DTC 31-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9285. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

9286. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

9287. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9288. A letter from the Administrator, General Service Administration, transmitting a report of activities under the Freedom of Information Act from January 1, 1997 to September 30, 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

9289. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Redesignation of 30 CFR Part 250—Oil And Gas And Sulphur Operations In The Outer Continental Shelf (RIN: 1010-AC45) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9290. A letter from the Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—National Estuarine Research Reserve System Regulations [Docket No. 980427108-8108-01] (RIN: 0694-AL16) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee onResources.

9291. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule to List a Distinct Population Segment of Atlantic Salmon (Salmo Salar) As Threatened (RIN: 1018-AD12) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9292. A letter from the Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Observer Health and Safety [Docket No. 970829214-8090-02; I.D. 082097B] (RIN: 0648-AJ76) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9293. A letter from the Executive Director of Government Affairs, Non Commissioned Officers Association, transmitting the annual report of the Non Commissioned Officers Association of the United States of America, pursuant to Public Law 100—281, section 13 (100 Stat. 75); to the Committee on the Judiciary.

9294. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's "Major" final rule—Tax forms and instructions [Revenue Procedure 98-36] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. GEKAS: Committee on the Judiciary. H.R. 872. A bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes; with an amendment (Rept. 105-549 Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee of Conference. Conference report on H.R. 2400. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (Rept. 105-550). Ordered to be printed.

Mr. COBLE: Committee on the Judiciary. H.R. 2281. A bill to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty; with an amendment (Rept. 105-551 Pt. 1). Ordered to be printed.

Mr. McINNIS: Committee on Rules. House Resolution 449. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (Rept. 105-552). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 450. Resolution providing for consideration of the bill (H.R. 3433) to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to return to work and to extend Medicare coverage for such beneficiaries, and to amend the Internal Revenue Code of 1986 to provide a tax credit for impairment-related work expenses (Rept. 105-553). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3035. A bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies; with an amendment (Rept. 105-554 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on House Oversight discharged from further consideration of H.R. 1704.

Pursuant to clause 5 of rule X the Committee on Resources discharged from further consideration of H.R. 3035.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 2281. A bill to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty; with an amendment; referred to the Committees on Commerce, and Ways and Means for a period ending not later than June 19, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdictions of those committees pursuant to clause 1(e) and (s), rule X, respectively.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 872. Referral to the Committee on Commerce extended for a period ending not later than July 14, 1998.

H.R. 1704. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than June 4, 1998.

H.R. 3035. Referral to the Committee on Agriculture extended for a period ending not later than June 3, 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. HERGER (for himself, Mr. MCCRERY, Ms. DUNN of Washington, Mr. CHRISTENSEN, Mr. SAM JOHNSON, Mr. HULSHOF, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. LEWIS of Kentucky, Mr. WHITFIELD, Mr. BARR of Georgia, Mr. DICKEY, Mr. MCINTOSH, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. JONES, Mr. WELDON of Florida, Mr. PITTS, Mr. SUNUNU, Mr. CAMPBELL, Mrs. ROUKEMA, Mr. GIBBONS, Mr. HANSEN, Mr. LARGENT, and Mr. SALMON):

H.R. 3945. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment of the unified credit against the estate and gift taxes; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Mr. BLUMENAUER, Mr. BONIOR, Mr. BORSKI, Mr. BROWN of California, Mr. CAMPBELL, Mr. DELAHUNT, Mr. EVANS, Mr. FARR of California, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GEJDENSON, Mr. HYDE, Mr. KLECZKA, Mr. KUCINICH, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. MANTON, Mr. MARKEY, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. NADLER, Mr. OBERSTAR, Ms. PELOSI, Ms. RIVERS, Mr. SCHUMER, Mr. SHAYS, Mr. TIERNEY, Mr. TOWNS, Mr. WAXMAN, Ms. WOOLSEY, Mrs. MCCARTHY of New York, and Mr. SMITH of New Jersey):

H.R. 3946. A bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness; to the Committee on Commerce.

By Mr. ARCHER:

H.R. 3947. A bill to amend the Internal Revenue Code of 1986 to provide that certain liquidating distributions of a regulated investment company or a real estate investment trust which are allowable as a deduction shall be included in the gross income of the distributee; to the Committee on Ways and Means.

By Mr. KLINK (for himself, Mr. MURTHA, Mr. FATTAH, Mr. KANJORSKI, Mr. DOYLE, Mr. ETHERIDGE, Mrs. EMERSON, Mr. HALL of Ohio, Mr. TRAFICANT, Mr. MASCARA, Mr. HOLDEN, Mrs. THURMAN, Mr. GEJDENSON, Ms. STABENOW, Mr. STUPAK, Mr. RUSH, Mr. MCDERMOTT, Mr. SMITH of New Jersey, Mr. STRICKLAND, Mr. FOX of Pennsylvania, Mr. RODRIGUEZ, Mr. ENGLISH of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. MANTON, Mr. KENNEDY of Massachusetts, Mr. HINCHEY, Mrs. MCCARTHY of New York, Mr. GREEN, Mr. NADLER, and Mr. GOODE):

H.R. 3948. A bill to maintain health care coverage for veterans by the Department of Veterans Affairs for tobacco related illnesses, and to provide for additional authorization of appropriations for the Department; to the Committee on Veterans' Affairs.

By Mr. BARR of Georgia (for himself, Mr. BOUCHER, Mr. GRAHAM, Mr. BARCIA of Michigan, and Mr. STRICKLAND):

H.R. 3949. A bill to ban the imposition of a fee for performing background checks in connection with the transfer of a firearm, and to ensure that background check information is not retained for longer than necessary; to the Committee on the Judiciary.

By Mr. BILBRAY:

H.R. 3950. A bill to designate a portion of the Otay Mountain region of California as wilderness; to the Committee on Resources.

By Mr. ACKERMAN:

H.R. 3951. A bill to amend title 18, United States Code, to prohibit ticket scalping; to the Committee on the Judiciary.

By Mr. ACKERMAN (for himself, Mr. FORBES, Mr. MANTON, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mrs. LOWEY, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. LAZIO of New York, Ms. VELÁZQUEZ, and Mr. SCHUMER):

H.R. 3952. A bill to require the Administrator of the Federal Aviation Administration to address the aircraft noise problems of Queens and Long Island, New York; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 3953. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment of the dollar limitation on the exclusion of gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself, Mr. HAYWORTH, Mr. MOLLOHAN, Mr. STENHOLM, Mr. HERGER, Mr. BOUCHER, Mr. HASTINGS of Washington, Mr. SESSIONS, Mr. BARTON of Texas, Mr. BUNNING of Kentucky, Mr. NORWOOD, Mr. CUNNINGHAM, Mr. STUMP, Mr. BRADY of Texas, Mr. CRAPO, Mr. CANNON, Mr. NETHERCUTT, Mr. GOODE, Mr. WISE, Mr. BARCIA of Michigan, Mr. WATTS of Oklahoma, Mr. EHRLICH, Mr. CRANE, Mr. NEY, Mr. YOUNG of Alaska, and Mr. BARTLETT of Maryland):

H.R. 3954. A bill to clarify the standard required for the importation of sporting arms into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BOSWELL:

H.R. 3955. A bill to amend title 46, United States Code, to protect seamen against economic reprisal; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, and Mrs. MORELLA):

H.R. 3956. A bill to amend title 5, United States Code, to provide for more equitable policies relating to overtime pay for Federal employees; to the Committee on Government Reform and Oversight.

By Mr. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, and Mr. WOLF):

H.R. 3957. A bill to rename Wolf Trap Farm Park for the Performing Arts as "Wolf Trap National Park for the Performing Arts"; to the Committee on Resources.

By Mr. EHRLICH (for himself, Mr. CUNNINGHAM, Mr. WELDON of Pennsylvania, and Mr. INGLIS of South Carolina):

H.R. 3958. A bill to amend the Fair Labor Standards Act of 1938 to provide an overtime compensation exemption for paramedics, emergency medical technicians, and rescue and ambulance personnel trained to provide emergency medical services and provide transport of persons receiving those services who are also trained in fire suppression services; to the Committee on Education and the Workforce.

By Mr. ENGLISH of Pennsylvania:

H.R. 3959. A bill to suspend temporarily the duty on ferroniobium; to the Committee on Ways and Means.

By Mr. ENSIGN (for himself and Mr. GIBBONS):

H.R. 3960. A bill to amend the Internal Revenue Code of 1986 to provide that the special motor fuels excise tax on water-phased hydrocarbon fuel emulsions shall be based on their Btu content relative to gasoline; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 3961. A bill to establish the Administrative Law Judge Conference of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 3962. A bill to provide for the ratification of payments made under preexisting onshore and offshore royalty-in-kind programs; to the Committee on Resources.

By Mr. HILL:

H.R. 3963. A bill to establish terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain properties around Canyon Ferry Reservoir, Montana; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 3964. A bill to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project for the reclamation and reuse of water, and for other purposes; to the Committee on Resources.

By Mrs. KENNELLY of Connecticut:

H.R. 3965. A bill to amend the Internal Revenue Code of 1986 to repeal the provision added by the Taxpayer Relief Act of 1997 that imposes tax increases on certain families by reason of the inflation adjustments in the regular income tax rate brackets, the standard deduction, and the personal exemption; to the Committee on Ways and Means.

By Mr. LAHOOD (for himself, Mr. SANDLIN, Mr. ISTOOK, Ms. DANNER, Mr. BLUNT, Mr. COBURN, Mr. BARRETT of Nebraska, Mr. HASTINGS of Washington, and Mr. EHLERS):

H.R. 3966. A bill to amend title 23, United States Code, to provide for collection and payment of State taxes imposed on motor fuel sold on Indian lands; to the Committee on Transportation and Infrastructure.

By Mr. LATHAM:

H.R. 3967. A bill to suspend until January 1, 2002, the duty on Sodium Bentazon; to the Committee on Ways and Means.

By Mr. LEACH (for himself, Mr. LAFALCE, Mrs. ROUKEMA, Mr. VENTO, Mr. BAKER, Mr. LAZIO of New York, Mr. BACHUS, and Mr. CASTLE):

H.R. 3968. A bill to require within 90 days an assessment of, and a national strategy for addressing, the Year 2000 computer problem to ensure that critical public and private services to the American public are not disrupted, and for other purposes; to the Committee on Science, and in addition to the

Committees on Government Reform and Oversight, 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. MCCOLLUM:

H.R. 3969. A bill to clarify that retirement income from pension plans of the government of the Commonwealth of Puerto Rico shall be exempt from nonresident taxation in the same manner as State pension plans; to the Committee on the Judiciary.

By Mr. MCKEON (for himself and Mr. STUMP):

H.R. 3970. A bill to amend title 10, United States Code, to provide that persons who have been convicted of a capital crime may not be awarded the Purple Heart; to the Committee on National Security.

By Mr. MORAN of Virginia:

H.R. 3971. A bill to reduce traffic congestion, promote economic development, and improve the quality of life in the metropolitan Washington region; to the Committee on Transportation and Infrastructure.

By Mr. PICKETT:

H.R. 3972. A bill to amend the Outer Continental Shelf Lands Act to prohibit the Secretary of the Interior from charging State and local government agencies for certain uses of the sand, gravel, and shell resources of the outer Continental Shelf; to the Committee on Resources.

By Mr. RIGGS (for himself and Mr. HERGER):

H.R. 3973. A bill to reauthorize and amend the Trinity River Basin Fish and Wildlife Management Act of 1984; to the Committee on Resources.

By Ms. RIVERS:

H.R. 3974. A bill to waive interest and penalties on failures to properly complete schedule D of Form 1040 for 1997; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 3975. A bill to provide for access by State and local authorities to information of the Department of Justice for the purpose of conducting criminal background checks on port employees and prospective employees; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. BARTON of Texas, Mr. BILBRAY, Mr. COOKSEY, Mr. DOOLITTLE, Mr. JOHN, Mr. MCCRERY, Mr. NORWOOD, Mr. PARKER, Mr. WICKER, and Mr. YOUNG of Alaska):

H.R. 3976. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1998, and for other purposes; to the Committee on Commerce.

By Mr. STEARNS (for himself, Mr. SANDERS, Mr. ROHRABACHER, Mr. KENNEDY of Rhode Island, Ms. ROS-LEHTINEN, Mr. OLVER, Ms. MCKINNEY, Mr. KUCINICH, Mr. STRICKLAND, Mr. STARK, Ms. WOOLSEY, Mr. EVANS, Mrs. LOWEY, and Mr. SMITH of New Jersey):

H. Con. Res. 281. Concurrent resolution expressing the sense of Congress that Indonesia completes a transition to a democratically elected, non-military government; to the Committee on International Relations.

By Mr. SHUSTER:

H. Con. Res. 282. Concurrent resolution to correct the enrollment of H.R. 2400; considered and agreed to.

By Mr. BERMAN (for himself, Mr. PORTER, Mrs. MALONEY of New York, Mr. PAYNE, Mr. ABERCROMBIE, Mr. LANTOS, Mr. ROHRABACHER, Mrs. LOWEY, Mr. GILMAN, Mr. WOLF, Mr. COX of California, Mr. SMITH of New Jersey, Ms. LOFGREN, Mr. KENNEDY of Massachusetts, and Ms. PELOSI):

H. Con. Res. 283. Concurrent resolution expressing the sense of the Congress concerning the December 1997 report on Tibet of the International Commission of Jurists and on United States policy on Tibet; to the Committee on International Relations.

By Mr. HAYWORTH:

H. Res. 448. A resolution expressing the sense of the House of Representatives that the President should postpone his visit to the People's Republic of China planned for June 1998 until all questions related to the export of sensitive satellite technology to the People's Republic of China have been thoroughly and satisfactorily answered; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

323. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution 443 memorializing the President of the United States and the Congress of the United States to enact H.R. 953, the Ovarian Cancer Research and Information Amendments of 1997; to the Committee on House Oversight.

324. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Joint Resolution 21 memorializing the United States Congress to take such actions as are necessary to return to the states the power to regulate campaign financing in connection with elections for the United States Senate and House of Representatives and to take immediate action to adequately regulate "soft money" donations to political committees of political parties; to the Committee on House Oversight.

325. Also, a memorial of the Legislature of the State of Alaska, relative to HJR 39 memorializing the United States Congress to enact legislation prohibiting the President of the United States from further extending or establishing national monuments without the express authorization of the Congress; to the Committee on Resources.

326. Also, a memorial of the Senate of the State of Iowa, relative to Senate Concurrent Resolution No. 115 memorializing the United States Congress to support U.S. House of Representatives Concurrent Resolution 52 that calls for the Congress of the United States to recognize the concern of many in the railroad industry that the spousal annuity under the current system is inadequate and often leaves the survivor with less than the amount of income needed to meet ordinary and necessary living expenses; to the Committee on Transportation and Infrastructure.

327. Also, a memorial of the Legislature of the State of Alaska, relative to CSSJR 15 memorializing the Congress to reauthorize the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) as soon as possible; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. ROGAN introduced A bill (H.R. 3977) for the relief of Sergey Y. Chernyavskiy; which was referred 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. 66: Ms. MILLENDER-MCDONALD.

H.R. 198: Mr. BOB SCHAFFER.

H.R. 225: Mr. ENGEL.

H.R. 306: Mr. VISCLOSKY.

H.R. 339: Mr. KLINK.

H.R. 371: Mr. THOMPSON.

H.R. 465: Mr. PRICE of North Carolina.

H.R. 498: Mrs. CAPPS.

H.R. 586: Mr. BOYD and Ms. MILLENDER-MCDONALD.

H.R. 678: Mr. ISTOOK, Mr. BISHOP, Mr. CUMMINGS, Mr. EDWARDS, Mr. FATTAH, Mr. FILNER, Mr. JEFFERSON, Ms. MCKINNEY, Ms. Millender-McDonald, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. ORTIZ, Mr. POSHARD, Mr. RANGEL, Mr. RUSH, Mr. TANNER, Mr. TIERNEY, Ms. VELÁZQUEZ, Ms. WATERS, Mr. ROGERS, Mr. LEWIS of Kentucky, and Ms. SLAUGHTER.

H.R. 859: Mr. CAMP.

H.R. 899: Mr. TOWNS.

H.R. 979: Mr. BLAGOJEVICH, Mrs. KELLY, Mr. RODRIGUEZ, Mr. SERRANO, Mr. SNOWBARGER, and Mr. JACKSON.

H.R. 1061: Mr. SPRATT, Mr. MALONEY of Connecticut, and Mr. PRICE of North Carolina.

H.R. 1069: Mr. SERRANO.

H.R. 1126: Mr. HASTINGS of Florida, Mr. EHRLICH, and Mr. CAMP.

H.R. 1176: Ms. RIVERS.

H.R. 1203: Mr. ROYCE.

H.R. 1232: Mrs. BONO.

H.R. 1352: Mr. SANDERS and Mr. SERRANO.

H.R. 1362: Mr. BOUCHER.

H.R. 1378: Mr. BURTON of Indiana.

H.R. 1382: Mr. SKELTON, Mr. PASTOR, Mr. WEXLER, Mr. TIERNEY, and Mr. BERMAN.

H.R. 1505: Mr. BARRETT of Wisconsin.

H.R. 1525: Mr. BROWN of California.

H.R. 1531: Mr. FARR of California.

H.R. 1656: Mr. GEJDENSON.

H.R. 1689: Mr. MCINTYRE, Mr. BALLENGER, and Mrs. ROUKEMA.

H.R. 1706: Mr. TOWNS.

H.R. 1726: Mr. TOWNS.

H.R. 1748: Mr. MCDERMOTT.

H.R. 1813: Mr. BATEMAN, Mr. KUCINICH, Ms. RIVERS, Mr. ROMERO-BARCELO, Mr. RUSH, and Ms. MCCARTHY of Missouri.

H.R. 1842: Mr. HUNTER.

H.R. 1891: Mr. BISHOP.

H.R. 1995: Mr. BALDACCI, Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. KANJORSKI, Mr. JEFFERSON, Mr. SAWYER, Mr. SANDLIN, Mr. SPRATT, Mr. POSHARD, Mr. DOYLE, Ms. JACKSON-LEE, Mr. EDWARDS, Mr. PAYNE, Mr. BISHOP, Ms. MCKINNEY, Mr. ENGEL, Mr. CLEMENT, Mr. FROST, Mr. SABO, and Mr. Levin.

H.R. 2009: Mr. YATES.

H.R. 2173: Mr. GILMAN.

H.R. 2273: Mr. KLECZKA, Mr. BRYANT, and Mr. BURR of North Carolina.

H.R. 2275: Mr. BLAGOJEVICH and Mr. JACKSON.

H.R. 2452: Mr. TOWNS.

H.R. 2454: Mr. SERRANO.

H.R. 2457: Mr. SERRANO.

H.R. 2499: Mr. LAHOOD, Mr. POSHARD, Mr. DIXON, Mr. KLINK, and Mr. SERRANO.

H.R. 2541: Mr. COLLINS.

H.R. 2549: Mr. STRICKLAND.

H.R. 2553: Mr. SERRANO.

H.R. 2669: Mr. GRAHAM, Mr. INGLIS of South Carolina, Mr. BILBRAY, Mr. EWING, Mr. SOUDER, Mr. WICKER, Mr. PICKERING, Mr. COBURN, Mr. THUNE, Mr. SESSIONS, Mr. WHITE, Mrs. MYRICK, Mr. HOEKSTRA, Mr. SCARBOROUGH, Mr. SHADEGG, and Mr. CHABOT.

H.R. 2704: Ms. SLAUGHTER.

H.R. 2721: Mr. NORWOOD.

H.R. 2733: Mr. LEWIS of Georgia, Mr. VENTO, Mr. SUNUNU, Mr. BARTLETT of Maryland, Mr. STRICKLAND, and Mr. COOKSEY.

H.R. 2758: Mr. WICKER, Mr. COOKSEY, Mr. HUTCHINSON, Mr. LEACH, Mr. PACKARD, Mr. HUNTER, Mr. BONILLA, Mr. SMITH of Texas, Mr. OWENS, Mr. KUCINICH, Mr. CONYERS, Mr. WEYGAND, Mr. METCALF, and Mr. NADLER.

H.R. 2819: Ms. ESHOO and Mr. PAPPAS.

H.R. 2884: Mr. MANZULLO.

H.R. 2885: Mr. WOLF, Mr. ROHRABACHER, Mr. LIPINSKI, Mr. CALVERT, and Mr. ENGLISH of Pennsylvania.

H.R. 2912: Mr. GRAHAM.

H.R. 2987: Mr. FROST.

H.R. 2990: Mr. RODRIGUEZ, Mr. BASS, and Mrs. KELLY.

H.R. 2991: Mr. LARGENT and Mr. SAWYER.

H.R. 3001: Mr. NETHERCUTT.

H.R. 3032: Mr. FRANK of Massachusetts.

H.R. 3043: Ms. WOOLSEY and Mr. DEFAZIO.

H.R. 3050: Mr. MARKEY.

H.R. 3062: Mr. STRICKLAND.

H.R. 3068: Mr. BROWN of California.

H.R. 3131: Mr. DOOLEY of California.

H.R. 3148: Mr. MORAN of Kansas.

H.R. 3156: Mr. DAVIS of Virginia, Mr. HULSHOF, Mr. KIM, Mr. PAXON, Ms. LEE, Mr. MOAKLEY, Mr. SAXTON, Mrs. CUBIN, Mr. BRADY of Texas, Mr. PETRI, Mr. WELLER, Mr. STEARNS, Mr. DEAL of Georgia, Mr. DUNCAN, Mr. SPENCE, Mr. GILLMOR, Mr. BILIRAKIS, Mrs. CHENOWETH, Mr. NETHERCUTT, Mr. FOSSELLA, and Mrs. BONO.

H.R. 3177: Mr. WICKER and Mr. SOUDER.

H.R. 3181: Mr. THOMPSON.

H.R. 3206: Mr. MANZULLO.

H.R. 3249: Mr. PACKARD and Ms. GRANGER.

H.R. 3251: Mrs. THURMAN and Mr. PALLONE.

H.R. 3279: Mr. VENTO.

H.R. 3290: Mrs. FOWLER, Mr. CASTLE, Mr. FORBES, Mr. LEACH, Mr. MCKEON, Mr. BOEHLERT, Mr. SISISKY, and Mr. RODRIGUEZ.

H.R. 3300: Mr. TORRES.

H.R. 3314: Mr. ROMERO-BARCELO.

H.R. 3340: Mr. CRAMER.

H.R. 3396: Mr. CUMMINGS and Mr. FAWELL.

H.R. 3400: Mr. KUCINICH and Ms. CARSON.

H.R. 3435: Mr. MASCARA and Mrs. EMERSON.

H.R. 3462: Mr. HILLIARD.

H.R. 3465: Mr. CRAMER.

H.R. 3499: Mr. JACKSON.

H.R. 3503: Mr. UPTON and Mrs. JOHNSON of Connecticut.

H.R. 3523: Mr. ANDREWS and Ms. STABENOW.

H.R. 3524: Mr. OLVER.

H.R. 3526: Mr. DOOLEY of California, Mr. CARDIN, Mr. PASCRELL, Ms. PELOSI, and Mr. SAWYER.

H.R. 3531: Mr. ALLEN.

H.R. 3540: Mr. GUTIERREZ, Mr. BROWN of Ohio, Mr. SABO, and Mr. TORRES.

H.R. 3541: Mr. BEREUTER, Mr. MCINTYRE, and Mr. LAMPSON.

H.R. 3561: Ms. MCCARTHY of Missouri.

H.R. 3568: Ms. KAPTUR, Mr. POSHARD, Mr. PASCRELL, and Ms. RIVERS.

H.R. 3570: Mrs. EMERSON.

H.R. 3572: Mr. DICKEY.

H.R. 3599: Mrs. THURMAN.

H.R. 3601: Mr. BATEMAN and Mr. BURTON of Indiana.

H.R. 3605: Mr. OBEY.

H.R. 3624: Mr. VENTO.

H.R. 3636: Mr. BARRETT of Nebraska, Mr. LEWIS of Georgia, Mr. KILDEE, Mr. GREEN, Mr. WYNN, and Mr. VENTO.

H.R. 3651: Mr. SERRANO.

H.R. 3654: Mr. BLUNT.

H.R. 3659: Mr. LATHAM and Mr. THOMPSON.

H.R. 3666: Mr. BONIOR.

H.R. 3667: Mr. COOKSEY, Mr. NUSSLE, Mr. HEFLEY, Mr. BOB SCHAFFER, Mr. MCCOLLUM, Mr. HERGER, and Ms. SÁNCHEZ.

H.R. 3684: Mr. TRAFICANT.

H.R. 3690: Mr. SPRATT.

H.R. 3716: Mr. SERRANO, Mr. BALDACCI, and Mr. FILNER.

H.R. 3720: Mr. SAM JOHNSON.

H.R. 3733: Mr. BLUNT and Mr. MCGOVERN.

H.R. 3743: Ms. NORTON.

H.R. 3767: Mr. EHRLICH and Mr. MATSUI.

H.R. 3780: Mrs. JOHNSON of Connecticut and Mr. LIVINGSTON.

H.R. 3789: Mr. INGLIS of South Carolina.

H.R. 3798: Mrs. THURMAN.

H.R. 3831: Mr. PASCRELL, Mr. ENGLISH of Pennsylvania, and Mr. FROST.

H.R. 3837: Mr. SHAYS, Mr. DOOLEY of California, Mr. HILLIARD, Mr. MATSUI, Mr. HINCHEY, Mr. SCHUMER, Mr. SANDLIN and Mr. GEJDENSON.

H.R. 3855: Mr. BARRETT of Wisconsin.

H.R. 3861: Mr. JONES.

H.R. 3870: Mr. KANJORSKI, Mr. RILEY, Mr. THOMPSON, Mr. JENKINS, Mr. SANDLIN, Mr. FROST, Mr. DELAHUNT and Mr. BURR of North Carolina.

H.R. 3875: Ms. PELOSI and Ms. LOFGREN.

H.R. 3879: Mr. CRAPO and Mr. BOB SCHAFFER.

H.R. 3880: Mr. PAYNE, Mr. BALDACCI, Mr. FRANK of Massachusetts, Mr. STARK, Mr. FARR of California, Mr. HINCHEY, Ms. FURSE, Mr. FROST, Mr. PETERSON of Minnesota, Ms. LOFGREN, and Mr. HILLIARD.

H.R. 3888: Mr. KLUG, Mr. ROGAN, Mr. OXLEY, Mr. BILIRAKIS, Mr. UPTON, Mr. LAZIO of New York, Mr. STEARNS, Mr. BILBRAY, Mr. NORWOOD, Mr. LARGENT, Mr. WATTS of Oklahoma, Mr. CRAPO, Mr. DAN SCHAEFER of Colorado, Mr. HASTERT, Mr. PAXON, Mr. KNOLLENBERG, Mrs. CUBIN, Mr. HANSEN, Mr. DEAL of Georgia, Mr. CHAMBLISS, and Mr. FOSSELLA.

H.R. 3895: Mr. BARRETT of Wisconsin, Ms. LOFGREN, Ms. CARSON, Mr. MEEHAN, Mr. MANTON, Mr. UNDERWOOD, Mr. GUTIERREZ, Ms. DELAURO, and Mr. SCHUMER.

H.R. 3902: Mr. LAMPSON.

H. Con. Res. 47: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 125: Mr. LOBIONDO, Ms. WOOLSEY, Mrs. TAUSCHER, and Mr. FRANKS of New Jersey.

H. Con. Res. 181: Mr. FRANKS of New Jersey, Mr. SHAYS, Mr. GOODLING, Mr. LAMPSON, and Mr. WATTS of Oklahoma.

H. Con. Res. 203: Mr. HOLDEN, Mr. PASCRELL, Mr. FATTAH, Mr. MOLLOHAN, Mr. COBURN, Mr. LARGENT, Ms. MCCARTHY of Missouri, Mr. LUTHER, Mr. BORSKI, Mr. RAHALL, Mr. KENNEDY of Rhode Island, Mr. PITTS, Mr. EHRLICH, Ms. STABENOW, Mr. GREEN, Mr. REYES, Mr. BENTSEN, Ms. JACKSON-LEE of Texas, Mr. SCARBOROUGH, Mr. POMEROY, Mr. WISE, Mr. FOX of Pennsylvania, Ms. DELAURO, Ms. RIVERS, Mr. BONIOR, Mr. VISCLOSKY, Ms. ESHOO, and Ms. WOOLSEY.

H. Con. Res. 210: Mr. FRELINGHUYSEN.

H. Con. Res. 219: Mr. LAMPSON.

H. Con. Res. 268: Mr. KENNEDY of Rhode Island and Mr. SHERMAN.

H. Con. Res. 277: Mr. HUTCHINSON, Mrs. EMERSON, and Mr. WOLF.

H. Res. 16: Mr. CALVERT.

H. Res. 37: Ms. PELOSI, Ms. WATERS, Mr. SCARBOROUGH, Mr. CLAY, Mr. GEPHARDT, Mr. SPRATT, Mr. WHITE, Ms. DELAURO, Mr. GANSKE, Ms. LEE, Mr. JOHNSON of Wisconsin, Mr. KUCINICH, Mr. GREENWOOD, Mr. CASTLE, Mr. CAMP, and Mrs. KENNELLY of Connecticut.

H. Res. 312: Mr. FROST.

H. Res. 399: Mr. SHADEGG and Mr. SHAYS.

H. Res. 406: Mr. DOOLEY of California, Mr. THOMAS, and Mr. EWING.

H. Res. 444: Mrs. THURMAN and Mr. ADAM SMITH of Washington.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

65. The SPEAKER presented a petition of the Legislature of Rockland County, New City, New York, relative to Resolution No. 148 of 1998 petitioning the Congress of the United States to oppose the the proposed Medicare Beneficiary Freedom to Contract Act; jointly to the Committees on Ways and Means and Commerce.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 1 by Mr. YATES on House Resolution 141: Joe Skeen, Tom Lantos, Thomas M. Barrett, Bruce F. Vento, Brad Sherman, Collin C. Peterson, Louis Stokes, Marcy Kaptur, Eddie Bernice Johnson, Carrie P. Meek, Lloyd Doggett, Bart Gordon, Zoe Lofgren, Solomon P. Ortiz, John Elias Baldacci, Karen McCarthy, Nick J. Rahall, II, and Dennis J. Kucinich.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2183

OFFERED BY: MR. LATOURETTE

(To the Amendment Offered By: Mr. Hutchinson)

AMENDMENT NO. 27: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—SENSE OF CONGRESS REGARDING BUCKLEY DECISION

SEC. 401. SENSE OF CONGRESS REGARDING BUCKLEY DECISION.

(a) FINDINGS.—Congress finds as follows:

(1) Congress should seek to ensure that all citizens, regardless of wealth, have an equal voice in elections and an equal opportunity to run for public office.

(2) Congress should seek to further the principle of "one person, one vote" and to preserve the integrity of the democratic system.

(3) Congress should seek to limit corruption with respect to elections and the appearance of such corruption.

(4) The unlimited use of money to influence elections is incompatible with the principles of free speech and equal protection established under the first and fourteenth amendments of the Constitution.

(b) SENSE OF CONGRESS.—It is the sense of Congress that in order for Congress to enact effective campaign finance reforms, the 1976 Supreme Court ruling in Buckley v. Valeo that limitations on expenditures in political

campaigns are unconstitutional should be overturned.

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendments Offered By: Mr. White, Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 28: Add at the end the following new title:

TITLE ___—PERMANENT AUTHORIZATION OF FEC

SEC. ___01. PERMANENT AUTHORIZATION OF FEDERAL ELECTION COMMISSION.

Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended—

(1) by striking "and $9,400,000" and inserting "$9,400,000"; and

(2) by striking the period at the end and inserting the following: ", $36,504,000 for the fiscal year ending September 30, 1999, and such sums as may be necessary for the fiscal year ending September 30, 2000, and each succeeding fiscal year.".

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendments Offered By: Mr. White, Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 29: Add at the end the following new title:

TITLE ___ POLITICAL CONTRIBUTIONS ON FEDERAL PROPERTY

SEC. ___01. POLITICAL CONTRIBUTIONS ON FEDERAL PROPERTY.

(a) AMENDMENT.—Section 607 of title 18, United States Code, is amended to read as follows:

"§ 607. Political contributions on Federal property

"(a) Whoever, on Federal property—

(1) knowingly receives or solicits a political contribution, including solicitation by telephone or electronic means; or

(2) sponsors an event which is a direct or indirect reward for a past, present, or future political contribution,

shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) A person shall have an affirmative defense, which must be proven by a preponderance of the evidence, to the prohibition in this section against knowingly receiving a political contribution if the person, within 10 days after receiving such political contribution—

"(1) with respect to a political contribution from an identifiable contributor—

"(A) returns the political contribution to the contributor;

"(B) informs the contributor that receipt of the political contribution on Federal property is prohibited by this section; and

"(C) reports the return of the political contribution to the Federal Election Commission; or

"(2) with respect to a political contribution from a contributor who is not identifiable, pays the amount of the political contribution to the Secretary of the Treasury for deposit in the general fund of the Treasury, and reports such payment to the Federal Election Commission.

"(c) In this section—

"(1) the term 'Federal property' means—

"(A) any real property owned or controlled by the Federal Government, including the chambers of the House of Representatives and the Senate and any congressional office; and

"(B) any vehicle, vessel, or aircraft owned or controlled by the Federal Government;

"(2) the term 'political contribution' means any donation of money, property, or services to or for the benefit of a political organization as defined in section 527(e)(1) of the Internal Revenue Code of 1986.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 18, United States Code, is amended by amending the item relating to section 607 to read as follows:

"607. Political contributions on Federal property.".

SEC. ___02. NOTICE TO FEDERAL OFFICE HOLDERS.

(a) CURRENT FEDERAL OFFICE HOLDERS.—Within 100 days after the date of the enactment of this Act, the Clerk of the House of Representatives shall transmit a copy of section 607 of title 18, United States Code, to each individual who holds Federal office on the date of the enactment of this Act.

(b) NEW FEDERAL OFFICE HOLDERS.—The Clerk of the House of Representatives shall, on the date on which an individual assumes Federal office after the date of the enactment of this Act, transmit a copy of section 607 of title 18, United States Code, to such individual.

(c) FEDERAL OFFICE DEFINED.—In this section, the term "Federal office" has the meaning given such term in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendments Offered By: Mr. White, Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 30: Add at the end the following new title:

TITLE ___ POLITICAL CONTRIBUTIONS ON FEDERAL PROPERTY

SEC. ___01. POLITICAL CONTRIBUTIONS ON FEDERAL PROPERTY.

(a) AMENDMENT.—Section 607 of title 18, United States Code, is amended to read as follows:

"§ 607. Political contributions on Federal property

"(a) Whoever, on Federal property—

(1) knowingly receives or solicits a political contribution, including solicitation by telephone or electronic means; or

(2) sponsors an event which is a direct or indirect reward for a past, present, or future political contribution,

shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) A person shall have an affirmative defense, which must be proven by a preponderance of the evidence, to the prohibition in this section against knowingly receiving a political contribution if the person, within 10 days after receiving such political contribution—

"(1) with respect to a political contribution from an identifiable contributor—

"(A) returns the political contribution to the contributor;

"(B) informs the contributor that receipt of the political contribution on Federal property is prohibited by this section; and

"(C) reports the return of the political contribution to the Federal Election Commission; or

"(2) with respect to a political contribution from a contributor who is not identifiable, pays the amount of the political contribution to the Secretary of the Treasury for deposit in the general fund of the Treasury, and reports such payment to the Federal Election Commission.

"(c) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to Federal property, and if such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971.

"(d) In this section—

"(1) the term 'Federal property' means—

"(A) any real property owned or controlled by the Federal Government, including the chambers of the House of Representatives and the Senate and any congressional office; and

"(B) any vehicle, vessel, or aircraft owned or controlled by the Federal Government;

"(2) the term 'political contribution' means any donation of money, property, or services to or for the benefit of a political organization as defined in section 527(e)(1) of the Internal Revenue Code of 1986.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 18, United States Code, is amended by amending the item relating to section 607 to read as follows:

"607. Political contributions on Federal property.".

SEC. ___02. NOTICE TO FEDERAL OFFICE HOLDERS.

(a) CURRENT FEDERAL OFFICE HOLDERS.—Within 100 days after the date of the enactment of this Act, the Clerk of the House of Representatives shall transmit a copy of section 607 of title 18, United States Code, to each individual who holds Federal office on the date of the enactment of this Act.

(b) NEW FEDERAL OFFICE HOLDERS.—The Clerk of the House of Representatives shall, on the date on which an individual assumes Federal office after the date of the enactment of this Act, transmit a copy of section 607 of title 18, United States Code, to such individual.

(c) FEDERAL OFFICE DEFINED.—In this section, the term "Federal office" has the meaning given such term in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendments Offered By: Mr. White, Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 31: Add at the end the following new title:

TITLE ___—DISCLOSURE OF INFORMATION ON PHONE BANKS AND POLLS

SEC. ___01. DISCLOSURE REQUIREMENT FOR PHONE BANK COMMUNICATIONS.

Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)) is amended, in the matter before paragraph (1), by inserting after "broadcasting station" the following: "phone bank,".

SEC. ___02. DISCLOSURE AND REPORTS RELATING TO POLLING BY TELEPHONE OR ELECTRONIC DEVICE.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"DISCLOSURE AND REPORTS RELATING TO POLLING BY TELEPHONE OR ELECTRONIC DEVICE

"SEC. 323. (a) IDENTITY OF SPONSOR.—Any person who conducts a Federal election poll by telephone or electronic device shall disclose to each respondent the identity of the person paying the expenses of the poll. The disclosure shall be made at the end of the interview involved.

"(b) REPORT TO COMMISSION.—In the case of any Federal election poll by telephone or electronic device in which more than 1,200 households are surveyed—

"(1) if the results are not to be made public, the person who conducts the poll shall report to the Commission the total cost of the poll and all sources of funds for the poll; and

"(2) the person who conducts the poll shall report to the Commission the total number of households contacted, and include with such report a copy of the poll questions.

"(c) DEFINITION.—As used in this section, the term 'Federal election poll' means a survey in which the respondent is asked to state a preference in a future election for Federal office.".

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendments Offered By: Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 32: Add at the end the following new title:

TITLE ___—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

SEC. ___01. ESTABLISHMENT AND PURPOSE OF COMMISSION.

There is established a commission to be known as the "Independent Commission on Campaign Finance Reform" (referred to in this title as the "Commission"). The purposes of the Commission are to study the laws relating to the financing of political activity and to report and recommend legislation to reform those laws.

SEC. 402. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of 12 members appointed within 15 days after the date of the enactment of this Act by the President from among individuals who are not incumbent Members of Congress and who are specially qualified to serve on the Commission by reason of education, training, or experience.

(b) APPOINTMENT.—

(1) IN GENERAL.—Members shall be appointed as follows:

(A) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives.

(B) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the majority leader of the Senate.

(C) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(D) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the Senate.

(2) FAILURE TO SUBMIT LIST OF NOMINEES.—If an official described in any of the subparagraphs of paragraph (1) fails to submit a list of nominees to the President during the 15-day period which begins on the date of the enactment of this Act—

(A) such subparagraph shall no longer apply; and

(B) the President shall appoint 3 members (one of whom shall be a political independent) who meet the requirements described in subsection (a) and such other criteria as the President may apply.

(3) POLITICAL INDEPENDENT DEFINED.—In this subsection, the term "political independent" means an individual who at no time after January 1992—

(A) has held elective office as a member of the Democratic or Republican party;

(B) has received any wages or salary from the Democratic or Republican party or from a Democratic or Republican party office-holder or candidate; or

(C) has provided substantial volunteer services or made any substantial contribution to the Democratic or Republican party or to a Democratic or Republican party office-holder or candidate.

(c) CHAIRMAN.—At the time of the appointment, the President shall designate one member of the Commission as Chairman of the Commission.

(d) TERMS.—The members of the Commission shall serve for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) POLITICAL AFFILIATION.—Not more than 4 members of the Commission may be of the same political party.

SEC. 403. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. In carrying out the preceding sentence, the Commission shall ensure that a substantial number of its meetings are open meetings, with significant opportunities for testimony from members of the general public.

(b) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The approval of at least 9 members of the Commission is required when approving all or a portion of the recommended legislation. Any member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this section.

SEC. 404. ADMINISTRATIVE PROVISIONS.

(a) PAY AND TRAVEL EXPENSES OF MEMBERS.—(1) Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) STAFF DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a staff director, who shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) STAFF OF COMMISSION; SERVICES.—

(1) IN GENERAL.—With the approval of the Commission, the staff director of the Commission may appoint and fix the pay of additional personnel. The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Commission may procure by contract the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

SEC. 405. REPORT AND RECOMMENDED LEGISLATION.

(a) REPORT.—Not later than the expiration of the 180-day period which begins on the date on which the second session of the One Hundred Fifth Congress adjourns sine die, the Commission shall submit to the President, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate a report of the activities of the Commission.

(b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—The report under subsection (a) shall include any recommendations for changes in the laws (including regulations) governing the financing of political activity (taking into account the provisions of this Act and the amendments made by this Act), including any changes in the rules of the Senate or the House of Representatives, to which 9 or more members of the Commission may agree, together with drafts of—

(1) any legislation (including technical and conforming provisions) recommended by the Commission to implement such recommendations; and

(2) any proposed amendment to the Constitution recommended by the Commission as necessary to implement such recommendations, except that if the Commission includes such a proposed amendment in its report, it shall also include recommendations (and drafts) for legislation which may be implemented prior to the adoption of such proposed amendment.

(c) GOALS OF RECOMMENDATIONS AND LEGISLATION.—In making recommendations and preparing drafts of legislation under this section, the Commission shall consider the following to be its primary goals:

(1) Encouraging fair and open Federal elections which provide voters with meaningful information about candidates and issues.

(2) Eliminating the disproportionate influence of special interest financing of Federal elections.

(3) Creating a more equitable electoral system for challengers and incumbents.

SEC. 406. EXPEDITED CONGRESSIONAL CONSIDERATION OF LEGISLATION.

(a) IN GENERAL.—If any legislation is introduced the substance of which implements a recommendation of the Commission submitted under section ___05(b) (including a joint resolution proposing an amendment to the Constitution), subject to subsection (b), the provisions of section 2908 (other than subsection (a)) of the Defense Base Closure and Realignment Act of 1990 shall apply to the consideration of the legislation in the same manner as such provisions apply to a joint resolution described in section 2908(a) of such Act.

(b) SPECIAL RULES.—For purposes of applying subsection (a) with respect to such provisions, the following rules shall apply:

(1) Any reference to the Committee on Armed Services of the House of Representatives shall be deemed a reference to the Committee on House Oversight of the House of Representatives and any reference to the Committee on Armed Services of the Senate shall be deemed a reference to the Committee on Rules and Administration of the Senate.

(2) Any reference to the date on which the President transmits a report shall be deemed a reference to the date on which the recommendation involved is submitted under section ___05(b).

(3) Notwithstanding subsection (d)(2) of section 2908 of such Act—

(A) debate on the legislation in the House of Representatives, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation;

(B) debate on the legislation in the Senate, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation; and

(C) debate in the Senate on any single debatable motion and appeal in connection with the legislation shall be limited to not more than 1 hour, divided equally between the mover and the manager of the bill (except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee), and the majority and minority leader may each allot additional time from time under such leader's control to any Senator during the consideration of any debatable motion or appeal.

SEC. 407. TERMINATION.

The Commission shall cease to exist 90 days after the date of the submission of its report under section ___05.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as are necessary to carry out its duties under this title.

H.R. 2183

OFFERED BY: MR. SHADEGG

(To the Amendment Offered By: Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 33: Insert after title III the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

TITLE IV—EXPEDITED REVIEW OF ALLEGATIONS OF CAMPAIGN LAW VIOLATIONS

SEC. 401. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and (to the greatest extent possible) issue the decision prior to the date of the election involved.

"(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

"(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

"(B) whether an expenditure is an independent expenditure under section 301(17).".

(b) CONFORMING AMENDMENT.—Section 309(a)(5)(C) of such Act (2 U.S.C. 437g(a)(5)(C)) is amended by striking "subsection (d)" and inserting "subsection (e)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. SHADEGG

(To the Amendment Offered By: Mr. Bass)

AMENDMENT NO. 34: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

"(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

"(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

"(B) whether an expenditure is an independent expenditure under section 301(17).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. SHADEGG

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 35: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

"(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

"(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

"(B) whether an expenditure is an independent expenditure under section 301(17).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

EXTENSIONS OF REMARKS

FOREIGN CAMPAIGN CONTRIBUTIONS: AN UGLY TALE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. BEREUTER. Mr. Speaker, this Member is greatly disturbed by recent revelations that substantial sums of Chinese money found its way into the coffers of the Democratic National Committee. It is clear that campaign operative Johnny Chung collected hundreds of thousands of dollars from individuals and organizations with direct links to the top echelons of the People's Liberation Army.

Such activity confirms our worst fears, and is a threat to this nation's collective soul. This Member urges his colleagues to rise above politics and address this problem in the serious manner that the situation demands.

Mr. Speaker, this Member would insert into the record an editorial from the Omaha World-Herald of May 16, 1998, entitled "Johnny Chung's Shocking Tale Puts Focus Back on Donations." This entire body should reflect on the sober lesson expressed in this editorial.

[Omaha World-Herald]

JOHNNY CHUNG'S SHOCKING TALE PUTS FOCUS BACK ON DONATIONS

The get-it-any-way-you-can ethic of Democratic National Committee fund raising for the Clinton-Gore re-election campaign has come into more focus. Johnny Chung has reportedly told federal investigators that he channeled money from the government of communist China to the DNC.

This should be a shock to America. It would be if the Clintonites had not apparently been successful in convincing the people that they should be interested more in the Dow Jones Average and federally subsidized day care than in old stories about unproven scandals.

Chung pleaded guilty in March to campaign-related bank and tax fraud and is cooperating with investigators. Most of the $100,000 he provided the DNC in the summer of 1996 came from the Chinese military, Chung said.

His contact was Liu Chao-ying. She was a lieutenant colonel and a vice president in charge of international trading for China Aerospace International Holdings Ltd. Liu's father was China's top military commander and a Communist Party leader. American companies were prohibited from doing business with China Aerospace in 1991 and 1993 because the company had illegally sold missiles to Pakistan.

The Justice Department reportedly has documents to verify the relationship described by Chung, who arranged for Liu to be photographed with President Clinton when she was in the United States. Chung was able to get Liu and another Chinese national into an exclusive Clinton fund-raiser in July 1996 after sending the DNC a check for $45,000. That same month, Chung set up a California corporation for Liu and himself. This allegedly was a vehicle through which donations could flow from China to the DNC.

Liu's aerospace company benefited from U.S. policies in 1996 that allowed American civilian communication satellites to be launched by Chinese rockets—despite China's sale of missiles to Iran and nuclear equipment to Pakistan that year and its perennial threats against Taiwan. The Chinese military also benefited in that it buys missiles from companies like China Aerospace and relies on the health of the industry.

Chung's attorney and officials of the Clinton administration and the DNC deny that Chung-related donations had any effect on U.S. policy toward China. But even if there was no policy quid pro quo, federal law bans campaign contributions from foreign sources.

DNC and White House spokesmen say that there was no way to know the origins of Chung's donations and that suspicious donations were returned. Yes, they were returned—after exposure in the press and intense public pressure.

And what of the documented concerns of White House staffers that Chung was a "hustler" bringing disreputable characters into the inner circle of the presidency? Why was he allowed into the White House 49 times? Why were he and his guests allowed to attend exclusive fund raisers?

Disclosures of the activities of Chung make the efforts of House Democrats to shut down the House portion of the investigation even more alarming. If the House investigation collapses, as it appears about to, the public is left with the Justice Department to investigate the matter. The Justice Department is headed by Attorney General Janet Reno, whose refusal to recommend an independent counsel to investigate these matters has become a national disgrace.

A SPECIAL TRIBUTE TO JOHN P. SACKSTEDER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AT WEST POINT, NEW YORK

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to a truly outstanding young man from Ohio's Fifth Congressional District, John P. Sacksteder. John recently accepted his offer of appointment to attend the United States Military Academy at West Point, New York.

John, who is from Fostoria, Ohio, will soon be graduating from St. Wendelyn High School, and beginning one of the most educational, rewarding, and challenging experiences of his life: his four-year commitment at West Point.

While attending St. Wendelyn High School in Fostoria, John distinguished himself as an outstanding student and a very fine student-athlete. In the classroom, John has attained a 3.88 grade point average, placing him among the tops of his class. John and his family can certainly be proud of his academic achievements.

In addition to his excellent scholastic record, John has proven himself to be a talented student-athlete. He was the Captain of the Varsity Football and Varsity Basketball Teams, and earned varsity letters in Track and Field. John has been very active in the National Honor Society, Concert Band, Student Council, Mock Trial, and Drama Club. John was also a delegate to Buckeye Boys' State, and participates in the Big Brother program.

Mr. Speaker, each year, I have the opportunity to nominate young men and women from my district to America's military academies. I am pleased that John has accepted his appointment, and will be joining the West Point Class of 2002. He is a gifted student and a fine young man. I would urge my colleagues to stand and join me in paying special tribute to John Sacksteder, and in wishing him well at West Point and in the future.

CONGRATULATIONS TO MT. CARMEL HIGH SCHOOL, NATIONAL OCEAN SCIENCES BOWL FINALISTS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to students and teachers of Mt. Carmel High School, in San Diego, California, who recently came to Washington as national finalists in the first annual National Ocean Sciences Bowl.

The National Ocean Sciences Bowl is an academic competition among teams of high school students designed to increase their awareness and understanding of the oceans and ocean sciences. It provides an opportunity for U.S. oceanographic research laboratories, like the Scripps institution of Oceanography in San Diego, to develop strong connections with their local primary and secondary schools. And it creates a unique national education event in honor of the International Year of the ocean, which is this year, 1998.

I am particularly proud of the team from my congressional district, at Mr. Carmel High School. This past spring, they won well-contested Southern California Regional Ocean Sciences Bowl. The regional competition drew the cooperation of the Birch Aquarium, the San Diego County Office of Education, the San Diego Science Alliance, the San Diego Science Educators Association and the Scripps Institution of Oceanography, all of which I want to recognize for their support.

Let the permanent RECORD of the Congress of the United States show that the teachers

and students of Mt. Carmel High School have distinguished themselves in the field of oceanographic studies as national finalists in the National Ocean Sciences Bowl. In tribute to their hard work, I insert into the RECORD a summary of the Mt. Carmel team provided by the Consortium for Oceanographic Research and Education, whose President, Adm. James D. Watkins, USN (Ret.), has provided extraordinary leadership in this and many other fields.

MOUNT CARMEL HIGH SCHOOL, SAN DIEGO, CALIFORNIA—SOUTHERN CALIFORNIA REGIONAL OCEAN SCIENCES BOWL

Team Coach: Harold W. Dorr teaches Introduction to Oceanography and Zoology. He also teaches college courses at Palomar College in San Marcos. Mr. Dorr has a BS in biological sciences from San Diego State University and a MS in marine science from the University of San Diego. Prior to teaching he enjoyed 5 years working as a biological technician (fisheries) for the National Marine Fisheries Service and 5 additional years working various diving activities including teaching SCUBA, working as a diver at an oceanarium, and collecting marine biological data on various research projects. Mr. Dorr shares his life with his lovely and patient wife and never gets his fill of sharing the ocean, mountains and deserts with his three children.

Team Members: Senior Julie Fero enjoys swimming on both the school swim team and PQ Aquatics. She is also involved in dance at school. She hopes to attend Humbolt State University and pursue a degree in marine biology, and eventually a graduate degree in oceanography. Senior Shawn Nesbitt enjoys motorcycle riding, fishing and diving. His favorite school subjects are oceanography, and a course called work experience. His extracurricular activities include participating in the Oceanography Club activities and playing hockey for his school. Shawn is also an Aquarist intern at the Birch Aquarium at Scripps. He would like to thank you for taking the time to read his biography and say hello to all his family in the audience. Senior Nathan Niemi moved from Minnesota to San Diego when he was seven and promptly fell in love with the beach. Physics is his favorite subject. He aspires to drive his parents bankrupt. He works as a waiter which allots him money to spend but no time to spend it. Body boarding and ice hockey are his first loves. Nathan's career goal is to do something that makes him happy. Senior Shadi Ghandchi is the youngest child in his family. About 3½ years ago he moved to the US with his mother and sisters in search of a good education. Not speaking English made the first year difficult but the second year was better. Since sophomore year he has been an avid member of the Key Club, Math Club, California Scholarship Federation (CSF), and the Ecology Club. In his Junior year he became the President of the International Ski Club, and the Secretary of the Computer Club. Shadi's Senior year saw him awarded membership to the National Honor Society. He currently is the secretary of the Math Club. His favorite subject is science, especially biology, chemistry and physics. He hopes to become a Biological Engineer. Senior Keith Gretlein has marched in the award winning Mt. Carmel Band for four years and is currently in the nationally renowned Wind Ensemble. He has held a steady job for four years in the field of child development. His future education will be carried out through many prestigious schools and will probably focus on oceanography. Keith would like to thank his parents, teammates and coach, Mr. Dorr.

PERSONAL EXPLANATION

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. LIVINGSTON. Mr. Speaker, yesterday, I was unavoidably detained for rollcall vote 156 through 161. Had I been present, I would have voted "no" on rollcall Nos. 156, 157, 158 and 159. I also would have voted "yea" on rollcall Nos. 160 and 161.

HONORING THE VOLUNTEERS OF THE CITY OF SAN BERNARDINO, CA

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. BROWN of California. Mr. Speaker, I rise today to honor the volunteers of the City of San Bernardino Retired and Senior Volunteer Program (RSVP), who are celebrating more than twenty-three years of service to San Bernardino. This celebration also coincides with "Older Americans Month." The RSVP is a grant program funded through the Corporation for National and Community Service and the City of San Bernardino. RSVP provides my congressional district with volunteers over the age of fifty-five who are diverse in experience, interest, economic and educational backgrounds.

In our community, RSVP volunteers work assisting the frail and elderly, mentoring youth, assisting the homeless, and caring for developmentally disabled children and adults, as well as tutoring children and renovating homes. The program matches problems to be solved with people willing to help, and has a national membership participation of 450,000.

Programs such as RSVP provide an opportunity for people to give of their time and energy in a way that benefits the community by providing services to those in most need. I am proud to have an RSVP program in San Bernardino and, once again, I thank the volunteers for all of the time and hard work they commit to making our city a better place.

IN HONOR OF HOWARD METZENBAUM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Howard Metzenbaum, former Senator from the State of Ohio. Serving nineteen years in the United States Senate, he represented his constitutents with passion and guile, demonstrating both a fierce dedication to justice and a keen understanding of legislative procedure. It is these qualities that will be commemorated with the renaming of the U.S. Courthouse in Cleveland, Ohio as the Howard Metzenbaum U.S. Courthouse.

Howard Metzenbaum's long career of public service began with his election to the Ohio House of Representatives in 1943. After serving two terms in the House and two terms in the State Senate, he sat on the Judicial Council of Ohio and the Ohio Bureau of Code Revision. In 1976, Howard Metzenbaum was elected to the U.S. Senate. Ohio voters would later return Senator Metzenbaum to Washington for two more terms.

During his nineteen year career, Senator Metzenbaum would establish himself as an outspoken leader for the principles and causes in which he strongly believed. The Washington Post called him "an uncompromising, indefatigable and often irascible champion of liberal causes." Initially gaining notoriety for his skillful use of the filibuster in blocking legislation, Senator Metzenbaum became in later years an important coalition-builder and legislator. He authored or co-authored countless amendments and bills, including the Plant Closing Notification Act, the Nutrition and Food Labeling Act, the Brady Bill, the Alzheimer's Act, and the Civil Rights Act of 1991. Senator ROBERT BYRD of West Virginia once said of the Senator, "I have often felt that if we did not have a Howard Metzenbaum in the Senate we ought to make one."

My fellow colleagues, I can think of no more fitting a symbol of Howard Metzenbaum's legacy than his serving as namesake to the U.S. Courthouse. May the Senator's high standard of justice, fairness, and dignity for all men and women serve as an unyielding challenge to all those who enter the Howard M. Metzenbaum U.S. Courthouse.

IN HONOR OF ANTHONY GRAZIOSO'S FOUR DECADES OF PUBLIC SERVICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a distinguished gentleman, Mr. Anthony Grazioso, who with more than twenty-five years of dedicated public service is retiring. He will be honored at Don Pepe's Restaurant in Newark, New Jersey on May 21, 1998.

Mr. Grazioso has served as the Director of Public Affairs for the New Jersey Transit Corporation for nearly 16 years, with the Transport of New Jersey for 10 years, and as a Community Relations Representative for The Port Authority of New York/New Jersey for six years. In 1964 he accepted a temporary position as Special Assistant to former Congressman Robert A. Roe, then Commissioner of the New Jersey Department of Conservation and Economic Development. Mr. Grazioso also served as Deputy Director and Public Relations Assistant for the Jersey City Department of Public Works.

Mr. Grazioso graduated from Saint Peter's College in 1956 where he majored in Economics and minored in English Journalism. He has

pursued studies in public relations, communications, urban affairs, community relations, public administration, political science, decision making, management effectiveness/organization, and finance/budget at the New School, New York University, the American Management Association, and the Public Relations Society of America.

Community involvement has been a consistent theme in Mr. Grazioso's life. Since 1956, he has been involved in volunteer work serving on the boards of civic, community, cultural, and church organizations in Hudson County. His accomplishments in the community and at work have been praised but he has also made time for his family.

It is an honor to have such an outstanding and dedicated individual in my home state of New Jersey. I am certain my colleagues will join me in recognition of this well deserved honor.

A SPECIAL TRIBUTE TO ABIGAIL C. CHUDZINSKI ON HER APPOINTMENT TO ATTEND THE U.S. NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young lady from Ohio's Fifth Congressional District, Abigail C. Chudzinski. Abby has recently accepted her appointment to attend the United States Naval Academy in Annapolis, Maryland.

Abby, who is from Fremont, Ohio, will be graduating from St. Joseph Central Catholic High School, and will be preparing for one of the most challenging, rewarding, and educational opportunities of her life: her four-year commitment to the United States Naval Academy.

During her high school career at St. Joseph Central Catholic, Abby has distinguished herself as an exceptional student and a gifted student-athlete. She is currently carrying a 4.35 grade point average, which places her second in a class of eight-six students. She is a member of the National Honor Society, and is listed in the Who's Who Among American High School Students. Abby and her family can certainly be proud of her outstanding scholastic efforts.

Abby has also proven herself as a truly talented and gifted student-athlete. She was the Captain of the Varsity Track and Field Team, and has won numerous league, district, and regional awards in the sport. In addition, Abby has been active in the Key Club, Student Council, and is the President of the St. Joseph High School Band. And, last summer, she participated in the United States Air Force Academy Summer Scientific Seminar.

Mr. Speaker, each year, I have the opportunity to nominate young men and women for appointment to the nation's military academies. I am pleased that Abby has accepted her appointment, and will be joining the incoming Naval Academy Class of 2002. I am sure she will do very well. Mr. Speaker, I would urge my colleagues to join me in paying tribute to Abigail Chudzinski, and in wishing her well in her future endeavors.

VMI MAKES THE RIGHT MOVES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. BEREUTER. Mr. Speaker, this Member highly commends this May 19, 1998, Omaha World-Herald editorial on the Virginia Military Institute to his colleagues. The Virginia Military Institute is to be complimented for the successful integration of female cadets into an institution that had been a traditional male bastion until the rending of a 1996 U.S. Supreme Court ruling. The Virginia Military Institute has been successful because of its sincere effort to promote co-educational programs that would foster the positive acceptance and inclusion of women into the institution, and for these reasons are again to be commended.

VMI MAKES THE RIGHT MOVES

Virginia Military Institute, like The Citadel, had a long and proud tradition of educating men and providing military training and discipline. Both Virginia state colleges fought against federal rules requiring them to admit women if they wanted to continue getting public funding.

Both schools fought the order in court. The U.S. Supreme Court decided against VMI in 1996, as it had against The Citadel in 1995. The ruling was not popular. VMI alumni considered buying the college and making it into a private institution rather than go coed.

But when the ruling was issued and officials studied the situation, they decided to take the honorable path. They not only admitted women to the institute; they accommodated them.

The women who went to the college last fall were held to the same physical and mental standards as male students. They were yelled at, given push-ups and forced marches, shorn of their hair and sent through obstacle courses, all the while carrying a full college course load.

No quarter given. That is as it should be. Standards are standards.

But VMI was not grudging in its acceptance of co-education. It actively recruited qualified women, winding up with 30 in a class with 430 men. It held seminars on avoiding sexual harassment—required seminars for cadets, faculty and staff.

It hired a female assistant commandant and a female admissions officer. It asked the nation's military academies, which went coed 22 years ago, for advice. It brought in female upperclassmen from military programs in Vermont and Texas to act as big sisters for female freshmen.

Seven of the women who enrolled in September quit before finishing. But none cited sexual harassment or unfairness as a reason for leaving. Considering that 74 male freshmen left, too, the difference was not striking.

VMI deserves credit, not only for doing the right thing, but also for doing it the right way.

TRIBUTE TO ST. MARK'S WOMEN'S VARSITY ICE HOCKEY TEAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. McGOVERN. Mr. Speaker, it is my honor to report to the House on a remarkable achievement—namely, the 1997–98 championship season of the St. Mark's Women's Varsity Ice Hockey Team. The St. Mark's Lions are based in Southborough, Massachusetts.

Each of these players are talented young student-athletes who trained hard, practiced hard and played hard throughout their amazing year. I know their families and friends are as proud of the Lions as I am. On behalf of the citizens of Central Massachusetts, I congratulate the St. Mark's Lions for a job very well done.

The team members are:

ST. MARK'S GIRLS HOCKEY TEAM 1997–87

No.	Position	Year	Name	Hometown
3	D	1998	Hilary Zwerdling	Shrewsbury, MA
4	F	2000	Gretchen Anderson	Wellesley, MA
5	F	1998	Emily Harris	Greenwich, CT
6	D	2000	Kristen Larsen	Dover, MA
10	F	2001	Amy McNaught	Gorham, ME
11	D	1998	Marcia Ingraham	Georgetown, MA
12	F	1999	Catherine Larsen	Dover, MA
13	D	2000	Emily Amorello	Worcester, MA
15	F	1999	Sarah Fairchild	Pawtucket, RI
16	F	1998	Hailey Sullivan	Carlisle, MA
18	D	2000	Kristina Tois	Grafton, MA
20	F	1998	Melissa Yokell	Atkinson, NH
21	F	1998	Maura Crowell	Mansfield, MA
29	G	1999	Melissa Glaser	Rockford, IL

Coaches: Wendy Cofran, Dana Pullman.
Captains: Maura Crowell '98, Hilary Zwerdling '09.
Manager: Heather Bates '00.

A recent article in the St. Mark's School newspaper brings to life their championship season and the wonderful team of young women who enjoyed this terrific experience:

[From the St. Marker, May 13, 1998]

GIRLS' ICE HOCKEY WINS THE NEW ENGLANDS!

(By Assistant Editor Allison Loretnzen '99)

On Sunday March 8, another amazing group of St. Mark's women hockey players captured the title New England Champions. Just four months after the Varsity Field Hockey team beat Cushing for the Class B NEPSAC title, the Varsity Ice Hockey team has the pleasure of crushing Middlesex in a 3–0 victory to earn the Division 2 Championship.

At the beginning of the season, the team, with a new coaching staff, was focused on regaining respect from the other ISL teams and hadn't thought ahead too much to the possibility of such a successful post-season. In past years, the St. Mark's team, with players such as Wendy Hall, Laurie Belliveau, and Erin Magee, was feared by their league opponents, as they were league champions in '92, '93 (co-champs), and '94 (co-champs). Maura Crowell made the team in the '94–'95 season as a third former and played with some of the women who developed this tradition of excellence. Experiencing the thrill of playing for such an awesome team, Crowell looked forward to her next three years as a varsity player; but with the arrival of two new coaches in her fourth form year, she, along with new-comers Hilary Zwerdling, Marcia Ingraham, Melissa

Yokell and Emily Harris, suffered through two disappointing seasons. After two seasons well under .500, another change was called for in the coaching staff.

Under the direction of head coach Wendy Cofran and her assistant, Dana Pullman, this year's team trained harder than in the past two years and collected many more wins for their efforts. Capturing their Holiday Tournament gave them confidence and hope for more victories later in the season. These victories did come, including a nail-biting, overtime 3–2 win over St. Paul's down in New York City. As the regular season was drawing to a close St. Mark's rolled by Portsmouth Abbey, Brooks, and BB&N. After handling Groton 6–2, the team clinched a place in the New England Tournament.

With an undefeated record in their division, the team, seeded first, was matched up against fourth seed Greenwich Country Day and had a week of practice to prepare for the semifinal game on March 7 at Cushing Academy. As St. Markers put away their squash racquets, basketballs, and ice skates and dusted off their lacrosse sticks, baseball gloves, and tennis racquets, the Women's Varsity Ice Hockey Team, led by two year co-captains Maura Crowell and Hilary Zwerdling, laced up their skates for a final week, perfecting power plays and strengthening slap shots. After leading the school in a unique cheer, they departed for the western Mass mecca of ice hockey, Cushing Academy. Greenwich, no match for the women of St. Mark's, skated off the Cushing rink 2–0 losers, leaving the Lions to face Middlesex on Sunday for the New England Championship.

St. Mark's came to the game having played Middlesex once during the regular season, beating the Zebra's 2–1, and they knew that it would be an exciting game. From the face off, St. Mark's controlled the puck and frustrated Middlesex with their solid defense, held together by their spectacular goalie Melissa Glaser, who simply would not let the puck into her net. Every attempt made by the Zebras was foiled by Glaser and her defense, which consisted of only three players—Zwerdling, Ingraham, and Kirsten Larsen—who had to play double shifts for the entire game. At the other end of the rink. St. Mark's offense kept up a relentless attack on the Middlesex's goalie. In the first period, the Lions scored twice: first on a tip-in by Gretchen Anderson from a Crowell slap shot, and again on a break away by Amy McNaught. St. Mark's skated off the ice after the period up 2–0, knowing that if they continued their offensive pressure and held back Middlesex they could win the game and the New England Championship. Another Anderson goal assisted by Crowell, during a Middlesex power play, along with many sensational saves by Glaser and her dependable defense, gave the Lions a 3–0 lead at the end of the second period. As Middlesex skated onto the ice before the third period, they were preparing for another fifteen minutes of offensive frustration. As the clock rolled down to 11.6 seconds and Glaser caught a flying Middlesex slap shot, the St. Mark's team seemed to spectators to win the New England's as easily as Glaser snatched that puck into her glove.

Winning the Division 2 New England Prep School Ice Hockey Championship culminates a season that brought back the respect St. Mark's women's ice hockey held in the early nineties. With eight experienced players and two aggressive coaches returning for the '98–'99 season, expect the team to reunite next year as a might force in the ISL and all of New England.

CONGRATULATIONS TO PRESIDENT LEE ON THE REPUBLIC OF CHINA

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Ms. BROWN of Florida. Mr. Speaker, much has been written and said about the economic growth and political advances made by the Republic of China during the last few years. Taiwan's achievements are respected throughout the world. Much of the credit is due to Taiwan's political leadership.

Taiwan is led by Cornell-educated Dr. Lee Teng-hui, who was elected Taiwan's ninth president and inaugurated on May 20, 1996. His running mate was Dr. Lien Chan. Other government leaders include Foreign Minister Jason Hu and Representative Stephen Chen. While Vice President Lien Chan has worked to maintain stability and respect for the law at home, Minister Hu wisely exerts Taiwan's presence abroad, having recently visited Africa and a number of southeast Asian countries seeking new friends for his country. In the meantime, Representative Stephen Chen has assiduously briefed us on the Hill of all the recent happenings in Taiwan. Representative Chen is a tireless diplomat.

Together, Taiwan's leaders have continued to bring their people economic progress and an improved political climate. The Republic of China is a young dynamic nation and a model for the developing world. On the occasion of President Lee's second anniversary in office, I wish to extend my congratulations to President Lee and his people.

COMPETITION IN THE VIDEO SERVICES INDUSTRY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. OXLEY. Mr. Speaker, I would like to bring a study on competition in video services by the Hudson Institute to the attention of my colleagues.

Price inflation in cable television service is causing some policy makers to suggest renewing rate regulation—that is, re-re-regulating cable prices. While it is the case that there have been notable price increases by some cable systems, to recommend extending price controls is to ignore the realities of the marketplace and the lessons of the past.

It is important to note that these cost increases are authorized under the 1992 Cable Act, which I opposed. Indeed, it is my view that passage of the Cable Act did little to keep down prices, that it resulted in reduced capital investment and a stagnation of services offered by the industry, and that the regulations themselves proved to be a costly and inefficient expense.

The rate regulation imposed by the Cable Act increased the cost of capital to cable systems and prevented many from upgrading their systems. One of the major goals of the 1996 Telecommunications Act was to promote competition and investment in the delivery of video services to the home. Under the Telecommunications Act, rates for cable services beyond the basic tier are to be deregulated three years after enactment. The Act also removed the statutory ban on telephone companies offering video services within their regions.

While competition to incumbent cable operators may not be growing as quickly as anticipated, it is significant nonetheless. The regional telephone company Ameritech is building cable systems throughout the Midwest to compete alongside existing cable operators. Upwards of ten percent of households in the market have Direct Broadcast Satellite service, and wireless cable service is expanding as well. Technological improvements in the area of satellite broadcasting alone promise more choices for video consumers.

Equally as important, the cable industry has been investing to provide competition in new areas, such as Internet access, local telephony, and Personal Communications Services. Cable firms also are leaders in the use of fiber optic and digital compression technology, and have been upgrading their systems to provide customers with a greater range of programming choices.

Having made the case for competition and against price controls, I must add that I am not satisfied with the current state of competition in video services. I believe that it is entirely appropriate for Congress to reexamine program access rules, copyright laws, and other potential barriers to free and open competition. As Vice-Chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, I am committed to see full-blown competition and choice in video programming.

Mr. Speaker, I again commend the following executive summary of the Hudson Institute study to the attention of all Members.

EXECUTIVE SUMMARY

In late 1997 and early 1998, concerns have been raised among regulators, members of Congress, and consumer groups regarding cable television rates. This study analyzes the rationale for new efforts by the FCC to limit rates or impose other regulations on the cable television industry in response to such concerns. It examines the historical record of cable regulation, takes a new look at the state of competition for multichannel video programming, reviews the important capital investment in new digital services by the industry, and assesses the possible impact of new price controls on competition in the wider telecommunications market, including Internet access, telephony, and video programming.

The study finds that, despite current market share of around 85.6 percent (falling to around 75 percent by 2002); dynamic services offered by Direct Broadcast Satellite (DBS), broadcast television, and other multichannel video delivery systems provide substantial and growing competition for cable television. More than 65 percent of households can receive six or more broadcast channels with a suitable antenna. For many households, DBS offers greater levels of service at prices comparable to or lower than, cable's. DBS appears to provide a good substitute for cable even after accounting for up-front equipment costs. Competing cable systems (overbuilds and Satellite Master Antenna (TV) have become cost-effective and are

growing rapidly, especially in the Midwest and Northeast.

The study also finds that past cable regulation, especially rate controls, provided little or no benefit to consumers, and in fact harmed consumers by inducing lower quality of service. On the other hand, periods of less regulation, such as the years between 1984 and 1990, stimulated production of greater quality and wider choice of programming for consumers, produced steady increases in demand for cable, and produced net consumer welfare gains of $3 billion to $6.5 billion per year.

Finally, the evidence shows that the cable industry is in the midst of investing up to $28 billion to improve its infrastructure, including over $1 billion per year to convert to interactive digital services. The entry of cable firms into new businesses such as telephony, Internet, and digital video is improving consumer choice and reducing prices for these services, especially to residential customers; spurring a competitive response from the telephone industry to upgrade its data transmission capabilities; and giving a boost to the introduction of digital television and to competition in the Internet business. An imposition of rate controls similar to those of 1993 and 1994 would undermine the financial basis for the cable industry to enter these new businesses in the near term, and hence weaken competition in the wider telecommunications market place.

A SPECIAL TRIBUTE TO THAD D. CHRISTOFER ON HIS APPOINTMENT TO ATTEND THE U.S. NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to a truly outstanding young man from Ohio's Fifth Congressional District, Thad D. Christofer. Thad has recently accepted his offer of appointment to attend the United States Naval Academy in Annapolis, Maryland.

Thad, who is from Republic, Ohio, will soon be completing his high school years, and will be preparing to begin what figures to be one of the most challenging and educational opportunities of his life: his four-year commitment at the Naval Academy.

During his high school years, Thad has proven himself to be an exceptional student. In the classroom, Thad's achievements are certainly something of which he and his family can be proud. Currently, he is carrying a perfect 4.0 grade point average. In addition, Thad has extended his scholastic efforts by attending classes at Tiffin University and Heidelberg College.

In addition, Thad is a National Merit Scholar Semifinalist, and is listed in the Who's Who Among American High School Students. Thad has been active in the VFW Voice of Democracy Competition, and has served as President of the Seneca County Chapter of the Distributive Education Clubs of America (DECA). And, for the first time in fifty-three years, Thad represented Seneca County as a member of the state DECA Board, serving as its Parliamentarian.

Mr. Speaker, each year, I am privileged to nominate several outstanding young men and women from my district to the nation's military academy. Thad Christofer is certainly a fine student and a fine young man. I am sure he will do very well at the Naval Academy and in all of his future endeavors. Mr. Speaker, I would urge my colleagues to stand and join me in paying tribute to Thad D. Christofer, and in wishing him well at the United States Naval Academy.

REMARKS ON JOHN C. "THUNDER" THORNTON

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. WAMP. Mr. Speaker, I rise to bring to the House's attention a wonderful and heart-warming story about a distinguished citizen of the 3rd District of Tennessee. It is a story of service above and beyond the call of duty, courage and of a man who knows how to say thanks with grace and style. That man is John C. "Thunder" Thornton, who has built a highly successful business career in Chattanooga and who owns the Crescent H. Guest Ranch in Jackson Hole, Wyoming. Describing what happened, Thornton says, "If you don't believe in Guardian Angels, I've got a story for you."

It begins on Friday, March 27, a day that started out as a happy family outing to San Antonio, Texas to see the final four basketball tournament but that nearly ended in sudden, tragic death. As "Thunder" Thornton tells it, he and his daughter, Dori, 17, and son Johnny, 14, were met at the San Antonio Airport by Cesar Hernandez, who was to drive them in his cab for a tour of the city. They'd planned to visit Trinity University there and to see all the sights in that beautiful old city.

Without warning, Thornton began to feel a numbness in his arm and shortness of breath followed by pain and a feverish feeling "Thunder" Thornton realized that he might be having a heart attack. He asked Hernandez to get him to the hospital as quickly as possible. Then he passed out. He awoke to find himself in the car at the curbside outside the hospital. Hernandez got him into a wheel chair and into the hospital where he received first-class treatment from Cardiologist Dr. Rusty Felton. Even as the treatment began he could hear Hernandez comforting his son and daughter.

Some cab drivers—and many people—would have thought they had done enough by doing only what their job called for in this situation. They'd just call an ambulance and head off to make more fares. But Hernandez went far above what duty required him to do. He rushed Thunder Thornton to the hospital. Then he stayed with Thornton's children while they faced fear and danger, far from home and with neither of their parents in a position to help them. He displayed one of the best traits we like to think we share as Americans, a natural instinct to help others who were in harm's way—even at some personal cost. Unfortunately, we do not see as much of this behavior as we would like in America today. But it was definitely there when it counted that Friday in San Antonio. And Thornton believes that Mr. Hernandez saved his life.

But, Mr. Speaker, this is also a story of gratitude and having the good grace to express it. Many folks would have simply sent Mr. Hernandez a note of thanks. But for Thunder Thornton, that would never have been enough. He arranged a two-part gift. The first was a one-week vacation to Thornton's Crescent H Guest Ranch in Jackson Hole. And the second was a brand new White Cadillac DeVille, which Thornton presented to Hernandez in a video-taped family "thank you card" that was played at a luncheon in San Antonio. Thunder Thornton's action shows that it is important to celebrate those "Guardian Angels" our society needs so badly. It also goes a long way toward telling us the kind of man John Thornton is.

Mr. Speaker, the 3rd District of Tennessee is fortunate to count him among its citizens.

TRIBUTE TO LT. COL. DARRYL B. KREITMAN

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. STENHOLM. Mr. Speaker, I rise today to pay tribute to Lieutenant Colonel Darryl B. Kreitman as he retires with 20 years of distinguished service in the U.S. Air Force.

Lieutenant Colonel Kreitman is retiring from his position as Deputy Chief of the Air Force's Legislative Weapons Systems Liaison Division. In this capacity he is responsible for liaison between the Air Force and Congress on annual authorizations of $30 billion for all Air Force weapons systems, munitions and related technologies. His expertise in this arena and his knowledge of Air Force policy and direction is unparalleled.

In 1978, after receiving his commission as a Second Lieutenant from OTS, he entered Undergraduate Navigator Training at Mather Air Force Base, CA. He then flew as a B–52 navigator and instructor navigator at Griffiss Air Force Base, New York.

Following a one year Pentagon assignment, Darryl began a remarkable tour of duty in the B–1 at Dyess Air Force Base, Texas. From 1986 through 1994, he showed exemplary performance through a range of duties beginning as a B–1 Instructor Offensive Systems Officer and culminating as Commander of the 7th Transportation Squadron. His professionalism was highlighted when he served as Chief of Transportation while deployed to Saudi Arabia. It was during his 8 year tour at Dyess that his wife Judy gave birth to their beautiful little Texas girl—Robbin.

Darryl's expertise was recognized when he returned to the Pentagon in 1994; he was selected to manage the B–1 program for the Air Force's Acquisition community. He then went on to become the B–1 Branch Chief and the Bomber Division Chief.

Mr. Speaker, I join with my colleagues who have directly benefited from the outstanding support Lieutenant Colonel Kreitman has provided the Congress and the executive branch, in both his capacities in legislative liaison and

as a premier aviator in the Air Force, in congratulating him for a job extremely well done and in wishing his family the very best in the future. Colonel Kreitman is a professional among professionals and has brought great credit upon himself and the United States Air Force.

TEEN PREGNANCY PREVENTION MONTH

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Ms. HARMAN. Mr. Speaker, I rise today to address a subject of utmost importance: teen pregnancy prevention.

Mr. Speaker, today the United States retains the unfortunate distinction of having the highest rate of teen pregnancy among industrialized western nations. Over the past decade we have made some progress in bringing down the number of pregnancies among teens. But too many kids are still having kids, and suffering social and economic repercussions throughout their lives because of it. We can and must do better.

We must do better because unintended teen pregnancies mean more difficult lives, and fewer opportunities, for teen parents and their children. We know that teen mothers are less likely to graduate from high school, and more likely to depend on welfare. And their children start life at a distinct disadvantage—on average smaller at birth, they are more likely to be hospitalized, more likely to perform poorly in school, and more likely to suffer abuse and neglect.

And the cycle is likely to be repeated. Over 20 percent of children of teen mothers will in turn have children at a young age. Mr. Speaker, our society suffers when our children start life with such odds against them.

We must also do better because an ounce of prevention is indeed worth a pound of cure—prevention works. Studies show that the federal government spends more than $39 billion in assistance to families begun by teen parents and only $131 million to prevent teen pregnancy. When we work with our kids to prepare them to avoid pregnancy, through good parental communication and involvement in their lives, education, and family planning programs, the numbers are clear: unintended births decline.

What a better way, Mr. Speaker, to reduce abortion in this country than to prevent unintended pregnancies? I hope today we can all renew our efforts to support and fund teen pregnancy prevention programs.

SALUTE TO LARRY CARPENTER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to pay tribute to an outstanding public servant on his retirement, Ventura County Sheriff Larry Carpenter. Sheriff Carpenter protected the people of Ventura County, California, for almost 30 years, serving the community as a defender of the law and an educator of safety. I am proud to say Larry has been my friend for many, many years.

As a committed and highly ethical officer of the law, Larry quickly climbed the ladder of rank and responsibility within the department. Joining the Ventura County Sheriff's Department in 1969 he has served in many capacities, from public speaking, to personnel and training, to narcotics, to managing court services and custody. In 1974, Larry was promoted to senior deputy sheriff and later that same year, promoted again, making him a sergeant. In 1984, Larry was appointed undersheriff and managed the operations of the entire department as second in command. Larry's long law enforcement culminated in 1993 when he became sheriff.

Those who have worked with, and for, Larry have described him as a loyal person with the finest ethical standards. His interpersonal and organizational skills made him a good manager, but Larry's stellar professional attributes were not his only strong points—they simply served as a vehicle for his creative and ambitious ideas which he implemented for the good of his community.

Larry developed the Sheriff department's "hostage negotiation team" and was an active proponent of opening the Todd Road Jail, which boasts an innovative inmate management philosophy. He led the fight to continue the use of military surplus helicopters, saving millions of local tax dollars annually, and implemented a platoon response plan for tactical emergencies. In addition, he opened "storefront" operations to deliver sheriff's services into the neighborhoods. These are merely a few of Sheriff Carpenter's achievements which have made real differences in the lives of Ventura County's citizens.

You cannot put a price on safety, or thank someone enough for putting their life on the line to protect others. We can never really repay the heroism and bravery which protects us each day, which often goes unnoticed. But we can say thank you: Thank you Sheriff Larry Carpenter for your years of service protecting our families and for making our community a safer and better place to live. I ask my colleagues to join me in wishing my friend Larry a long and happy retirement.

TRIBUTE TO RONALD SNYDER

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to recognize a great teacher, Mr. Ronald Snyder, on his retirement from St. John's Lutheran School in Red Bud, Illinois.

Over the last 43 years, Mr. Snyder has shared his many talents with the community. Mr. Snyder joined the St. John's staff in 1955 and has taught both the seventh and eighth grade classes. In his early years he also served the school as Principal, Choir Director and Youth Director.

For over a decade, Mr. Snyder has been taking the eighth graders, who he teaches all subjects to, on a trip to the Nation's Capital. Mr. Snyder has helped the students experience this once in a lifetime trip through many hours of hard work and fundraising efforts.

Mr. Snyder was raised in Columbus, Indiana. From there he went to teacher training school at Concordia Lutheran College in River Forest, Illinois where he majored in Elementary Education. Right out of college he was called to teach at St. John's Lutheran School. Over the years, he has taught 786 students and has served with sixty-two other teachers. As the eighth grade teacher for the majority of his dedicated service to St. Johns he has influenced many young lives. Mr. Snyder who lives in Red Bud, Illinois with his wife Eunice, will retire at the end of this school year.

I ask my colleagues to join me in congratulating Mr. Ronald Snyder on his retirement after many devoted years of service to the children of St. Johns and the entire community.

INTRODUCTION OF THE ASSISTING ACQUISITION OF RUSSIAN MATERIAL ACT

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. STRICKLAND. Mr. Speaker, today, I am introducing legislation, the Assisting Acquisition of Russian Material (AARM) Act, along with my colleague ED WHITFIELD of Kentucky, which would provide the Department of Energy with "standby" authority to purchase Russian uranium under the U.S.-Russian-HEU Agreement signed in 1993. The Russian Federation and the United States entered into this agreement to ensure that highly enriched uranium (HEU) from dismantled nuclear warheads would be used for peaceful purposes only. In January 1994, President Clinton announced that the U.S. and Russia signed a contract to purchase $12 billion of highly enriched uranium over a 20-year period. The U.S. purchase of 500 metric tons of this material is clearly a crucial national security initiative. This foreign policy measure provides an important incentive to the Russian Federation to continue dismantling its nuclear weapons and ultimately helps to safeguard the U.S. and the rest of the world from the threat of a nuclear incident.

I strongly support this foreign policy objective which serves our national security interests and those interests of the entire world. However, under this U.S.-Russian Agreement, the United States Enrichment Corporation (USEC) will serve as the Executive Agent responsible for acquiring the downblended Russian uranium which it will then sell as commercial nuclear reactor fuel. The status of USEC as the Executive Agent under this agreement troubles me because, at this time, the government is privatizing the industry responsible for implementing the U.S.-Russian HEU Agreement. A private USEC acting as the Executive Agent will face conflicting obligations to maximize profits and to fulfill its requirements

under both the U.S.-Russian Agreement and the statutory purposes guiding the privatization process of the corporation.

Under the laws governing privatization of USEC, Congress specifically outlined eight statutory criteria, including a requirement that privatization lead to "continued operation" of the gaseous diffusion plants in Portsmouth, Ohio and Paducah, Kentucky. However, if USEC is forced to purchase significant quantities of Russian uranium under the HEU Agreement, the corporation may be forced to reduce work at the plants or to close one entirely. Clearly, the role of USEC as the Executive Agent under the Agreement could lead the newly privatized corporation to choose between the national security purpose of importing higher priced Russian material and its own desire to maximize profits. Furthermore, the public objective of purchasing specific quantities of Russian uranium directly conflicts with and adversely affects the statutory criteria calling for continued operation of the gaseous diffusion plants.

In order to help resolve these potential conflicts and ensure that U.S. foreign and domestic policy objectives are met, the AARM Act states that the Department of Energy will have the authority to purchase, hold and resell the downblended HEU imported from Russia under the U.S.-Russian Agreement. This legislation helps to preserve the livelihoods of those in the communities surrounding the gaseous diffusion plants while ensuring that the U.S. continues to purchase Russian uranium to reduce the threat posed to the world by dismantled nuclear warheads. The bill represents a common-sense solution, ensuring that the government maintains responsibility over our national security interests and that the private sector can function without being saddled with unnecessary burdens.

TRIBUTE TO PRESIDENT LEE

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. SCARBOROUGH. Mr. Speaker, Taiwan, known as the Republic of China, marked its president's second anniversary in office on May 20, 1998. President Lee Teng-hui, a Taiwan-born statesman, should be commended for his leadership and vision for his country.

President Lee's leadership lies in his ability to rally his 21 million compatriots into believing that the course Taiwan has chosen to take, economic and political, is right for them. President Lee has convinced them that their future lies in free trade and private enterprise as well as in full democracy. With the help of his compatriots, President Lee will lead the Republic of China to ever greater economic prosperity at home and international recognition abroad.

On the occasion of President Lee's second anniversary in office, I wish President Lee godspeed and good fortune.

NORTHERN IRELAND PEACE TREATY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. MURTHA. Mr. Speaker, I would like to share with my Colleagues the following excerpts from an interview with the new President of Ireland, Mary McAleese. In her poignant description of President Clinton's visit to Northern Ireland in 1995 and his consummate diplomacy in that extremely delicate political environment, she notes how grateful the people of Ireland are to the President for his commitment and effort toward bringing about a peace treaty in Northern Ireland. I felt it should be brought to your attention. The interview, with reporter Niall O'Dowd, appeared in the May/June 1998 edition of Irish America Magazine.

Irish America: You met President Clinton during his visit to Northern Ireland in 1995. What were your impressions of him then and now?

On the day that he came to Northern Ireland, I don't think there is any doubt that the Unionists, for instance, were very skeptical. And you know as well as I do the minefield that is Northern Ireland. If you use the word Derry instead of Londonderry, or Londonderry instead of Derry, everyone is exercised. The opportunities to make a mess are total. For a president to come, and speak off the cuff as he did was amazing. He spoke flawlessly. He did not put one single foot wrong. He didn't get one inflection wrong, he didn't get one name wrong. I was absolutely mesmerized by his sheer intellect—the man is incredibly clever.

I don't know a politician on this planet who has the intellect, the depth, the charismatic skills of this man. He is extraordinary.

What he did that day was a miracle, because there was a lot of Unionist skepticism about him, a lot of determination that no matter how good this party got, they weren't going to enjoy it. And yet they did. Over the twenty-four hour period, he effectively seduced them. He won them over.

He and his wife worked a miracle that day. I just want people to know how very grateful we are for this president who is so committed. He has been a large part of the scaffolding that is holding up this kind of precarious edifice of peace.* * *

We are very grateful to the ongoing American commitment to Ireland in all its aspects because we are on the way to achieving phenomenal success. As a small island off the west of Europe, it is desperately important to us that we have friendships that open a window onto an entirely different world to ours. It helps us to blossom and grow. I want to be able to celebrate, and thank people for that and develop a sense of the global Irish family.

CONGRATULATIONS ON THE 32ND ANNIVERSARY OF GUYANA'S INDEPENDENCE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in congratulating the New Jersey Arya Samaj Mandir, Inc. as they celebrate a very special occasion—the 32nd Anniversary of the Independence of the Republic of Guyana. In honor of this event, a commemorative flag-raising ceremony will take place on Tuesday, May 26, 1998 in the Council Chambers at Jersey City Hall.

In 1621 the Dutch started to colonize Guyana and in 1640 the first slaves arrived from Africa. In 1763 about 100 years before the American Emancipation, the slaves in Guyana revolted in the ill fated effort known as the Berbice Slave Rebellion. In 1781 the British captured the colony but were ousted within the year. From 1782 until the return of the British in 1812 the colony was administered by French and Dutch Administrations.

In 1835 laborers were brought in from Portugal and 1838 marked the beginning of indentured servitude with the arrival of laborers from India. The Chinese came in 1853. In 1953 elections were held for the first time under the system of universal adult suffrage. The People's Progressive (PPP) won this election but was removed after 133 days from office by the British.

The PPP was reelected in 1957 and again in 1961. During these two terms under the system of internal self rule, the colony of the then British Guiana experienced significant social and economic growth in spite of political disturbances especially in the early 60's. In 1964, an unpopular government was brought to power through external influences. It remained in power until 1992 through constant rigging of national elections. In 1966, Guyana became an independent nation and in 1970 it obtained republican status.

On October 5th, 1992 the first free and fair elections were held since 1964. This election supervised by a team of international observers led by former U.S. President Carter brought the PPP-Civic government under the Presidency of Dr. Cheddi Jagan to office. Over 50 percent of Guyana's population consist of East Indians, whose ancestors came to Guyana from India. Therefore, Mr. Speaker, I would also like to applaud the New Jersey Arya Samaj Mandir, Inc. for their support of Hindu culture and serving the educational, cultural, and religious needs of the Hindu immigrant population that lives in New Jersey.

IRS REGULATIONS HARM ELECTRIC COMPETITION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today to express my concern with new

IRS regulations that undermine competition in the evolving electricity market. The regulations, which became effective in February of this year, greatly expand the role of government-owned utilities as provider in the electricity marketplace. These regulations harm competition and reduce federal, state and local tax revenues.

In response to these new regulations, I am introducing legislation today to help remedy this situation. I am joined in this effort by my colleagues, Rep. WILLIAM JEFFERSON and Rep. PHIL CRANE, both distinguished Members of the House Ways and Means Committee.

This legislation would stipulate that government-owned utilities that choose to sell beyond their service territory will be denied the use of tax-exempt debt and their general income tax exemption to support their electricity sales. In an era of evolving competition, there is no place for such government subsidies which not only harm the federal treasury but displace state and local tax revenues as well.

To deal with the dilemma that has arisen with respect to this issue, I want to clarify what my legislation will do as well as what it will not do. First, the legislation deals only with government-owned utilities that are selling excess electric generation outside of their service area. To put that in context, there are approximately 2,200 utilities in this nation that are owned by state or local governments. My bill will impact less than 30 of these government-owned utilities, those with excess generation capacity who chose to sell to persons other than their historic customers.

My legislation will help level the playing field between government-owned electric utilities and all other electricity suppliers in the new competitive marketplace. The legislation, however, will not affect the vast majority of government-owned utilities. As I mentioned earlier, less than 30 large, aggressive utilities that want to sell electric generation outside of their service territory will be affected.

My bill will not affect federally-owned utilities such as the Bonneville Power Administration nor rural electric cooperatives. Most importantly, it will not affect the vast majority of bonds issued by local municipalities which serve legitimate governmental purposes (such as police, fire, hospitals and other services) which benefit persons who reside in the service territory.

If a government-owned utility wants to compete in the open electricity marketplace, then they must give up their use of tax-exempt bonds and give up their income tax exemptions on sales outside of their historic service territory. Mr. Speaker, let me note that my bill will in no way affect the ability of a municipality to annex new service territory and engage in growth consistent with state rules and regulations. And finally, let me state that my bill will in no way affect existing tax-exempt bonds or current bond holders.

SALUTE TO BLUE RIBBON SCHOOLS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. PACKARD. Mr. Speaker, this week the Department of Education announced the selection of 16 secondary schools to be presented the prestigious Blue Ribbon Schools Award. I am thrilled that two of these schools, Dana Hills High School and Santa Margarita Catholic High School, are in my district, and I would like to take this opportunity to applaud both of these schools for this achievement.

Blue Ribbon Schools are judged on the basis of being especially effective in meeting local, state, and national goals. These schools display the qualities of excellence that are necessary to prepare our children for the challenges of the next century.

Dana Hills and Santa Margarita have both reached a level of excellence and fully deserve the recognition they are receiving with the Blue Ribbon Award. Teachers, parents, volunteers and of course the students themselves must be congratulated for their efforts. Through exceptional academics, athletics, and after-school programs, Dana Hills and Santa Margarita have set themselves apart from other schools.

Mr. Speaker, I am pleased to stand here today to recognize these excellent academic institutions and I extend my congratulations to Dana Hills High School and Santa Margarita Catholic School.

TRIBUTE TO DR. LOUIE BAROZZI

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Ms. LOFGREN. Mr. Speaker, I am honored to make a special tribute to Dr. Louie Barozzi in honor of his retirement as the Director of International Programs and Student Services at San Jose State University.

He has brought a wealth of knowledge, sensitivity, charm, and service to the university and community in the 30 years he served at San Jose State—the only place he has ever worked, in fact.

Louie started at the university in 1968 as an Advisor at Large. On his way to becoming Director of International Programs and Student Services he served as Counselor in Counseling Services and Chair of the Academic Senate.

There are not enough adjectives to describe Louie Barozzi. Some of the most apt include kind, thoughtful, insightful, caring, sensitive, hard-working, conscientious, flexible, eternally optismistic, generous, wise, humorous, witty, sympathetic, and friendly.

Louie is always willing to lend a helping hand and make time for those in need. He has been a mentor to many, serving as a surrogate father to students and a wonderful father to his own children. His wonderful sense of humor has helped carry others through difficult situations, and his ability to convey wisdom without being imposing has served him and students well over the years.

Louie is a wonderful asset to San Jose State and our entire community, and I am proud to extend to him my most heartfelt good wishes in honor of his retirement.

ANDRE NICHOLSON, DISTRICT OF COLUMBIA WINNER, 1997–98 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Ms. NORTON Mr. Speaker, the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor the Voice of Democracy audio-essay scholarship competition. The program is now in its 51st year and required high school student entrants to write and record a three to five minute essay and an announced patriotic theme. "My Voice in our Democracy" was this year's theme, and more than 100,000 students participated in the program nationwide.

Mr. Speaker, I am extremely proud to report to this body that Andre R. Nicholson, a senior at Ballou Senior High School has been named a National winner in the 1998 Voice of Democracy Program and recipient of the $1,000 Department of Nevada and its ladies Auxiliary Scholarship Award. Andre is the son of Robin and Jane Nicholson and he plans a career in marketing. Andre participated in the program as a project of his government class. I am pleased to acknowledge his teacher Paul Charles and his principal Kenneth Jones, Ph.D.

Mr. Speaker, I submit for the reflection of the Members Andre Nicholson's award winning essay.

MY VOICE IN OUR DEMOCRACY

1997–98 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION

(By District of Columbia Winner, Andre Nicholson)

Good afternoon Honorable Judges and members of the Veterans of Foreign Wars (VFW).

As a young man in high school, it is an honor and pleasure for me to participate in the VFW Voice of Democracy Scholarship Program. I hope that not only my voice in our Democracy will be heard but other voices young and old, as we enter the twenty-first century.

In Abraham Lincoln's Gettysburg address he states "that this government of the people, by the people and for the people shall not perish from the earth."

The basic premise of democracy cries out that each individual's worth and dignity must be recognized and respected by all of society at all times; regardless of race, religion, or station in life.

Dr. King once said he had a dream, and that dream was that one day this nation would live out the true meaning of its creed, we hold these truths to be self evident that all men are created equal.

The concepts of democracy go on to insist all men should be equal before the law and

by way of opportunity; that the majority should rule restrained by minority rights. It also states that we must compromise to find a satisfactory solution and that the freedom of one individual should not infringe upon others.

This has been an experiment in government, and like all experiments it's been a trial and error process, good times and bad times, sunshine and rain.

However, if we the people of the United States are to form a more perfect union; we must be willing go grow along spiritual lines. On the back of one of our most prize possession (the dollar bill) is the statement "In God We Trust". If we would try more diligently to seek and do God's will, we as human beings would exhibit more God-like characteristics such as honesty, consideration, tolerance, forgiveness, faith, patience and concerns for others.

By doing this I think the democratic process would run smoother and we would form a more perfect union.

Will my voice be heard in our Democracy? Yes, I believe that my voice, as well as other young adults will be heard. In order to have a unified democracy to improve our country, it is vital that the voices of the young and the old go together in order to make this a better world.

Too many individuals, such as George Washington, Thomas Jefferson and James Madison, put in countless hours of work in order for us to have a good constitution in a democratic society. We must continue and push hard. I know we can make it work.

I'd like to thank you very much for giving me the opportunity to participate in the VFW Scholarship Program and may God Bless you.

SPACE DAY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. BROWN of California. Mr. Speaker, I would like to briefly note that today, May 21st, is "Space Day". It is a day intended to celebrate humanity's accomplishments in space. It is also a day for using space exploration as a teaching aid for imparting the importance of science and mathematics education.

First established in 1997, Space Day draws on the efforts of some 34 organizations and individuals in both the private and public sectors. It features activities in schools and communities both across America and around the world, as well as events on the Worldwide Web.

As someone who has long believed in the importance of our space program and the benefits that it can deliver to all of our citizens, I want to offer my best wishes for a successful Space Day '98.

CONGRATULATIONS TO PROFESSOR DAN GOLDRICH

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. DEFAZIO. Mr. Speaker, we all had many teachers during our years of education. Some of them were more important than others in assisting our understanding of the world and our place in it. For me, Dan Goldrich was one of the very few who stood head and shoulders above the rest. He helped me develop my ability to think critically and defy conventional wisdom when necessary. He is credentialed as a Professor of Political Science but he taught me much more. Often as I take to the Floor of the House of Representatives to debate issues of human rights, labor rights, international trade, the environment or U.S. foreign policy, Dan's lessons echo in my mind. Dan's teaching didn't end with my graduation from graduate school. He has continued to counsel and assist me during my political career. He has also constantly challenged me and many other former students by the example he sets as a tireless activist and humanitarian. Congratulations on your formal retirement to emeritus status! I fully expect that freedom from the demands of full time teaching will give Dan even more time and energy to inspire a whole new generation of activists who understand the struggle for sustainability, democracy and equity!

TRIBUTE TO MONTIE MONTANA

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. McKEON. Mr. Speaker, today I wish to pay homage to a gentleman whose storied career in the entertainment field lasted more than 60 years. Anyone familiar with westerns and the people who made westerns a cornerstone of motion pictures would recognize the name Montie Montana. Quite simply, Montie was the best "trick roper" in the business. For me, he was also a friend and someone who people in my district honored and admired.

Montie was born Owen Harlan Mickel on June 21, 1910, to Edgar Owen Mickel and Mary Edna Harlan Mickel. He spent much of his childhood around Wolf Point, Montana, which seemed to always have a special place in Montie's heart. Montie saw his first rodeo in Wolf Point at the age of 6, his first exposure to the talents that would eventually make him famous.

By the mid-1920's Montie was eagerly honing his rope skills, even surviving a serious injury that he sustained while training a horse. Montie's family spend much of the late 1920's and early 1930's touring and performing at rodeos throughout the west. At the age of 21, Montie had become a regular at Hoot Gibson's ranch in Saugus, California, and his roping skills were encouraged by the legendary star Tom Mix.

A few years later Montie married Louise Archer and starred in his first movie, Circle of Death, doing his own stunts. He remained a fixture in movies, television, and shows during the next three decades, and was at his peak during Hollywood's Golden Age in the 1940's and 1950's. Western pictures were at their zenith as well, and Montie knew everyone who today represent a "Who's Who" of classic westerns: John Wayne, Gene Autry, Tom Mix, Roy Rogers, and John Ford to name a few.

Most of the stars and stunt performers who worked in westerns in this era lived in the San Fernando or the Santa Clarita Valley. Montie was no exception, living on 20 acres in the town of Northridge (and serving as honorary Mayor), which is in my district. As a child who grew up in the San Fernando Valley, one of my highlights was seeing Montie, who regularly made appearances at Southern California schools. I recall to this day seeing him when I was a student at Plainview Avenue Elementary School. It is estimated that Montie performed before 8,000,000 kids, often accompanied by his horse Rex.

Montie was also a fixture at the annual Tournament of Roses Parade. It is estimated that he appeared at the parade more often than anyone else. He also rode in the 1949 Inaugural Parade and "roped" President Eisenhower in the 1953 parade. In addition, he was a part of some of the finest movies of this era: *Cheyenne Autumn, The Man Who Shot Liberty Valence, A Star Is Born,* and *The Will Rogers Story.* The latter of these also featured Montie's daughter Linda.

After living in Northridge for thirty years, Montie moved to Agua Dulce, adjacent to the Vasquez Rocks which were featured as a backdrop in numerous westerns. He continued to be an active part of the community and I often saw him in and around the Santa Clarita Valley. He also was enshrined in the Rodeo Hall of Fame in Oklahoma and the Walk of Western Stars in Newhall, California, ultimate recognitions for one of the greatest cowboys. Although Montie would later move again, I always considered him a part of our community, and was deeply saddened when I learned last night that he had passed away.

I fell blessed to have known Montie and will miss him. Thank you, Montie, for many cherished memories. God Bless You.

THANK YOU, MRS. WRIGHT

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. BARCIA. Mr. Speaker, no one doubts the importance of teachers in our lives. Ubly Community Schools has been blessed with an outstanding teacher, Bonnetta Wright, for the past thirty seven years. She is being honored with a retirement event, and the best honor I can think of for her is the memory of one of her students. Lori Shemka, a remarkable young lady who is today an attorney near Detroit, and has served here as the Congressional Page assigned to former Speaker of the House Tom Foley, provided me with the following description of her kindergarten teacher, Bonnetta Wright:

"Before preschool, young five's, and Barney, there was Mrs. Wright. The lady with the perpetual smile and heartfelt chuckle had her kindergartners practicing their letters and numbers with fat red pencils. It was not long before her lessons plans and soothing voice had captivated the students and effectively dried their tears from the traumas of the dreaded First Day. They colored with wide, chunky Crayolas that came in the eight-pack box. The entire school knew when

Mrs. Wright's class was walking down the hall because the youngsters would have their rips puckered in silence and would march in single file with their hands on their hips. Some later concluded that this was not a military exercise but an example of walking with purpose. Not many children know where they were going, but Mrs. Wright's always did.

"Mrs. Wright taught her students to "use inside voices" since the classroom was not a barnyard. Hand washing came before snack time. She subtly chastised the few who dared to cut in line with the reminder. "Only billy goats butt into a line . . . are you a billy goat?" The student would mumble a remorseful "no" and Mrs. Wright would chuckle and say, "Well, I would hope not!" Her lessons instilled the importance of detail: one finger space between words, two finger spaces between sentences. Practicality was her hallmark.

"As Mrs. Wright was dedicated to her profession, her students knew that they were expected to participate in the day's lessons, regardless of how they tried to hide their eyes. Parents also knew that Mrs. Wright expected them to be involved. To this day, few are in short supply of safety pins because Mrs. Wright was always pinning notes into the students' shirts.

"Each day, Mrs. Wright would select a class leader who would start the class with the pledge of allegiance, savor in the thrill of leaving class to take the attendance slip to the office, and would lead the class march to recess, gym and music. Being the leader certainly fed hungry egos but the duty also reminded the student that with responsibility came accountability. For that one day, the eyes of the class were on that student. The consequences of abusing Mrs. Wright's trust was unthinkable! The inherent guilt of disappointing Mrs. Wright was far greater than any possible discipline.

"During her career, Mrs. Wright has commanded a classroom of order and mutual respect. In return, she has been endeared by parents and a community who were assured that their children were instilled with the best fundamentals any program could offer and she is genuinely loved and admired by the students to whom she has dedicated her career. Mrs. Wright never led them wrong."

Mr. Speaker, what a wonderful tribute to a wonderful lady. I urge you and all of our colleagues to join me in saying—Thank you, Mrs. Wright.

IN MEMORY OF REBECCA JO PATTON

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. BRADY of Texas. Mr. Speaker, I rarely submit remarks to be entered into the CONGRESSIONAL RECORD, but I commend to the nation the following editorial published April 29, 1998 in the Kingwood, Texas Observer. The writer is Cynthia Calvert, who is managing editor of the newspaper, a community leader, a dedicated mother of two and, I am proud to say, a friend.

Given the current tone of debate over capital punishment—in which too often the killer is glorified while the victim and their loved ones are forgotten—this editorial is a poignant reminder of the true, lasting loss when violent crime touches our lives.

[From the Kingwood Observer, Apr. 29, 1998]

ONE MOTHER'S GOOD-BYE

(By Cynthia Calvert)

Last Friday evening, the state of Texas executed another murderer.

Lesley Lee Gosch, 42, was put to death at 6:38 p.m.

At that exact moment, I was watching, with my two children the pink, yellow, golden sunset on the Intercoastal Canal near my family's beach home on the Bolivar Peninsula.

Lesley Lee Gosch had twice asked for clemency, that is being spared, set free—for his crimes. He had two, at least. He committed the murder of a young San Antonio housewife while trying to gather money to avoid a trial for making and selling illegal gun silencers.

Most of us in Kingwood don't need too many gun silencers. Perhaps only really really bad people need to muffle the noise of a gunshot.

Gosch was an Eagle Scout. Yes, all those meetings and badges and camping trips and oaths—well, they just dissolved into an evil nothingness.

Gosch was name in Thursday's and Friday's headlines, albeit second pagers, for a day or two. Now he is dead, along with Karla Faye Tucker and three others so far this year (37 in 1997).

Gosch is notable to me because I knew his victim—Rebecca Jo Patton. Becky was only 42 (ironically the age of Gosch when executed and nearly my age as I write this) when Gosch shot her six times in the head and left her in the hallway of her San Antonio home for her daughters to find. Those girls were 15 and 11. I am 41 and my children are 13 and 9. Just stop for a moment and imagine the desolation and grief you would feel if someone was senselessly taken from you like Becky was from her family. Gosch and a friend delivered flowers as a ruse to Becky and then, at gunpoint, forced her to call her bank-president husband and demand a huge ransom. The pair were then going to use the cash to fly to Belize, spending the rest of their days in the sun-drenched Caribbean.

A nice life if you can get it.

Instead, Gosch got 13 years in Huntsville, two media-frenzied pleas for mercy and then death. His buddy got 45 years and is schedule to be released in June. My friend got murdered. Her husband, for a while, got suspicious looks and doubts. Her daughters got pain and tears, and graduations and boyfriends, and weddings with no mother. Texans got the bill.

But our victims you see, get very little by law. In Texas, victims do not have the right to attend the trial of the accused. You cannot go, without the judge's permission, to the trial of the person who murders your mother.

I was a young mom who joined First Presbyterian Church of San Antonio in 1984. I signed up for everything that had childcare. I joined, one Sunday September morning, the "Uncomfortables" class. The class for those who have deep, unanswered questions about Christianity and religion but who still believe. To my great surprise, she was there.

Becky Patton—the very life of the 2,000-member downtown church. The one who was in every circle, on every youth list, who taught the little kids at Bible School, who performed countless, anonymous unselfish acts, who sustained the church.

She was uncomfortable?

She had question, even doubts? I was thoughtful and then glad.

If God let Becky have questions, then questions weren't so bad.

Then I wasn't so bad.

We both went to Thursday morning Bible study, led by Senior Minister Louis Zbinden. I studied, and hard, especially considering I had an 11-month-old to mother. I researched those three typed pages of questions each week. I studied. I learned.

One Wednesday, two desperate men bought flowers and rang Becky's doorbell. They connived their way in. They put a gun to her head and made her call her husband for money. Something went wrong—many later speculated she saw Gosch's deformed little finger and could identify him. She begged for her life. They shot her six times, in the head. The time between her call for money and the police bursting in her front door was less than an hour.

An angel was taken that day.

The next day was Thursday, the weekly Bible study. Devastation and grief swallowed the sanctuary where several hundred women sat in stunned numbness. The normally unflappable Louis could not choke back his tears.

Gosch went on to live for nearly 13 more years. Becky's daughter's grew up—I had a second child. He asked for and received stays of his execution. His last request was based on the Texas Open Meetings Act. Incredibly callous and disrespectful and contemptuous. Just like his behavior 13 years earlier in that San Antonio home.

Prison just doesn't change them.

The true crime is the delay in this punishment and we are the ones responsible for it. We sit at home and do not call or even write our legislators to demand swift punishments. It is those intervals between the crime and the punishment that is wrong. Time to think, time to beg, time to live. Years and years of hard, hard moments for the families. The mother of any child will tell you that punishment must quickly follow misbehavior or the lesson is lost. Criminals today have no quick consequences. Gosch had 13 years!

The only ones to really serve life sentences are the families.

Louis would often say that the most common words in heaven must surely be "Oh".

Because that is what is said when finally we have perfect understanding. "Oh!," we'll say.

Good-bye Becky. While I'm still uncomfortable, I know you aren't.

AMBROSINO HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to congratulate Mr. Carmen Ambrosino on his 25 outstanding years as Director of Wyoming Valley Drug and Alcohol Services.

A certified Addictions Counselor and Certified Preventions Specialist in Pennsylvania, Mr. Ambrosino founded the first Pennsylvania chapter of the National Association of Alcoholism and Drug Abuse Counselors and sat on that organization's national board for two years. He has developed college and graduate courses on dependency for area universities.

Carmen Ambrosino is nationally recognized in the field of drug and alcohol patient counseling and prevention education services.

From being recognized in 1979 as an Outstanding Young Pennsylvanian to being recognized recently by the Four Chaplains of Philadelphia, Mr. Ambrosino's work has been acclaimed throughout his career. He has authored six nationally-released publications for young people and served as a consultant on a drug education film. In 1996, he was nominated by the Governor of Pennsylvania for the Prevention Professional of the Year Award. In 1997, he was a delegate to the Presidential Summit on volunteerism in Philadelphia.

Mr. Speaker, these are but a few accomplishments in Carmen Ambrosino's long career. Carmen Ambrosino saw the problem of drug and alcohol abuse in Northeastern Pennsylvania and undertook the challenge. He has served his community with dedication and commitment. He and his organization have touched the lives of countless thousands of school children through education and prevention. He is the uncontested leader in his field in Northeastern Pennsylvania.

I am extremely pleased to have had the opportunity to bring just a few of his many accomplishments to the attention of my colleagues. I send my sincere best wishes as the community gathers on May 29 to pay tribute to the outstanding career of this fine community leader.

IN TRIBUTE TO TORREY PINES HIGH SCHOOL: A NATIONAL BLUE RIBBON SCHOOL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. CUNNINGHAM. Mr. Speaker, I am pleased to announce that Torrey Pines High School, located in my 51st Congressional District, part of the San Dieguito Union School District, is named a National Blue Ribbon School.

My congratulations go to Principal Marie Grey, and Superintendent William Berrier, and to the many parents, students, teachers and community leaders that make Torrey Pines High School the national leader that it is.

So that every American may learn about what has made Torrey Pines High School such a success, I am honored to insert into the permanent RECORD of the Congress of the United States the attached essay describing its work and its history. In addition, I encourage Members and citizens to visit Torrey Pines High School on the Internet, at http://www.sduhsd.k12.ca.us/sites/tp/welcome.html.

TORREY PINES HIGH SCHOOL

Torrey Pines High School is one of three high schools in the San Dieguito Union High School District. The 2,230 students in grades nine through twelve represent the communities of Del Mar, Solana Beach, Rancho Santa Fe, Fairbanks Ranch and Carmel Valley, all in Northern San Diego County. The campus is a modern facility constructed in 1974. Phase II construction, completed in 1986, added 23 classrooms, a theater, auditorium, stadium and a state-of-the-art library/media center. The campus is used seven days a week, day and night, by adult education classes, ROP, athletic teams and community groups.

Our commitment to student learning has resulted in recognition at the state and national levels. Torrey Pines High School is a twice-honored Nationally Distinguished School (1987 and 1993), three-time California Distinguished School (1986, 1993 and 1996) and chosen by Redbook Magazine as the "Best High School in California" in 1993 and recognized for "Overall Excellence" in 1995. 97% of our graduates attend college and our test scores are consistently among the highest in the state. In 1996 our students had the highest SAT scores in San Diego County. Torrey Pines athletic teams, likewise, have a tradition of achievement, winning 66 CIF Championships, with 44 since 1990.

To maximize in-depth student learning and facilitate project-oriented instruction, we use a rotating two-hour block schedule. Several noteworthy programs help us address the needs of our diverse population. The Peer-Tutoring Center and Math Assistance Program log over 1,000 hours of tutoring each year. The Center offers tutoring after school and evenings in all subject areas. The Advancement Via Individual Determination Program (AVID) fosters the academic success of under-represented minorities. Project Astral provides Latino language minority students with the opportunity to attain academic excellence and high self-esteem through English and Spanish language literature instruction and theatrical productions. Student Assistance Services (SAS) is a comprehensive program that offers a variety of activities focusing on preparing students to be "ready to learn" and providing the necessary services and networks to meet this goal, including student support groups, the Human Relations Council, parent education forums, Peer Assistance Listeners (PALS), Choices and Challenges, staff inservices and community referrals. The program trains students to offer unconditional positive regard for their peers and provide emotional support for those who are referred to the program.

Our commitment to excellence in the classroom is complemented by the breadth and dept of our program of extracurricular activities. Approximately 45% of our students participate on 21 athletic teams. Student government strives to involve all students, with approximately 200 students contending for 37 positions in annual student elections. Student-initiated activities range from lunchtime concerts by student musicians to homecoming float-building. Clubs like Earth Impact, the International Club, Aztlan, Youth Outreach, VICA, Horticulture Club, the Investors Club and Students Against Drunk Driving insure that the TPHS activity smorgasbord offers something nutritional and appealing for every appetite. Extracurricular activities include the Science Olympiad, lunch-time activities, Academic League and student publications. Our student newspaper is distributed free to all students. The Falconer (newspaper), Free Flight (yearbook), First Flight (the TPHS literary magazine) and Free Flight Video have all received numerous state and national awards for excellence.

The 155-member TPHS staff includes 65 percent of teachers with more than 10 years of teaching experience and 60 percent with Master's degree. The staff is a cohesive community built on a commitment to high educational standards, creative problem solving, support services for all students and a shared concern for the individual. Professional development activities have included course work at Oxford, Stanford, U.C. Berkeley, Princeton and other universities; travel/study abroad; Woodrow Wilson scholarships and mentor teacher projects. Teachers are currently involved with the Teacher-Led Professional Development Project, California School Leadership Academy (CSLA), the National Science Foundation, California Literature and Mathematics Projects and other professional growth activities and professional associations. Intradepartmental review and team planning are supplemented by workshops, classes, lectures, support groups, sabbatical leaves, summer institutes, inservices and staff development programs.

TPHS parents play a vital role in the TPHS community. Each fall, five parents are elected to the School Site Council, which meets monthly with the principal and oversees the School Improvement Plan. Parents also serve as TPHS representatives to the District Site Council, District Budget Committee, Site and District GATE committees, District Curriculum Review Committee, Legislative Analysis Network and the Bilingual Advisory Committee. School-to-home communication is accomplished through a monthly newsletter and numerous parent meetings held at the school. Back-to-School Night, sponsored by the Parent Association, is held annually in October and fills the school to capacity, giving parents the opportunity to visit all classrooms. An estimated 600 parents attend annual College Nights and eight Parent Information Forums are sponsored each year by the SAS team and reach approximately 100 parents. Four to six district information evenings are held annually for parents of bilingual students, attended by an average of 175 persons and 3 to 4 meetings per year are held for parents of students in Special Education.

The Torrey Pines High School Foundation was founded in 1993 to raise funds through donations and special events for the benefit of all students. Foundation funds support programs and improvements which are not adequately funded by district allocations. These programs and improvements provide for growth, broadened experiences and a well-rounded education for every student. The Torrey Pines Foundation raises approximately $500,000 each year to supplement district and state school funding. The following campus organizations are included in the Foundation: Academic Team Boosters, Art Club Boosters, Athletic Boosters, Dance Team Parents, Friends of the Library, Grad Night, Parent Association, Student Assistance Services, Technology Boosters and Theater Boosters. The 25 member Parent Board, with representation from all geographic areas, meets monthly at the school and is involved in significant support of the school program. Each year the Parent Association provides more than $10,000 in teacher minigrants to support classroom activities. More than 200 parents volunteer on our campus serving regular weekly assignments or helping with special projects. A committee of 30 parents oversees the annual Grad Night celebration, with $30,000 raised annually. Friends of the TPHS Library has an average annual membership of 150 and draws upon local talent to provide such innovative programs as "Authors Evenings" to the community. The Technology Boosters, formed in 1994, is a group of twenty parents and community members who are actively participating in our site technology committee, collaborating closely with staff to set and implement school-wide technology goals. Dollars for Scholars, a national organization, awards approximately $40,000 in scholarships annually to approximately fifty graduating seniors.

Community partnerships have enriched our school community. Participation in community organizations such as San Dieguito for Drug-Free Youth and Prevention Connection has provided us with resources for the war against substance abuse. "Explorations" is a career awareness program which brings professionals and business leaders from our community to speak to students about their careers. Teachers participate in the Teacher Job Shadow Program through a partnership with Mira Costa College and California State University, San Marcos. Through our School-to-Career Program, we have established an Internship Program which places approximately 200 students each year into semester-long internships in community businesses.

Torrey Pines High School refuses to rest on its past accomplishments and is characterized by a spirit of continual school improvement. To this end, the Strategic Planning Leadership Team is in the process of developing a site strategic plan which will involve our entire learning community in the development of a shared vision for the school and a set of specific action plans which are aligned to the District Strategic Plan.

IN MEMORY OF COLONEL DAVID MICHAEL MOAK

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. BAKER. Mr. Speaker, I rise today to pay tribute to a great Louisianian and a great American, who died on March 28th, 1998: Colonel David Michael Moak, United States Army. He will be missed, not only by his wife of 21 years, Julia, his son Aaron and his daughter Shelane but by all who worked with him as he defended our freedom and by a greatful nation.

It is fitting that we remember the sacrifice and dedication of Colonel Moak as we near Memorial Day, the day Americans pay tribute to all the brave men and women who died in the service of America.

Colonel Moak was a true American hero who put country first.

Colonel Michael Moak, U.S.A., 47, who was born and raised in Baton Rouge, Louisiana died on March 29, 1998 at the Walter Reed Army Hospital. Col. Moak was assigned to the Office of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence where he was responsible for enhancing the Department of Defense's intelligence capabilities to support combating terrorism and force protection. In 1973, he received a Bachelor of Arts degree in Government from Southeastern Louisiana University where he was also commissioned as a 2nd Lieutenant, Infantry, in the Regular Army.

Upon commissioning, Col. Moak attended and completed the U.S. Army Infantry Officer Basic Course at Fort Benning, Georgia. After graduation, he was assigned to the 101st Airborne Division, where he served as a Rifle Platoon Leader, Scout Platoon Leader, Rifle Company Executive Officer, Battalion S3 Air, and Rifle Commander. Col. Moak's subsequent assignments include Commander, Army ROTC Detachment, Louisiana College, Operations Officer, 202d Military Intelligence Battalion (HUMINT), Commander, 641st Military Intelligence Company (HUMINT), Operations Officer, Executive Officer, and interim Battalion Commander, 18th Military Intelligence Battalion (HUMINT), Brigade S3 Operations, 66th Military Intelligence Brigade, Deputy Chief of Staff for Intelligence, Army Special Operations Forces, Europe, Executive Officer, 201st Military Intelligence Battalion (Tactical, I Corps), Battalion Commander, 14th Military Intelligence Battalion (Tactical Exploitation), and Systems/Force Integrator, Deputy Chief of Staff for Operations, Headquarters, Department of the Army.

Col. Moak's military training included, in addition to the Infantry Officers Advanced Course, Airborne School, Ranger School, Air Assault School, Jungle Warfare School, Rappel Master, German Airborne School, Nuclear, Biological, and Chemical Course, Counter Intelligence Special Agent Course, HUMINT training, Terrorism Counteraction Course, Command and General Staff Course, and the National War College.

Col. Moak's civilian education, in addition to a Bachelors of Arts in Government, included a Masters of Arts in Human Resource management from Pepperdine University and a Masters of Science in National Security Strategy from the National Defense University. Col. Moak did extensive study in the counterterrorist field and published one book commercially entitled, "Surviving Hostage Situations". He also developed an individual self study manual for the Army entitled, "Terrorism Counteraction".

Col. Moak was responsible for the oversight and enhancement of Department of Defense intelligence programs and capabilities to support combating terrorism and force protection for the Secretary of Defense. He oversaw and assured effective intelligence support to force protection operations for U.S. forces deployed in Bosnia. He coordinated efforts with DoD agencies, Unified Commands, and the Services. He also worked closely with FBI, CIA, and other federal agencies to assure appropriate intergency coordination, Col. Moak routinely developed and provided information to Congress on intelligence support to combating terrorism and other transnational threats. He monitored DoD agencies and commands' combating terrorism and force protection budgets to assure sufficient funding was available to meet emerging requirements.

Col. Moak's awards include the Army Meritorious Service Medal (6th award), the Army Commendation Medal, Army Achievement Medal, Army Service Medal, Army Overseas Medal, National Defense Medal, Expert Infantryman Badge, Airborne Badge, Air Assault Badge, Ranger Tab, and German Airborne Badge. He received the 1997 Department of Defense award for the Most Innovative Initiative in Combating Terrorism due to his relentless efforts identifying and resolving systemic issues impacting on the Department's intelligence capabilities.

Our nation is fortunate to have been represented by a man of character like Col. Moak. He served his hometown as he did his country and will long be remembered for what he gave both. The people of Baton Rouge and Louisiana could have asked for nothing more.

PROJECT FOR PRIDE IN LIVING

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. SABO. Mr. Speaker, today I rise in recognition of Project for Pride in Living (PPL), a nonprofit development organization in my home district that has been recently recognized by the Fannie Mae Foundation for its very successful, multi-faceted approach in the fight against poverty.

Project for Pride in Living was originally established in Minneapolis in 1972 to buy and rehabilitate rundown, inner-city houses. It has grown considerably over the years to address poverty issues on a variety of fronts. PPL now provides affordable rental and ownership housing opportunities, job training through direct employment, employment education and placement, youth development, neighborhood security, and support services.

PPL has been a strong and effective agent for economic stabilization and community building in neighborhoods throughout the Twin Cities, but especially in the Phillips neighborhood. It has built or renovated more than 900 single-family and multifamily units. PPL's Self-Sufficiency Program and employment and training initiatives have helped several thousand people. In 1996 alone, 509 families participated in the Self-Sufficiency Program, by obtaining help to find jobs, to stabilize their finances and housing situations, and to make positive changes in behavior, attitudes, and school performance.

On May 19, 1998, the Fannie Mae Foundation presented a Maxwell Sustained Excellence Award to Project for Pride in Living. This award is given to community-based nonprofit organizations demonstrating the best examples of sustained creation and management of communities and neighborhoods. PPL was one of ten award winners this year, selected from a pool of 160 applicants from across the United States. All ten awardees have a history of building and sustaining communities, with housing being the lead component of their efforts.

As a Maxwell Sustained Excellence Award winner, PPL will receive a three-year grant of $150,000 to further organizational development, and a three-year, $250,000 Community and Neighborhood Development Fund (CNDF) loan. PPL will invest the grant in activities to increase its capacity to develop and manage housing, including upgrading technology, establishing an internal pre-development fund, and enhancing staff development and training. The CNDF loan will provide construction financing for the production of 24 single-family homes.

I salute Project for Pride in Living for receiving Fannie Mae's distinguished Sustained Excellence Award. It is a remarkable honor for a truly deserving organization.

PERSONAL EXPLANATION

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Ms. STABENOW. Mr. Speaker, on Roll Call vote #165, had I been present I would have voted no.

Mr. Speaker, on Roll Call vote #166, had I been present I would have voted no.

Mr. Speaker, on Roll Call vote #167, had I been present I would have voted yes.

Mr. Speaker, on Roll Call vote #168, had I been present I would have voted yes.

Mr. Speaker, on Roll Call vote #169, had I been present I would have voted yes.

Mr. Speaker, on Roll Call vote #170, had I been present I would have voted no.

Mr. Speaker, on Roll Call vote #171, had I been present I would have voted yes.

Mr. Speaker, on Roll Call vote #172, had I been present I would have voted yes.

Mr. Speaker, on Roll Call vote #173, had I been present I would have voted yes.

Mr. Speaker, on Roll Call vote #174, had I been present I would have voted yes.

SPACE DAY CELEBRATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mrs. MORELLA. Mr. Speaker, today I rise in recognition of Space Day, a global celebration of the extraordinary achievements, benefits, and opportunities presented by the exploration and use of space. It was this week twenty-seven years ago that President Kennedy issued his challenge to land a man on the Moon.

Recently, HBO ran a twelve part series, "From the Earth to the Moon." This is the story of humankind's commitment and dedication to meet that challenge and its triumphant success. The words "one small step for man, one giant leap for mankind," first spoken by Neil Armstrong from the Sea of Tranquility in July 1969, will be remembered for generations by people everywhere as the nations of the world begin to work together for peace in space.

Our space technology evolved from rockets of destruction in World War II to vehicles carrying satellites into space. With these satellites, we can now speak to someone on the other side of the world as clearly as we can our neighbor. Meteorologists can predict the weather with precision.

We began with Alan Shepherd, the first American to leave the protective atmosphere of the Earth, and John Glenn orbiting the Earth in his Friendship 7 spacecraft. We watched with baited breath as Neil Armstrong and Buzz Aldrin piloted the Eagle Lunar Module to the surface of the Moon. Now the Space Shuttle carries astronauts and cosmonauts to the Space Station Mir where they conduct experiments that lead to advances in biomedicine and physics.

The next generation will soon see further trips to the other planets in our solar system. The next space shuttle will make it easier than ever before to carry people and payloads into space. We may soon unlock the mysteries of life on Mars and Europa, and water on the Moon.

As the nations of the world begin to build the International Space Station, they are driven by the legacy of the Mercury, Apollo, and Shuttle missions, and look confidently to the stars to see our destiny.

A TRIBUTE TO EMILY MATHEM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. THOMPSON. Mr. Speaker, I rise today to honor Ms. Emily Mathem, a 13-year-old at the Vicksburg Junior High School in Vicksburg, Mississippi.

Emily recently received a Prudential Spirit Community Award in recognition of her outstanding community service. Emily worked for more than a year with city administration officials, local community leaders, and classmates to restore an abandoned and neglected neighborhood park which had become a hangout for drug dealers. While the work is not yet completed, she has pledged to continue her efforts until the day children can play safely in the park.

Emily Mathem is a shining example of leadership, goodwill, and courage. I wish her luck and hope that many more young people in Mississippi and this nation are inspired by her work.

HISTORIC SHILOH BAPTIST CHURCH REBULIDS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the Shiloh Baptist Church following a week of special services commemorating the completion of a new sanctuary.

Mr. Speaker, the Shiloh Baptist Church of Washington, DC had its humble beginnings in Fredericksburg, Va. In 1854, the white congregation of the Baptist Church decided to relocate. The white membership offered the building to its black members for $500.00. The offer was accepted and the black members renamed the church Shiloh. By 1861, Shiloh had 750 members, most of whom were slaves and the balance of the membership was free blacks. In that same year, with the onset of the Civil War, Union troops entered Fredericksburg and occupied Shiloh using it as a hospital. This disrupted church life and the growth of this branch of Zion. In 1862, the Potomac branch of the Union Army offered safe passage to any blacks, free or slave to Washington, DC. In June of that year, hundreds took advantage of the offer and traveled to the Capital City. Approximately 400 members from Shiloh Church were among the group.

Soon after arriving in Washington, several members of the group from Fredericksburg began to meet in a little shanty on L Street between 16th and 17th Streets. They met under the direction of McCleary Perkins, a white Union soldier. They learned to read and write and held regular prayer and fellowship meetings. On September 23, 1863, the Shiloh Baptist Church of Washington, DC was formally recognized by a Recognition Council and on September 27, 1863, the Reverend William J. Walker was ordained as pastor.

Under Reverend Walker's leadership, Shiloh's membership grew to over 800, two buildings on L Street, NW were purchased and the members constructed a two-story brick building, also on L Street, that was completed in 1883. Reverend William J. Walker died on August.

In 1891, following some controversy and a split in membership which led to the formation of the Walker Memorial Baptist Church, Shiloh called its second pastor, the Reverend J. Anderson Taylor. Under his administration the church was enlarged, a new organ was installed, the choir was vested, the music ministry expanded and missions at home and abroad were established. In 1906, Reverend Taylor gave up the pastorate. About 200 members left Shiloh, formed the Trinity Baptist Church and called Reverend Taylor as pastor. Reverend J. Anderson Taylor died on October 6, 1916.

Reverend J. Milton Waldron was called in 1906 and set out to develop an instructional church that would care for the needs of the total person. By 1924, Shiloh had outgrown its two-story edifice and a new home was found at the corner of 9th and P Streets, NW. There were a series of fires during which Reverend Waldron's health began to fail and he resigned. Reverend Milton J. Waldron died November 20, 1913.

Shiloh searched for a leader who could help reduce its debt and provide leadership through the Great Depression. In September 1930, Reverend Earl L. Harrison became the fourth pastor and served for forty-one years. During his forty-one years as pastor, the debt was retired, properties were acquired, the circle system was established, young ministers were mentored and the music ministry continued to develop. Reverend Earl L. Harrison died on November 14, 1971.

In 1972, Shiloh called its fifth pastor, the Reverend Henry C. Gregory III a fourth generation preacher. Reverend Gregory had served as the assistant pastor under Reverend Harrison between 1961 and 1963. During his administration, Reverend Gregory increased the sacred components of the worship service and instituted a plan to develop the leadership within the church. He is best remembered for building the Family Life Center. The Center provides Christian development, spiritual education and recreation opportunities for church families and the community-at-large. Reverend Henry C. Gregory died on April 29, 1990 after 17 years as pastor.

In July 1991 Shiloh called the Reverend Wallace Charles Smith, its sixth pastor in 128 years. During the annual Henry Booker Organ Recital in November 1991, the church erupted in smoke and flames. Everyone was evacuated safely, however, the building suffered extensive damage and could not be used. Services were held in the gymnasium of the Henry

C. Gregory, III Family Life Center. Under Reverend Smith's leadership Shiloh was rebuilt on the corner of 9th and P Streets, NW.

Mr. Speaker, Shiloh Baptist Church is a beacon of light and hope in the Shaw Community and on March 15, 1998 marched into its newly built church from which its tradition of spiritual, civic and social activism continues.

Mr. Speaker, I ask this body to join me in celebrating the rich history and perseverance of the historic Shiloh Baptist Church of Washington, DC.

PERSONAL EXPLANATION

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. EWING. Mr. Speaker, I have just returned from Geneva, Switzerland, where I was leading the delegation from the Agriculture Committee representing the Congress at the World Trade Organization's Ministerial Conference. Unfortunately, my attendance required my absence during a number of votes on May 19 and 20th.

Had I been present, I would have voted: No on rollcall 156; No on rollcall 157; No on rollcall 158; No on rollcall 159; Yes on roll call 160, Yes on rollcall 161; Yes on rollcall 162; Yes on rollcall 163; Yes on rollcall 164; Yes on rollcall 165; Yes on rollcall 166; Yes on rollcall 167; Yes on rollcall 168; Yes on rollcall 169; Yes on rollcall 170; No on rollcall 171; Yes on rollcall 172; and Yes on rollcall 173.

THE HARMON/LOWEY AMENDMENT TO THE DEFENSE AUTHORIZATION BILL

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Ms. DUNN. Mr. Speaker, yesterday, this chamber voted on an amendment, offered by Reps. JANE HARMAN and NITA LOWEY, to the Defense Authorization bill which would have repealed a provision of law that prohibits women from using their personal funds to obtain abortions in U.S. military hospitals overseas.

Mr. Speaker, I have a long-standing record of supporting such amendments to overturn the present prohibition on privately-funded abortions on U.S. bases in foreign countries. I believe that U.S. servicewomen abroad should be given the same options as women who live in the United States.

As such, I would like the record to reflect that I had intended to vote "yes" on the Harman/Lowey amendment.

SPACE DAY: A GLOBAL CELEBRATION AND EXTENSION OF THE R&D TAX CREDIT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Ms. STABENOW. Mr. Speaker, today we celebrate Space Day, which is a day for people of all nations and ages to look back with pride on our extraordinary achievements in space exploration; and a day to look forward with hope and anticipation to the benefits and opportunities that lay ahead. It is a day to inspire future generations of scientists, engineers, computer programmers and astronauts to fulfill the vision of our early space pioneers.

Space Day is supported by international leaders within the education, space, communications, corporate and scientific communities as well as a network of enthusiastic Space Day partners. Together they have designed a package of interactive and multi-disciplinary activities for teachers to use with their students; and they have launched an official web site that provides resources for teachers, parents, students and other space enthusiasts. I encourage all of my colleagues and our constituents to visit www.spaceday.com and to celebrate Space Day by registering as an official "Friend of Space Day."

In my district alone, Mr. Speaker, over 2,000 children and their parents have expressed their interest in math, science, engineering and space exploration by attending events that I have sponsored called "Great Space Adventures." I applaud their curiosity and their sense of adventure; and I am very happy to join with them in celebrating Space Day today.

Mr. Speaker, on this day, I also want to urge my colleagues to enact legislation that will extend the research and development tax credit because it is set to expire in only a few weeks. The R&D tax credit enjoys strong, bipartisan support and it is supported by all of America's leading science and technology industries, including aerospace, automotive, biotechnology, and telecommunications. The R&D tax credit is specifically designed to encourage our companies to invest in thousands of high-paying, high skilled jobs that support U.S. based research and development. Availability of these jobs has the dual benefit of fueling our nation's scientific and technological leadership and enticing our youth to pursue careers in math, science, engineering and education.

Mr. Speaker, I urge my colleagues to support Space Day by permanently extending the R&D tax credit.

IN RECOGNITION OF NATIONAL ALLERGY MONTH: FUTURE IMPACTS OF THE FOOD QUALITY PROTECTION ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. TOWNS. Mr. Speaker, I rise today to express growing concern that the U.S. Environmental Protection Agency's implementation of the Food Quality Protection Act may sharply reduce the number of pest control products used to eradicate cockroaches and other indoor pests.

Principally, I am concerned that the loss of cockroach control products will exacerbate the already growing problem of asthma and allergies in inner cities, particularly among children. Sadly, no city has been harder hit by the asthma epidemic than New York. In fact, at least 10 percent of New York city school children suffer from asthma. However, the increasing asthma rate is not just a New York problem, but a national one. According to the U.S. Centers for Disease Control, the number of asthmatics has doubled over the last 20 years and more than one third of all asthmatics are children, making it the most common chronic disorder among that sub-population.

The National Institutes of Health cites cockroaches as an important cause of asthma in allergic children. According to a landmark study published in the New England Journal of Medicine last spring, cockroach allergens are largely to blame for increased asthma rates among urban children, and children who are allergic to cockroaches are three times as likely to be hospitalized as other asthmatics. Some of the children participating in the study were from the Bronx and East Harlem.

Thankfully, there are steps we can take to address the skyrocketing asthma rate and to lessen the impact of allergies. One way is more effective control of cockroaches. An editorial accompanying the study recommends the "regular use of insecticides" as one of the more effective means of controlling cockroaches. Since cockroaches regularly become resistant to pesticides, a wide array of pest control products is needed to effectively control infestations.

Although heartened by Vice-President GORE's recent directive that E.P.A. ensure regulatory actions mandated by F.Q.P.A. are based on sound science and reasonable transition rules for agriculture, I urge E.P.A. not to forget the pest control needs of urban populations.

I am concerned that F.Q.P.A. implementation may impact the availability of several pesticides critical for cockroach extermination.

Mr. Speaker, May is Allergy Awareness Month. We should seize upon this window of opportunity to give this important issue the attention it deserves. I hope my colleagues representing other urban areas will join me in urging E.P.A. to keep inner-city residents, especially children, in mind when implementing F.Q.P.A.

FINANCIAL SERVICES COMPETITION ACT OF 1997

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mrs. KELLY. Mr. Speaker, with regard to my earlier colloquy with the Chairman on functional regulation which appears on page H3140 of the May 13, 1998 edition of the

CONGRESSIONAL RECORD I would briefly like to quote from the report language from both the House Banking Committee and House Commerce Committee that further illustrates the intent of functional regulation of H.R. 10:

"An important aspect of this new framework is that it would incorporate functional regulation with the Federal Reserve serving as an umbrella regulator to oversee the new financial holding company structure. Securities affiliates would be required to comply with all applicable Federal Securities law . . . The Act would also provide that insurance affiliates be subject to applicable State insurance regulation and supervision."

"Title I . . . expressly limits the authority of the Board of Governors of the Federal Reserve System (Federal Reserve Board) over the affiliates of financial services holding companies. These limitations are designed to facilitate functional regulation of the operative components of a financial services holding company. Specifically, the preeminent authority of the Securities and Exchange Commission (SEC or Commission) and the State insurance regulators over securities firms and the business of insurance, respectively, is preserved."

"*Section 113. Authority of state insurance regulator and Securities and Exchange Commission.* This section limits the Federal Reserve Board's ability to require that an insurance company or registered broker or dealer provide funds to an affiliated bank if the State insurance authority or the SEC determines in writing that such action would have a materially adverse effect on the financial condition of the insurance company or the broker dealer. The Committee determined that this provision was necessary to make clear that the source of strength doctrine does not extend to securities and insurance affiliates of banks. The section allows the Federal Reserve Board to require the bank holding company to divest the bank within 180 days of receiving such notice from the State insurance authority or the SEC.

"Title III pertains to the regulation of insurance activities, particularly those of national banks, and sets forth appropriate standards for judicial review of regulatory insurance disputes . . . Subtitle A specifically provides for the functional regulation of insurance. The Committee's purpose in the first part of Subtitle A is to reaffirm the McCarran-Ferguson Act and require State licensing for insurance activities."

I would like to thank the Chairman and his staff for their assistance and agreement with this language as for the intent of functional regulation in H.R. 10.

HONORING GREGORY DON HUNSUCKER

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. CONDIT. Mr. Speaker, I rise today to recognize my longtime friend, Mr. Gregory Don Hunsucker, who is being presented with the coveted Labor Leader of the Year by the Merced-Mariposa Central Labor Council. Don is being awarded this prestigious honor on Saturday, June 13, 1998.

In 1971, Don was hired by the Retail Clerks International Association as a Special Representative and Organizer. He came to the United Food and Commercial Workers Union, Local 1288 in 1973 as a Business Representative. One year later, he was promoted to Administrative Assistant to the President. In 1976, Don was elected Secretary-Treasurer of the local union and became president and chief executive officer of the union in 1978.

His leadership has long been appreciated by organized labor. Under his guidance, Local 1288 has become the official representative of more than 9,500 United Food and Commercial Workers in the counties of Merced, Madera, Fresno, Mariposa, Kings and Tulare. In addition to his duties at the Local Union, he is President of the Valley Clerks Joint Council of the UFCW, Vice President of the California Federal of Labor, AFL–CIO; President of the Fresno-Madera-Tulare-Kings Counties Central Labor Council, AFL–CIO; Vice President of the Southwestern States Council of United Food and Commercial Workers; Special Representative of the United Food and Commercial Workers International Union; Trustee of the Northern Fund; Chairman of the Northern California United Food and Commercial Workers Caucus and Vice President of Fresno Area Coalition of Organized Labor.

Don Hunsucker's leadership extends throughout Central California, touching the charitable spirit of all who live here. He is a member of the Countryside Free Will Baptist Church in Visalia; he has served as Executive Board Member of the United Way, the Easter Seal Society, Fresno City Civil Service Board, Bid Compliance Committee of the City of Fresno, Blue Ribbon Task Force on Council of Ethics and Operations, and a member of the California State University of Fresno Boosters Club.

Don and his wife of 30 years, Linda Mae (Balakian), live in Fresno. They have two children, Michelle Lou Ann, 25, and Jerry Gregory Don, 21. Don has been a strong advocate for working men and women over the years. He is a man of integrity who gives unselfishly to those around him. He has set an example for others to follow. I consider it an honor to call him my friend and ask my colleagues in the House of Representatives to join me in honoring Don Hunsucker.

INTRODUCTION OF LEGISLATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. GILMAN. Mr. Speaker, today, I would like to introduce two bills—one to authorize the Mongaup Visitor's Center, and the other to extend the Upper Delaware Citizen's Advisory Counsel.

Mr. Speaker, as you may know, in 1978, along with out good friend and colleague JOE MCDADE, I introduced Federal legislation establishing the Upper Delaware Scenic and Recreational River as a component of the National Wild and Scenic Rivers System.

The property proposed as the location of the Upper Delaware Scenic and Recreational River's primary visitor facility—the Mongaup Visitor Center—is owned by the State of New York's Department of Environmental Conservation. The property was acquired by the State in 1986 as part of a much larger purchase of a 10,000-acre tract intended to provide habitat for a population of wintering bald eagles. New York State legislation authorizing Federal development of the property as a visitor center by means of a long-term lease was passed in 1993. A legislative support data package was prepared in 1994 for Federal legislation authorizing development of the site, to appropriate funds for development and to increase the Upper Delaware's operational base to provide for year-round operation.

The site for the Mongaup Visitor Center contains abundant natural and cultural resources and this proposal will identify and develop strategies to protect the Mongaup area's natural resources, including: wintering bald eagles; upland forest; hemlock and laurel gorges and steep slopes; riverine and flood plain forest, and a mile of river front with natural sand beaches. The possible presence of prehistoric elements will also be evaluated.

The visitor center will benefit the community in many respects. It will serve as an educational asset, a local museum, a class room, and meeting place. Bordered by the Delaware River, the Mongaup River and New York State highway route 97 in the town of Deerpark in Orange County, NY—it is the only center of its kind within an hour's drive from New York City. Both the proposed visitor center, Mongaup site and the Upper Delaware Valley have enormous unrealized potential to provide both the local and visiting public with an exceptional experience.

I am also introducing a bill that will extend the Upper Delaware Citizens Advisory Council for another 10 years. The Upper Delaware CAC provides an excellent forum for citizens of the Upper Delaware to have an opportunity to impact and interact with the National Park Service and Department of the Interior.

Accordingly, I urge my colleagues to help pass these two measures which will benefit the State of New York on economic, environmental and educational levels.

TRIBUTE TO MAJ. GEN. MAX BARATZ ON THE OCCASION OF HIS RETIREMENT

HON. STEPHEN E. BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. BUYER. Mr. Speaker, today I rise to pay tribute to a distinguished and dedicated military officer who has served this nation with great honor and distinction. Major General Max Baratz, the Chief, Army Reserve, will retire on May 24, 1998 after more than four decades of dedicated and exemplary service in the United States Army and the Army Reserve. Today, I'm proud to take a few minutes to highlight the extraordinary career of Major General Baratz.

His career began in 1956 as an infantry officer. After serving as a platoon leader in the 1st Infantry Division, he carried his love of country and commitment to duty to the United States Army Reserve. As a drilling reservist,

he became an engineer officer and served in a variety of staff and leadership positions to include the command of a company in an Engineer Training Group and service as an Engineering Battalion Commander.

In November 1976, as a full colonel, Major General Baratz was selected to be the 416th Engineer Command's Chief of Staff. Mr. Speaker, I need not remind you or my distinguished colleagues that only a handful of Army Reservists ever attain or surpass this prestigious rank, and even fewer achieve the rank of major general. But Major General Baratz was no ordinary Army Reservist, and he is no ordinary citizen-soldier.

In 1979 Major General Baratz was selected as a Brigadier General in the Army Reserve.

In November 1983, after 11 years of service in the 416th Engineer Command, the Army selected him as commander. President Reagan was well aware of the asset he had in Max Baratz, and nominated him for his second star—a nomination, I might add, that the other body prudently and expeditiously confirmed. During his tenure of more than three years as the commander of the 416th, he also found the time to serve on the Army Reserve Forces Policy Committee, first as an alternate member in the 5th Army Area, and then as the principal member from the 4th Army Area. In the closing days of his command, he was selected to be co-chairman of the Army Reserve Forces Policy Committee, a position he held until December 1990.

In 1991, during Operation Desert Shield, Major General Baratz was called to active duty to serve as the Deputy Commanding General for Reserve Affairs for the same United States Forces Command. He personally oversaw the mobilization of almost 85,000 Army Reservists in support of Operations Desert Shield and Desert Storm. Major General Baratz was personally responsible for one-third of the entire Defense Department's reserve component mobilization to support the Gulf War, and was a major factor in the success of our national efforts in the region. I am thoroughly convinced that, without Major General Baratz personally in charge, our efforts would have been far more difficult and problematic. Those soldiers were the lifeline for the ground forces, and the successful completion of their mission is a testament to the great abilities of this military leader.

Shortly after the Gulf War, Major General Baratz was again called to active duty to be Deputy Commanding General of the United States Army Reserve Command. In this capacity, he was personally responsible for the training and readiness of almost all Army Reserve units in the continental United States. In 1994 he was selected to be the Chief, Army Reserve.

Mr. Speaker, I believe that most people do not know the full scope and awesome responsibilities that come with this position. As the Chief, he oversees Army Reserve policy development and interaction with the Department of the Army and Department of Defense staffs. He is also the Commanding General of the United States Army Reserve Command, as well as the Deputy Commanding General for Reserve Affairs for the United States Forces Command. In short, he is the focal point for virtually all Army reserve component issues.

It should come as no surprise that Major General Baratz was as dedicated and professional in this assignment as he was in all his others. He oversaw a dramatic, and at times, painful reorganization of the Army Reserve that was accomplished, first and foremost, with the needs of the Army and the nation in the forefront of his mind. While its size was being reduced by over one-third, its utility was increasing dramatically. Under his direction, Army Reserve units were the first into and the last out of Haiti. Also, over 70 percent of the Army's reserve component mobilization in support of Operation Restore Democracy came from the Army Reserve. Furthermore, Major General Baratz' efforts were accentuated during the successfull deployment of over 15,000 Army Reservists to Bosnia, a figure representing 74 percent of the Army's reserve component mobilization. In fact, more Army Reservists have been mobilized in support of peace keeping efforts in Bosnia than were mobilized during the Vietnam conflict. Under Major General Baratz, the United States Army Reserve is better trained and more relevant to the nation than, perhaps, at any time in its distinguished history.

Mr. Speaker, I believe that we all should say a prayer of thanks for Max Baratz and his desire to serve his country for over four decades and under nine different presidents. The United States Army is an institution that prides itself on leadership by example. The example Max Baratz has set ensures that we will always have dedicated men and women ready to take up the cause of our great nation wherever and whenever required. Mr. Speaker, it is an honor for me to present the distinguished credentials of Major General Max Baratz before the Congress today. However, something tells me that we, as a nation, have not heard the last from him. This tireless patriot may be retiring, but rather than a "farewell," he leaves saying, "until we meet again."

DRUG FREE BORDERS ACT OF 1998

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1998

Mr. CRANE. Mr. Speaker, I rise in strong support of H.R. 3809, the Drug Free Borders Act of 1998.

I am pleased that the House is taking up this important legislation which was reported by the Committee on Ways and Means on Thursday, May 14, by a bipartisan vote 29–0. I believe that H.R. 3809 will lead to a stronger and a more effective Customs Service better able to interdict illegal narcotics while still facilitating passengers and cargo through major land and sea ports.

H.R. 3809 would increase the authorization for the U.S. Customs Service drug enforcement efforts by an additional $232 million over the President's request for fiscal year 1999. Within two years, H.R. 3809 would add 1,745 additional Customs inspectors, canine enforcement officers, special agents, intelligence analysts, and internal affairs agents to our Southern border with Mexico, our Northern border with Canada, southeast Florida seaports, and major metropolitan locations. It will target areas where significant drug smuggling, drug transportation and distribution networks, and money laundering operations exist.

I am proud to help rebuild our nation's defense against drug smugglers that prey upon our children. In H.R. 3809, we have the ability to give Customs the tools it needs to meet this national goal. We must work to stop illicit drug use by strengthening the ability of the Customs Service to stop the flow of heroin, cocaine and other drugs into our country. Stopping drugs from entering the country and preventing drugs from getting into the hands our children must be a high priority of this Congress as well as the Customs Service.

H.R. 3809 would also correct significant problems with the overtime and night time pay of Customs Officers and would devote any savings to additional drug enforcement. The Committee on Ways and Means Subcommittee on Trade, which I am privileged to Chair, held hearings on March 11, 1997, May 15, 1997, and again most recently on April 30, 1998. These hearings, at which the General Accounting Office, Department of the Treasury's Office of the Inspector General, as well as the National Treasury Employees Union testified, shed light upon some disturbing practices resulting from previous Congressional legislation and arbitral rulings. They found that in certain circumstances Customs pays its officers overtime, which is two times their regular rate of pay, when those officers are not even working. In some instances, Customs officers are also paid night pay for hours worked at noon or one in the afternoon.

H.R. 3809 would not only resolve these problems but would use any overtime and night pay savings to pay for additional overtime for those officers already working to interdict cocaine, heroin and other drugs illegally entering the United States. This bill would also give Customs more flexibility in the operation of the fiscal year cap on overtime pay and at the same time allow Customs officers the opportunity to earn even more overtime.

H.R. 3809 seeks to ensure that the Customs Service is not prevented from performing its legitimate drug interdiction efforts or that the integrity of the Customs Service is diminished. Customs must have every tool in its arsenal to ensure the integrity of its Customs officers. Specifically, granting the Secretary of the Treasury the authority to rotate up to 5 percent of Customs officers to new permanent duty locations each year starting in fiscal year 2000, will help guarantee the integrity of Customs officers and is similar to the authority Customs currently has for its special agents. This provision would become effective after the conclusion of the current contract between Customs and its union to ensure that it does not abrogate the terms of that contract, as some have argued it would.

H.R. 3809 also addresses another serious weakness in the ability of Customs to interdict illegal narcotics. That weakness is Customs' current inability to implement certain measures while labor negotiations drag on, as they have for nearly four years in one case. The bill would allow the Commissioner of Customs to immediately implement any proposed changes

without waiting 90 days for the parties to bargain. This would mean that Customs could respond in time to the dangerous changing tactics of drug smugglers. Contrary to statements made by the bill's opponents, this bill would *not* interfere with the union's bargaining rights or with other rights of the union, such as redress before the Federal Service Impasse panel. This bill gives Customs the flexibility to get to the battlefield on time and win the war on drugs.

I urge my colleagues to support H.R. 3809 and stop drugs from destroying the lives of our children and grand children.

BROWN TREE SNAKES THREATEN HAWAII

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. ABERCROMBIE. Mr. Speaker, I would like to bring an article in the June/July 1998 National Wildlife Federation magazine to the attention of Congress.

The article, entitled "A State Without Snakes Keeps a Wary Eye Out for an Alien Invader," describes the threat that Hawaii faces from the brown tree snake. As explained by the article's author, the brown tree snake has already devastated the ecology of Guam, and it is one of the most frightening alien species threatening Hawaii today. If it manages to become established in Hawaii, the snake could decimate Hawaii's entire bird population, as it has already done on Guam. It is also known to attack babies, eat pets, and cause frequent electricity outages by climbing power lines.

Numerous programs in both the public and private sectors have been organized to contain and control the brown tree snake population. They deserve our support. Hawaii has unique and endangered plant and animal species, many of which would be threatened if the snake succeeded in establishing itself in the Hawaiian Islands. It is possible, but unlikely, that this event may have already occurred. Because there are no natural predators, one pregnant snake could establish this species on the islands.

As we move toward consideration of appropriations in the weeks ahead, I look forward to sufficient funds being approved by the House for brown tree snake research and eradication.

[From National Wildlife, June/July 1998]

(By Anne Rillero)

A STATE WITHOUT SNAKES KEEPS A WARY EYE OUT FOR AN ALIEN INVADER

Fred Kraus lifts a piece of corrugated metal, inspecting the ground beneath it. "You have to think like a snake," he says, while considering places where a reptile might hide. In the middle of a Honolulu suburb, this wooded ravine offers unlimited possibilities: waist-high grass, tangled brush, rodent burrows, illegally dumped trash, even clumps of houseplants growing wild.

As the alien species coordinator for Hawaii's Department of Land and Natural Resources, Kraus is investigating a report of a snake seen by a boy playing in these woods. The brown-colored snake climbed a tree until it was level with the eyes of the boy, who turned and ran.

Throughout much of the United States, such a snake sighting would attract little attention. But in Hawaii—except for the harmless, earthwormlike Brahminy blind snake, which was introduced to the state from Asia—there are no terrestrial snakes. So any sighting suggests frightening possibilities. Given the Aloha State's subtropical climate and lack of predators, some of the world's most venomous snakes could easily become established there.

Kraus is particularly concerned about the threat of an infestation by *Boiga irregularis*, the brown tree snake. The cause of a devastating ecological catastrophe on the island of Guam, it is considered one of the most frightening alien species threatening Hawaii today.

Biologists believe the first brown tree snakes arrived in Guam after World War II as stowaways on cargo ships from one of their homelands: northern Australia, Indonesia, New Guinea or the Solomon Islands. Free of the natural controls of their native habitat and finding abundant prey for every stage of their lives, the snakes multiplied at an astonishing rate. Some areas of Guam are now infested with as many as 12,000 brown tree snakes per square mile and bird life of any kind is rare on the Pacific island.

An extraordinary climber, the snake devours eggs, hatchlings and adult birds. It has decimated 9 of Guam's 12 native forest birds, pushing 3 species into extinction. Another imperiled creature, the Marianas fruit bat, is also close to extinction because of snake predation.

"The brown tree snake is capable of adapting to many tropical areas," says Thomas Fritts, a biologist with the U.S. Geological Survey who has been studying the species since 1984. Sightings of the reptiles have been reported in Okinawa, Wake Island, the Marshall Islands, Tinian, Rota, Diego Garcia, Texas and Spain. Biologists believe that most or all of these snakes originated on Guam.

Known for its bulging eyes and large head, an adult brown tree snake averages four to seven feet in length. It is a voracious nocturnal hunter that kills by constricting its prey with a mild venom injected with its back teeth. On Guam, it has snatched chickens and pets from yards and has even attacked babies asleep in cribs. Guam's public health records indicate that 74 toddlers were treated for snake bites between 1989 and 1995.

To date, the reptile has not caused any human fatalities. But it has caused other problems for people. According to authorities at Guam's electric companies, the climbing snakes frequently short out power lines, causing an average of one electric outage every three days.

Because the brown tree snake is light sensitive, it coils into concealed hiding places by day. When it selects an airplane wheel well or outgoing cargo as its hiding place, the reptile can hitchhike to new habitats.

Since 1981, seven brown tree snakes have been found in Hawaii. All were captured or dead upon discovery, but some other reported snake sightings have not been resolved and authorities worry whether they can effectively stop the reptile from slithering in the state.

As home to 41 percent of all endangered birds in the nation, Hawaii has a lot to lose. The state imposes fines as high as $25,000 for importing or owning snakes of any type—a penalty that has not stopped people from smuggling in pythons and other snakes for pets. But the brown tree snake threat is different.

"Never in history has a snake done as much ecological damage as this snake," says Mike Pitzler, a biologist with the U.S. Department of Agriculture in Guam. Pitzler leads a team of federal, state, military and private individuals struggling to keep snakes from leaving Guam aboard outgoing flights and ships. The team maintains 1,400 snake traps in airports and other targeted sites around the island. It also relies on 14 Jack Russell terriers, which work in shifts around the clock, sniffing aircraft and cargo for snakes before departure.

Pitzler's staff captures 3,000 to 5,000 snakes per year, but he acknowledges his program's limitations. "Our canine teams are not 100 percent effective all the time," he says. "There are also cargo items that are difficult to inspect."

On the Hawaiian island of Oahu, meanwhile, five beagles put their noses to work sniffing out snakes on arriving commercial and military flights from Guam. For most flights, one of the dogs and an inspector are waiting at the gate to examine the aircraft. The pair then hurries to a nearby warehouse to inspect cargo from the flight. But because of a shortage of funds for the program, not all military flights are inspected and that worries state authorities.

"Is there an acceptable risk? The answer for Hawaii is no," says Mike Wilson, chairperson of Hawaii's Department of Land and Natural Resources. "Every brown tree snake that we don't stop now will turn into tens of thousands of snakes over the next 10 or 20 years." The species has a clutch size of 4 to 12 young and females may produce more than one clutch per year.

Newly hatched snakes immediately begin to forage for food. On Guam, small skinks are readily available prey for the young snakes. An introduced alien initially thought to be harmless, one skink species is largely responsible for the population explosion of brown tree snakes on the island by allowing greater numbers of the snakes to survive into adulthood. "The relationship between skinks and the brown tree snake's population is an example of what happens when you introduce nonnative plants and animals to a place," says Kraus. "You can get a synergistic effect, things that you never expected."

If one of the reptiles should slither off into Hawaii's landscape, Kraus usually oversees efforts to find the reptile. "In some habitats in Hawaii," he notes, "you could be standing right next to a snake and not know it." To search for the snake that chased off the boy in the suburban Honolulu ravine, Kraus brought in eight volunteers. The reptile was never found, though he concluded that it was not a brown tree snake because it was sighted during daylight.

While Kraus continues his exhaustive searches, other experts are pursuing new methods to eradicate the reptile. But so far no such method has been found. "We continue looking for solutions," says Thomas Fritts. "We're not ready to give up."

SUPPORT A BILL TO PROTECT KIDS AGAINST TOBACCO USE WHILE PRESERVING THE ADULT RIGHT TO CHOOSE

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. BISHOP. Mr. Speaker, I have introduced the Tobacco Use by Minors Deterrence Act, which, if enacted, would actually address and stop access by children to tobacco.

It is a model law tying health funds for States to their efforts to keep tobacco away from our kids.

It outlaws the sale to or possession by kids of tobacco products.

It requires parental notification of violations by kids.

It provides civil fines and loss of driver's license for kids who are caught.

It requires a license to sell tobacco products similar to those for sale of alcohol.

It provides loss of license to sell by retail outlets for repeated infractions.

It requires training of employees, posting of notices, and lock-out devices for vending machines.

In short, it provides for a shared responsibility by kids, families, law enforcement, and retailers to protect the health, safety, and welfare of our kids against tobacco use while protecting the right of informed adults to make a choice.

Mr. Speaker, I urge my colleagues to consider supporting this bill before even thinking about enacting a huge regressive tax on our constituents.

My bill protects our kids against tobacco, but at the same time it keeps a legal business viable, which is crucial to my Congressional District, and allows adults to make their own choice.

FINANCIAL SERVICES COMPETITION ACT OF 1997

SPEECH OF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes:

Mrs. ROUKEMA. Mr. Chairman, I rise today to express my strong support for H.R. 10, the Financial Services Act of 1998. This bill will modernize our Depression era banking and securities laws to permit U.S. companies to provide new products and services to their customers. The bill will permit banks, securities firms and insurance companies to freely affiliate, something which is not permitted today due to the Glass-Steagall Act, the Bank Holding Company Act and other provisions of federal and state law.

One of the most important provisions in H.R. 10 is the "commercial basket" provision. This provision will permit financial holding companies to derive a modest amount of their aggregate annual gross revenue from commercial activities. It is important because it will permit securities firms and insurance companies which want to acquire banks to retain some of their commercial investment activities. In addition, the commercial basket will grant U.S. financial services companies some of the same investment flexibility which their foreign rivals currently enjoy. I was the sponsor of the 15% commercial basket amendment which was adopted by the Banking Committee on June 17, 1997 by a 35–19 vote. While the Commerce Committee chose to cut back on the commercial basket provision, they nonetheless approved a bill which included a commercial basket for financial holding companies.

Mr. Chairman, under the version of H.R. 10 we are considering today, financial holding companies would be permitted to make investments in commercial entities and derive a modest amount of their annual gross revenue from commercial activities. I would like to stress that only the holding company, and not its subsidiary banks or savings associations, would be permitted to make commercial investments. There are two commercial baskets in the bill—a general 5% basket for new financial holding companies which don't have any commercial activities and a 15% "grandfather" basket for those entities with commercial activities which become financial holding companies. I, along with Mr. VENTO, BAKER, LAFALCE and MCCOLLUM, will be offering an amendment later today which would provide parity for all market participants. Our amendment would permit all market participants to have a commercial basket of 10% of annual gross revenues. A financial holding company could apply to the Federal Reserve Board for authority to receive up to an additional 5% revenue from commercial activities in excess of the 10% cap. Mr. LEACH will be offering an amendment which will eliminate the commercial basket and provide a 10 year sunset for the grandfathered commercial activities.

Regardless of the outcome on the amendments on the commercial basket, I would like to clarify two aspects of how the commercial basket is supposed to be calculated. The commercial basket test focuses on the "activity" as opposed to the "entity". The reason for this approach is that companies can engage in both financial and commercial activities. Therefore, a financial holding company shall only count the revenue it receives from nonfinancial activities—regardless of whether the commercial activity is engaged in directly by the holding company or indirectly through a subsidiary or is the pro rata commercial activity share of revenue received by the holding company from an investment. The result will be that only those revenues related to nonfinancial activities that are held pursuant to the commercial basket provisions will be counted towards the commercial basket revenue limit.

The other aspect I would like to clarify is the treatment of revenue received from the sale, exchange or disposition of a nonfinancial investment or activity. Non-routine revenues—such as one time gains—are not to be included in the commercial basket revenue test, while revenue from ongoing operations would be counted.

Take for example the following situation. In December of 1997 a financial holding company sells a subsidiary for $25 million. The subsidiary, which is engaged in nonfinancial activities, produced $1 million in aggregate gross annual revenues for the financial holding company in 1997. The sale revenue of $25 million will not be counted towards the commercial basket revenue test, while the $1 million in revenues from ongoing operations would be counted. The reason for excluding sale revenue is that it would have the effect of overstating a financial holding company's involvement in nonfinancial activities on an ongoing basis, which is the focus of the commercial basket revenue limit. The $1 million in revenues from the routine, ongoing operations of the subsidiary would be included, however. Accordingly, to the extent a financial holding company realizes revenues from a non-routine sale, exchange or other disposition of assets, or stock, or other interest in companies which engage in nonfinancial activities, the sales revenues will be disregarded for purposes of determining compliance with the commercial basket revenue test.

BESTEA PROJECTS IN THE 24TH DISTRICT OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to discuss for the record the projects located in my district which I anticipate will be included in the impending Conference Report on H.R. 2400, the Building Efficient Surface Transportation and Equity Act, or BESTEA as we commonly refer to it in the House. The House-passed bill contains several worthy projects which I requested the Transportation and Infrastructure Committee include in the legislation and which will benefit the residents of the 24th Congressional District of California. I urge the Conferees to include as many of these projects as possible in the Conference Report, to even increase the spending for some of them, and to make certain changes in the project descriptions which I have furnished to members of the Conference Committee. I thank Chairmen SHUSTER and PETRI, Mr. OBERSTAR and Mr. RAHALL for their important work on this legislation so critical to our nation's infrastructure needs.

I put these explanations in the CONGRESSIONAL RECORD today so that all members of Congress are aware of these details before they vote on the Conference Report on H.R. 2400. I am confident that these explanations will be satisfactory to the Congress and that no Member will seek to delay, amend, recommit or defeat the Conference Report because they disagree with the intended expenditures described below.

I will identify these projects with the numbers as they appear in the House-passed version of H.R. 2400, as the Conference Report is not yet available.

In general, for high priority projects which the House Committee agreed to primarily at

my request—Numbers 29, 38, 100, 110, 254, 279, 338, 366, 374, 471, 528, 593, 697, 706 in Section 127 and Numbers 67 and 145 in Section 333 the following rules apply: If the project is located within an unincorporated area of Los Angeles County or Ventura County, then the relevant county transportation agency should be considered the lead agency, unless otherwise identified below. If the project is located within an incorporated city of these counties, then the city agency which deals with transportation should be considered the lead agency. Many of these projects are deliberately described in the statute in a manner which gives the lead agency considerable discretion.

Project 29 provides funds to the City of Thousand Oaks for those of the following uses considered of highest priority by the City: general street improvements, repairs and resurfacing; construction of sound walls along SR23 in accordance with the priorities of the City's sound wall prioritization list; or contributions by the City to be used along with other available State or Federal funds to widen SR23, but only if funds otherwise available for that purpose are insufficient.

Projects 100, 338, 593, and 697 will provide for street improvements, repairs and resurfacing, and/or for the construction or improvement of bicycle paths, in Oak Park, CA, Westlake Village, CA, Calabasas, CA and Agoura Hills, CA, respectively. The individual projects will be selected by the applicable lead agency.

For Project 110 the lead agency is the City of Los Angeles. These funds are to be used in conjunction with the ongoing efforts to improve the business climates of the Canoga Park and Reseda communities of the City of Los Angeles.

For project 254 the lead agency is the Los Angeles City Department of Transportation. This project consists of the construction of a bikepath mostly along the Los Angeles County Metropolitan Transit Authority's right-of-way, commonly known as the Burbank-Chandler right-of-way. The bike path will connect the Sepulveda Basin Recreation Area with Pierce Community College.

For Project 366 the lead agency is the National Park Service (NPS). Funds are to be used for the creation of recreational trails (including the acquisition of parcels necessary for the right-of-way of each trail, and the physical construction of the trails themselves) in the Santa Monica Mountains National Recreation Area according to priorities established by the NPS, with the highest priority being the Backbone Trail. Funds to acquire the right-of-way for the Backbone Trail are included in a list presented by the Administration to the Appropriations Committees for the anticipated expenditure of $699 million appropriated in FY98 for high priority land acquisitions, etc. by the NPS and other federal agencies. In the extremely unlikely and unfortunate event that the funds ultimately provided from FY98 appropriations for purchasing the right-of-way of the Backbone Trail are insufficient, funds provided by Project 366 would be used for that purpose. In the expected circumstance that funds sufficient to purchase the right-of-way of the Backbone Trail are made available from funds appropriated for FY98 in the Interior Appropriation Bill, then $200,000 of the funds provided in Project 366 are available for the physical construction of the Backbone Trail on such right-of-way. In any event, after all necessary funding is secured for the completion of the Backbone Trail, the remaining funds provided for Project 366 are to be used for the creation of other recreational trails in the Santa Monica Mountains National Recreation Area selected by the NPS. Such trails could include the Upper Mulholland Trail, the Fering Trail, the Nicholas Flats-Charmlee Connector Trail, and the Stone Ridge Trail.

It is my hope that in addition to Project 366, additional funds for recreational trails in the Santa Monica Mountains will be included in the Conference Report, perhaps in a separate section detailing priority projects primarily authored by Senators. The cost of completing the important and worthy Recreational Trail projects (including right-of-way acquisitions) mentioned in the preceding paragraph exceeds $20 million. Accordingly, any and all funds provided from FY98 appropriations, and from the funds provided in H.R. 2400 for Project 366, and any funds provided in other provisions of H.R. 2400 for the creation of Recreational Trails in the Santa Monica Mountains, are not surplus or duplicative. Rather, all such moneys will be used by the NPS to create as many Recreational Trails in the Santa Monica Mountains National Recreation Area as funding from all sources will allow. The NPS is quite qualified to determine how the various other Recreational Trail Projects should be prioritized behind the #1 priority—the Backbone Trail. Finally it should be noted that most or all of the other trails the NPS would like to create in the Santa Monica Mountains National Recreation Area branch-off of, or connect with, the Backbone Trail.

For Project 528 the lead agency is the City of Malibu. Of the amount allocated for this project, $50,000 is to be used to construct a low frequency traffic alert radio station to serve those traveling in the Malibu area, particularly on the Pacific Coast Highway. The remaining funds are made available to plan, engineer and implement safety improvements, especially median barriers, on the Pacific Coast Highway in Malibu.

I also want to take this opportunity to urge the Conference Committee to fully fund the projects in other parts of Ventura County, particularly Project 1048 to widen SR23.

HONORING ARTHUR JOHNSON

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1998

Mr. BALDACCI. Mr. Speaker, I am deeply disappointed that legislative business in Washington prevents me from attending today's Maine Council on Economic Education Spring Symposium, and from having the opportunity to personally offer my appreciation for Arthur Johnson.

As a student at the University of Maine, I was privileged to get to know Professor Arthur Johnson, and his wife Emily. They were simply wonderful people, and I enjoyed spending time with them whenever possible.

I was fortunate to take a class with Professor Johnson on the History of Economics. It was an outstanding course, and I learned much. We all know the adage that those who do not learn from the past are doomed to repeat it. I assure you, in Professor Johnson's class, I learned.

Since being elected to Congress, I have put the lessons I learned in Arthur's classroom to good use. I am pleased to report that the Federal budget is now balanced, and in fact, we are anticipating a sizable surplus this year. I give Arthur Johnson a great deal of credit for that accomplishment?

Arthur has served Maine and the nation in so many ways. He was a legendary professor; was an outstanding President of the University, and had the foresight to found the Maine Council on Economic Education and numerous other organizations that are contributing to the vibrant future of our state and nation.

Arthur Johnson is a man of integrity, intellect, and respect. I am proud to count him among my friends, and to offer my thanks to him for his many contributions both to my life, and to the lives of all Mainers.

MANDATES INFORMATION ACT OF 1998

SPEECH OF

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3534) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes:

Mr. GOODLING. Mr. Chairman, for far too long the interests of America's consumers, workers, and small business owners have been lost in the shuffle of impassioned pleas for more federal laws and regulations. Because of this, Congress has not shied away from imposing expensive federal mandates on the private sector while neglecting the economic repercussions. As a result, this practice only perpetuates the distance between those inside the beltway and those on Main Street.

I supported the Unfunded Mandates Act of 1995 because it has helped to build bridges of understanding between our layers of governments by ending federal mandates on state and local governments. It is now time to apply that same logic to the private sector.

I fully support the Mandates Information Act because it aims to extend the same accountability, currently afforded to state and local governments, to the private sector. The Mandates Information Act will force Congress to take a good look at how the legislation we consider will impact those whom it affects most. No longer should Congress to able to pass on mandates whose financial implications aren't fully considered. If the citizens in the private sector must be held accountable for complying with Federal law, Congress should be held accountable to the people affected by those laws.

INTRODUCTION OF THE DEATH TAX INFLATION ADJUSTMENT ACT

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. HERGER. Mr. Speaker, today I rise to announce the introduction of "The Death Tax Inflation Adjustment Act," legislation which would provide an annual cost-of-living adjustment for the unified credit—a major estate tax reduction tool—beginning in 2007.

Despite a tax system that discourages savings, many American families work hard to set aside a portion of their earnings because they hope to be able to leave something to their children. Not only are these lifelong savings subject to the death tax, however, but the value of the unified credit—a major death tax reduction tool—had, until recently, been seriously eroded by inflation.

As a result of the historic "Taxpayer Relief Act of 1997," the unified credit will now be increased from an effective exemption of $600,000 in 1998 to an effective exemption of $1,000,000 in 2006. Regrettably, while both the House—and Senate-passed versions of that landmark tax reduction package indexed this $1,000,000 exemption annually for inflation, this provision was dropped from the final conference report and was not enacted into law.

My Speaker, the legislation I am introducing today would simply provide for an annual cost-of living adjustment to the unified credit beginning in 2007. While many of us in Congress would like to eliminate the death tax entirely, I hope we can all at least agree that the value of this important benefit should never again be eaten away by inflation. The time to act is now. I would urge all of my colleagues to cosponsor "The Death Tax Inflation Adjustment Act."

LAWRENCE CENTRAL HIGH SCHOOL IS CENTRAL STATES WINNER IN WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION NATIONAL FINALS 1998

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. BURTON of Indiana. Mr. Speaker, Lawrence Central High School of Indianapolis competed in the 1998 National Finals of "We the People . . . The Citizen and the Constitution" contest in Washington, DC after winning the Indiana competition.

Lawrence Central students competed with more than 1,250 students representing 49 states and was the Central States winner. Their teacher was Drew Horvath and the list of students is as follows: Kari Amos, Robert Baker, Kari Buis, Julie Burton, Sheila Cardinal, Haley Carney, Mark Davis, Justin Gray, Amber Gross, Shawn Haislip, Kristen Halligan, Seth Higgins, Megan Iott, Les Jahnke, Kelly Khoury, Ted Kieffer, Justin Lane, Jolene McClusky, Joyce McCoy, Courtney Mills, Aaron Moberly, Galan Moore, Jon Owens, Chris Recktenwall, Eric Reissner, Kelly Richardson, Lisa Schubert, Tara Sheets, Jennifer Staresnick, and Shane White.

Congratulations to Mr. Horvath, who has sent previous Indiana winners to this competition, and to all of these outstanding students.

TRIBUTE TO HUGH AND MARY HIGLEY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. STUPAK. Mr. Speaker, it gives me great honor today to call the nation's attention to a married couple, Hugh and Mary Higley, who live in my home town of Menominee, Michigan, and whose commitment to family and to community has earned them love, respect, admiration, and now, special recognition by their city.

Hugh, the eldest of the five children of Harvey and Alice Clifford Higley, was born in Detroit on March 18, 1918. In 1920 the Higley family moved to Menominee's twin city, Marinette, Wisconsin, where Hugh's father joined a local company new to the refrigeration business, the American Sulfur Company, known later by the more familiar name Ansul.

Mary, the second of the three children of Dr. William and Edith Jackman Jones, was born in Clifton, Arizona, on January 7, 1920. Two years later the Jones family moved to Menominee, where Mary's father opened an "ear, eyes, nose and throat" practice.

Hugh played basketball and golf at Marinette High School and in his senior year was editor of the school annual. He attended the University of Wisconsin, graduating with bachelor's degree in chemical engineering. He joined Ansul as a salesman. Mary graduated from Menominee High School in 1938 and attended the University of Arizona.

Hugh and Mary were married on June 21, 1941. World War II saw Hugh in service to his country, first as a civilian working for the Army's Ordinance Department in Milwaukee, and later as a Navy lieutenant in Florida and California, finally working in China Lake, a small desert community associated with aviation ordinance testing.

After the war Hugh and Mary returned to Menominee, where Hugh resumed his Ansul career. Here they would raise three sons, David, Hugh Jr. and William. Here Hugh would rise from salesman in Ansul's Chemical Division to Director of Corporate Customer Relations, Corporate Secretary, Vice President and General Manager of the Fire Equipment Division, and then to President of Ansul International. He retired from Ansul in January 1969.

In October 1969 Hugh and Mary purchased Interstate Welding Sales Corporation, which at the time had 17 employees, two locations and sales of less than $1 million. Hugh was eventually joined by his three sons in this new venture and new career, but continued to manage the day-to-day activities of the company through March 1988. Interstate now has facilities in eight northeastern Wisconsin and Upper Michigan cities, more than 200 employees and sales of nearly $50 million.

Through all these endeavors the couple always found time to give to their community. Let me list, Mr. Speaker, some of Hugh's areas of service: the Menominee Public School Board, the Menominee County Board of Commissioners and the board of the local DAR Boys & Girls Club. He was president of both the Menominee and Marinette chambers of commerce and he was an Elder, Trustee and Deacon of the First Presbyterian Church of Menominee. Among his other activities, Hugh was active with the Republican party, and was on the local harbor commission, the industrial park commission, the hospital board and the board of the First National Bank of Marinette.

Mary, while raising three boys, has served as an Elder, Deacon and president of the Women's Association of the First Presbyterian Church. Among other volunteer efforts, she was president of the local hospital auxiliary, a director of the local DAR youth club, and a member of the city's Cemetery Board.

A man like Hugh Higley with a wife like Mary could have been a success anywhere in the world. Even after Hugh's retirement from Ansul, he could have seized a business opportunity wherever he found one, but he chose to remain in the area and make his new venture, Interstate/Valweld, one of the region's great success stories.

Like their father, his sons Dave, Hugh and Bill could have taken their business acumen and their technical acumen and established themselves successfully anywhere, but those special traits they learned from their parents—the importance of family and the value of forging lasting ties to their hometown—have drawn them back.

Thus the town is blessed with another generation of Higley's, who are creating their own legacies of service to the community. There are no greater gifts a family give to its home town than wisdom, foresight, and quality business practices in its professional endeavors, and a lifetime of dedication and volunteerism to pubic service in its private efforts.

This is the heritage of this remarkable couple, Hugh and Mary Higley.

Mr. Speaker, the local community will seek to recognize these priceless gifts. May 29, 1998, has been proclaimed Mary and Hugh Higley Day in the city of Menominee. I invite my colleagues to join me, adding our voices in humble thanks for a lifetime of service.

GOOD LUCK, TIME SHARERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. PAYNE. Mr. Speaker, earlier this year I had the distinct honor and pleasure of informing our colleagues of a magnificent task of some young people in my district. These young people were honored for performing the highest number of acts of kindness in the nation. Today, I would like to inform my fellow Member of Congress of the acts of twelve

young people from East Orange, NJ. These fourth and fifth graders, the Community Problem Solving Team of the Quest Program of the John Howard, Jr. Unique School of Excellence, became aware of the fact that there are many people in the city who do not have enough resources to get adequate food and often go hungry. They decided to pool their resources and use their skills to supplement existing hunger agencies in the area.

They spent over 500 hours in volunteering their time to local soup kitchens and to SHARE of New Jersey, an agency which provides food to needy families at reduced costs. They also raised over $1,000 through candy sales, school dances, and bake sales. They used the proceeds to purchase almost 50 cases of non-perishable foods for local food panties as well as perishable foods for weekly soup kitchens.

Mr. Speaker, this project received first place in New Jersey in the junior division of the Community Problem Solving Component of the International Future Problem Solving Program. As such, the John Howard School Community Problem Solving Team, known as TIME SHARERS (Team Is Making Efforts to Stop Hunger All Round East Orange Really Soon), will represent New Jersey at the International Competition in Ann Arbor, Michigan, June 12–15, 1998. I would like to take this opportunity to wish them good lunch but more importantly, I want to thank each of them—Camia Bell, Brittani Carter, Daveena Colwell, Lynn Duck, Jawaan Finch, Lemar Gale, Myrtha Glaude, Barry Ishmael, Aniyah Jones, Savannah Segovia, Sophia Stewart and Jasmine Woodyard, and their coach and Quest teacher, Ms. Christine McAdams, for caring and being part of the solution to a big problem. They are all a good example of what everyone should be doing to make life for our fellow man, woman and child.

IN RECOGNITION OF CRYSTAL ANZALDI, INSPECTOR JOSE BERRI-TORRES AND AGENTS CÉSAR NIEVES AND ISMAEL CINTRÓN

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. ROMERO-BARCELÓ. Mr. Speaker, on Wednesday morning, May 20, I had the honor of participating in the 1998 Congressional Breakfast organized by the National Center for Missing and Exploited Children to celebrate the winners of the Third Annual National Missing Children's Awards. I had been looking forward to this day and the opportunity to salute the three outstanding Interpol investigators from Puerto Rico whose diligent investigatory work led to the rescue of missing child, Crystal Anzaldi.

Crystal Anzaldi, her parents, Mr. and Mrs. Jeffrey Anzaldi, and her two sisters, traveled to Washington from Oregon, where they now live, to commemorate this important event. Crystal was just 14 months when she was abducted from her home in San Diego, California, in December of 1990. Crystal's parents searched for her for seven long years, until an amazing chain of events and clever investigative work, led to her being identified and recovered in San Juan, Puerto Rico.

Investigating a complaint alleging child abuse, Inspector Berríos of Interpol Puerto Rico discovered that Crystal's birth certificate was fraudulent. He researched her case thoroughly and carefully; contacting the National Center for Missing and Exploited Children's Web-site. He assigned Interpol Agents Ismael Cintrón and César Nieves to search the Center's database of photographs of missing and abducted children. The Agents were shocked when they recognized the unique smile of a 14-month old baby. It was Crystal, who was then eight years old. She was reunited with her biological family shortly thereafter.

By initiating the chain of events that led to Crystal's recovery—all three agents deserve to be commended for ending a long and painful search. Their intuition, optimism, determination and meticulous investigative work were critical towards the success in reuniting this family.

I also want to recognize the outstanding service to our society being performed by the National Center for Missing and Exploited Children and the many organizations, such as grassroots activists, police departments, and others throughout the nation whose commitment makes such a difference in the lives and well-being of all children. Adelante and Godspeed in your work on behalf of children and families in the Nation.

A BILL TO RESTORE EQUITY TO THE COLLECTION AND PAYMENT OF MOTOR FUEL TAXES ON NATIVE AMERICAN LANDS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. LaHOOD. Mr. Speaker, today, I am introducing a bill that will help restore integrity and equity to the process of the collection and payment of motor fuel taxes on Native American lands. I am pleased to be able to introduce this bill with the support of 8 bipartisan cosponsors: Representative SANDLIN (D–TX), Representative ISTOOK (R–OK), Representative DANNER (D–MO), Representative BLUNT (R–MO), Representative COBURN (R–OK), Representative BILL BARRETT (R–NE), Representative DOC HASTINGS (R–WA), and Representative EHLER (R–MI).

Taxes placed on the sale of motor fuels directly supports the efforts of state and federal governments in building and repairing our nation's roads and bridges. In order for our states to play their role in our transportation system, they need to be sure that they are collecting *all* of their motor fuel taxes. Unfortunately, that is not currently the case. Currently, some Native American tribes do not always collect and remit gas tax receipts to the appropriate government. This practice has cost the states a significant amount of revenue that could have been used to improve roads and bridges. Lost revenue estimates for some states are in the millions. It is estimated that Oklahoma, alone, lost roughly $13 million in motor fuel tax receipts for FY '96. Many other states are also adversely affected, for example: Washington State, Oregon, Idaho, New Mexico, Kansas, Michigan, and New York.

The bill that I am introducing seeks to address this problem. It will prohibit the Secretary of Transportation from allocating funds for public lands highways on Indian lands and reservations unless either (a) the Indian tribe has entered into a written agreement with the state in which the highway is located that provides procedures for the payment and collection of motor fuel taxes that are sold to a non-Native American by a retail establishment that is located on such land, or (b) the Indian tribe refuses to enter into a written agreement and/but the allocation of funds is essential to the construction or maintenance of a highway or road that is a critical component of the National Highway System.

The primary aim of this plan is to ensure that non-Native Americans pay and are assessed the gas tax. This plan is not intended to infringe on tribal sovereignty, rather, it is meant to encourage the tribes to work cooperatively with the states in order to formulate a mutually-agreeable compact on the subject of motor fuel taxation. In addition, this bill does not address the issues of gambling or cigarette taxes—it focuses only on the collection and remission of motor fuel taxes.

This bill will yield numerous benefits. First, it would help ensure that states have adequate funds for road maintenance and construction. Second, it would end an inherent unfairness posed by the sale of tax-free fuel on Native American lands. And, third, it would preserve jobs and keep businesses open. Many purchasers of motor fuel, both gasoline and diesel, are likely to travel to Indian lands, because they know they can avoid paying state motor fuel taxes. And, the motive to do this can be great for many drivers. In fact, in some states, the tax on gasoline can be as high as 34 cent per gallon and 28 cents per gallon for diesel.

The sale of tax-free fuel poses serious concerns for retailers who must pay the tax and who are located within a reasonable distance of the Indian reservation, because the Native American retail establishments, by selling gas at a lower price (i.e., without the tax) have the potential to put countless numbers of establishments out of business. For example, avoiding the tax on diesel fuel for a typical truck with a 250 gallon tank could mean a savings of $70—a sufficiently large amount to justify a trucker traveling to Native American lands to refuel his or her truck. At the very least, a trucker could plan or time his, or her, routes to ensure that they purchase tax-free fuel on Native American lands.

I urge Members to consider the impacts caused by the non-collection and remission of motor fuel taxes on Native American lands and to cosponsor this legislation.

IN HONOR OF CHARLES SCHODOWSKI AND JOHN RINALDI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Charles "Big Chuck" Schodowski and "Li'l" John Rinaldi as they celebrate the twentieth anniversary of their television program, "The Big Chuck and Li'l John Show."

First launched in 1978, "The Big Chuck and Li'l John Show" has served as the vehicle to Cleveland's most beloved practitioners of broad comedy, providing late night laughs to generation after generation of Clevelanders. That the show continues to thrive in a competitive late night television landscape dominated by syndicated programming attests to the popularity of Big Chuck and Little John's crazy antics.

Charles Schodowski initially entered into Cleveland television as an engineer at WJW Channel 8 in 1960. By 1963, he was a writer and occasional, if nervous, actor on a popular show hosted by the legendary Ernie "Ghoulardi" Anderson. Big Chuck's problems with stage fright were apparently short lived, however. When Anderson left for Hollywood in 1966, the show's producers tabbed Big Chuck to co-host the show with popular Weatherman Bob Wells, who was known as "Hoolihan the Weatherman." "The Hoolihan and Big Chuck Show," which featured a movie interspersed with short skits performed before a live studio audience, enjoyed a successful run until Wells' retirement in 1977.

Making his debut as "Bridget the Midget," John Rinaldi became a regular contributor on "Hoolihan and Big Chuck." Li'l John then joined Big Chuck as a co-host of "The Big Chuck and Li'l John Show" in 1978. Today, "The Big Chuck and Li'l John Show," the recipient of numerous Local Emmy nominations, is one of the longest running shows in the country.

My fellow colleagues, join me in congratulating Big Chuck and Li'l John for twenty wild years of ridiculous blond wigs, coconut creme pies, and that distinctive laugh track that is instantly recognized throughout the city of Cleveland. Let us all hope that those laughs keep on coming for twenty years more.

MINNESOTA SMALL BUSINESS LEADERS RECOGNIZED

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. VENTO. Mr. Speaker, small business reflects the quintessential element of American creativity, innovation, and free enterprise within our nation's economy. America's 23 million small businesses employ over 50 percent of the private workforce and are the principal source of new jobs. Small businesses generate more than half of the nation's gross domestic product. We will recognize the contributions of our nation's small businesses during the week of May 31 to June 6 through ceremonies in Washington, D.C.

Prior to that national event, ceremonies will occur in our districts throughout the country. On Friday, May 29, I will be privileged to join with others gathered to honor Minnesota's leaders in the small business community, several of whom are constituents and friends.

Sue McCloskey has been named the 1998 Minnesota Small Business Person of the Year. This award, determined by the U.S. Small Business Administration, is based on sales growth, employer expansion, financial strength and response to adversity.

Sue, a personal friend of mine, is the president and founder of Office Plan, a remanufacturer of office furniture. Starting her business in 1991 with three partners and one employee, Sue currently employs 33 personnel and has an annual revenue of $4.5 million.

Office Plan buys outdated cubicles and work stations from businesses located throughout the country and refurbishes them on a made-to-order basis. Environmental sensitivity is a hallmark of Office Plan. Work fabric is recycled or sent out to be made into industrial rags, and recycled products and environmentally sensitive materials are used in production whenever possible.

Recently, Office Plan faced a major catastrophe. All of the firms computers were stolen and important business information such as clients, billing and orders had to be reconstructed. With Sue's determined leadership, this was accomplished with minimal disruption. Our states and community take great pride in Sue McCloskey's success and are pleased with this well deserved recognition.

Northland Organic Foods Corporation, under the leadership of Peter Shortridge, has been recognized as the Small Business Exporter of the Year. Northland specializes in exporting organic food including grain, soybeans, buck wheat and whole grains. Focusing on research, marketing initiatives, educational programs and customer service, Northland has opened new markets for U.S. businesses.

A positive benchmark for hallmark of the Northland Corporation has been its outreach to its customers. All staff members speak the language of the customers they work with and are knowledgeable about the respective cultures and business practices of the specific country to which they export.

Charles Jones, a Minnesota resident, employed with the U.S. Department of Veterans Affairs has been named the National Veterans Small Business Advocate. This award is presented to individuals who advance small business opportunities for military veterans.

Charles Jones is a vocational rehabilitation specialist. In that position, he helps disabled veterans to get the training and counseling needed to return to the world of work. Recognizing the potential for self-employment, Charles has worked with the Minnesota Small Business Development Centers to help disabled veterans to start a number of enterprises including: a gunsmith service, trucking, a restaurant and free-lance art. He obviously has worked very successfully to match a wide variety of business ventures to the interest of the vets.

Mr. Speaker, these are the recipients of this year's SBA awards. Thanks to their stewardship and dedication, the spirit of entrepreneurship is alive and flourishing in Minnesota. My congratulations to the award recipients and to all small businesses in the state of Minnesota.

HONORING JIMMY STURR AND HIS ORCHESTRA, NINE TIME GRAMMY AWARD WINNERS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I take this opportunity today to honor Jimmy Sturr and His Orchestra, a musical group whose name in synonymous with polka music in America.

As a Member of Congress with a large Polish American constituency in Western and Central Massachusetts, I have learned firsthand from the people who I represent of this group's popularity and intergenerational appeal, and I am pleased to share their accomplishments with the House of Representatives today.

The rise in popularity of polka music in America is due in large part to the contributions of Jimmy Sturr and His Orchestra. Sturr's style of polka music embraces musicianship. This Americanized genre of polka music, which features the trumpet, saxophones and clarinets, is their trademark and is enjoyed by generations around the globe.

Having just recorded their 99th album, the excellence of their recordings has earned the group 9 Grammy Awards and 13 consecutive Grammy Nominations. The Broadcast Music Inc. (BMI) has awarded Jimmy Sturr its most valued award, the "Commendation of Excellence"—the only one ever awarded in the polka field. Voted the "Number One Polka Band in the Country" for the past ten years, their recordings have earned both "Album of the Year" and "Song of the Year" status in the polka music industry.

With his many successes, Jimmy Sturr still lives in the house where he grew up, and his office is located across the street from the high school he attended in the upstate village of Florida, New York which has a population of 1,800.

America is a melting pot that celebrates the richness of the cultures within its borders. Jimmy Sturr and His Orchestra bring this richness into our modern lives. As we dawn on the 21st Century, I take this unique opportunity to honor Jimmy Sturr and His Orchestra for their accomplishments. I look forward to learning of their many more accomplishments in the future.

SECOND ANNIVERSARY OF THE 1996 TELECOMMUNICATIONS ACT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. BONIOR. Mr. Speaker, February 8, 1998 marked the second anniversary of the

passage of the Telecommunications Act of 1996. Though the Act was signed with great fanfare, the promised competition and lower rates for consumers have been slow to materialize.

Delays through court appeals and what have become insurmountable regulatory hurdles for the Regional Bell Operating Companies (RBOCs) have cost millions of dollars and valuable time in giving customers more options through competition. With the passage of the Telecommunications Act, came the assurance of lower rates and greater choices through competition. Where is the competition? Where are the lower rates? Why aren't they here?

By significantly reforming regulations over the industry, the new law promised that competition would drive rates down, produce better services, higher quality and consumers would be given more options. Well after two years, it is about time that all the hard work put into passing the Act start to pay off. Constituents don't know what the fourteen point checklist entails. They don't know what a Sec. 271 application is or what forbearance means. Why should they? But, what they do know is that their rates aren't coming down. Their choices haven't changed. Now that has to change.

Mr. Speaker, it is time for the FCC and DOJ to remove the stumbling blocks to true competition. It is time to allow the Act to do what Congress intended for it to do, tear down the barriers to competition. Allow the industries to compete in each others' market. Allow consumers to have a say in who will provide their services. The time has come to focus on encouraging new services in new markets, rather than trying to protect the status quo.

IN HONOR OF THE REVEREND SYLVESTER THADDEUS GILLESPIE

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. DIXON. Mr. Speaker, I rise today to recognize the life and contributions of the Reverend Sylvester Thaddeus Gillespie as the Grace United Methodist Church prepares to honor his service to the congregation on July 13, 1998. So often we reserve our strongest accolades and expressions of love for persons after they have passed away. I would like to break with that tradition in honoring a great preacher of the Gospel, the shepherd of the flock that is Grace United Methodist Church.

Reverend Gillespie, born in Starkville, Mississippi, received his B.A. from Rust College in Holly Springs, Mississippi and his M.Div. from Gammon Theological Seminary in Atlanta, Georgia. He also attended the Command and General Staff College of the U.S. Army in Fort Leavenworth, Kansas. From 1975 to 1995 Reverend Gillespie served as a U.S. Army chaplain, retiring at the rank of Lieutenant Colonel. He was married to Barbara Bonney Gillespie, who passed away in 1994. Together they had two sons, Devokan and Damian.

In addition to serving as Army Chaplain, Reverend Gillespie has ministered to a number of congregations. These include Mt. Zion Methodist Church in Clearwater, Florida; John Wesley United Methodist Church in Fayetteville, North Carolina; and the Wesley United Methodist Church in Los Angeles, California. In June 1991, he was appointed by Bishop Roy I. Sano to pastor Grace United Methodist Church.

Not only in Reverend Gillespie loved by his congregation at Grace Island, he is admired and respected by many others. He is often requested as a guest speaker by churches in the Western North Carolina Conference of the United Methodist Church and for the Bishop Roy C. Nichols Preaching Series on Spiritual Renewal in Oakland, California. Just last year he received the Distinguished Leadership Citation for the development of a unique preaching/teaching ministry and church growth program from the Ebony Prophets of the California-Pacific Annual Conference of the United Methodist Church.

More than Reverend Gillespie's accomplishments as a minister, he is a compassionate man who always finds time to comfort and assist those in need. He makes monthly visits to serve communion to shut-ins, lifts the spirits and prays with the hospital-bound, even spends time with members of his past congregations.

Mr. Speaker, I ask my colleagues to join me in extending our appreciation for Reverend Gillespie's great works.

TRIBUTE TO FRANK SINATRA

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mrs. BONO. Mr. Speaker, I rise today in order to commemorate one of the great Americans of our century, Mr. Francis "Frank" Albert Sinatra. At the same time I rise to express the sadness that has befallen Palm Springs, the Nation and around the world. He was the son of immigrant parents, an entertainer, a humanitarian, a husband and a father, as well as a long-time resident of California and the city of Palm Springs. We mourn because we have lost someone who embodied so many of the traits that we admire—talent, triumph over adversity, friendship and caring.

"Ole' Blue Eyes" was the best at his craft, and we shall always remember him for this. He overcame his Depression-era roots in Hoboken, New Jersey to set the standard of excellence in many fields. His professional accomplishments are numerous and of legendary proportion. He starred in more than sixty films and recorded countless albums. His extraordinary talents were acknowledged in many ways. He won the Academy Award for his role in the 1953 film classic, "From Here to Eternity." He won nine Grammy awards for his musical accomplishments. Certainly the most important reward for any performer is the love and respect he gets back from the audience. By the measure, Frank may have been the most successful entertainer in history. It was said that he had more than 2,000 fan clubs across the country.

People should also remember that he was devoted to numerous humanitarian and charitable causes, often without seeking the credit or publicity that he deserved. He lent his name as well as giving millions of dollars for a variety of very worthy causes including Desert Hospital, Catholic Charities and a Palm Springs celebrity golf tournament to help the victims of child abuse. In addition, one of the leading medical institutions of its kind is the Barbara Sinatra Children's Center which I am proud to say is located in and serves the Palm Springs and Desert Resort communities.

I was not a Member of Congress last year when this distinguished body voted to award him the Congressional Gold Medal. Nevertheless, I can attest that this was a fitting honor for a man of his high caliber. Now, as a Member, I wish to take this opportunity to send my deepest condolences to his wife Barbara, all of the children, and the entire Sinatra family at this most difficult time. Worldwide, the fans of one of the greatest entertainers of our time will carry memories of Frank with us always.

NAT BINGHAM, PACIFIC COAST VOYAGER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Ms. PELOSI. Mr. Speaker, recently, I received the news that Nat Bingham, Habitat Director for the Pacific Coast Federation of Fishermen's Associations, had died in his Fort Bragg home. The loss of his life is a great loss for the many friends who knew and worked with Nat to protect threatened and endangered fisheries along our Pacific Coast. Nat's enthusiasm for his life's work was inspiring to all of us.

Nat was a most unusual human being. He was a fisherman who believed in sustainable fishing. Protecting fisheries from depletion were goals that led Nat to develop a program to restore winter run chinook salmon at a time when there was little awareness of what their loss in the wild might mean. Many times, I've heard Nat use the phrase: "This is a biological insurance program."

Nat was a bridge across troubled waters. He confronted forceful opposition in his work and he always responded with grace, goodwill and solid science to support his positions. His ability to bring harmony out of discord was well known. Anyone who is aware of the Pacific Coast salmon decline also realizes that there are no simple solutions to the complex problems facing a number of salmon species in our region. Nat always had a way of emphasizing the positive and seeking solutions that would nurture and sustain the resource he devoted his life to protecting.

We will always remember Nat—the sight of his tall figure entering the office—completely relaxed and always with a smile, and his indefatigable nature and lasting commitment to protecting Pacific Coast fisheries. My condolences to Nat's family—his son, Eli, and his daughter, Jalena—and to Nat's many good friends—Zeke Grader, Norman deVall, members of the Fleet—and scores of others who knew, respected and loved Nat Bingham.

In the tradition of his family, Nat was an explorer; his great grandfather, Hiram Bingham, discovered Machu Picchu. We were fortunate to have been on the same journey with this special man. Our best memorial to Nat will be realized in following through with his initiatives to encourage sustainable fishing and to restore Pacific Coast fisheries. It is up to us now to continue Nat's voyage and to bring success to his efforts.

A SPECIAL TRIBUTE TO KEVIN F. BURNS ON HIS OFFER TO ATTEND THE U.S. AIR FORCE ACADEMY IN COLORADO SPRINGS, CO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to a truly outstanding young man from Ohio's Fifth Congressional District, Kevin F. Burns. Kevin was recently offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Very soon, Kevin, who is from Sandusky, Ohio will be graduating from St. Mary's Central Catholic High School, and preparing for one of the most challenging, educational, and rewarding experiences of his life: his four-year commitment at the Air Force Academy.

During his high school career at St. Mary's Central Catholic, Kevin excelled very well both academically and athletically. Through Kevin's dedicated efforts in the classroom, he attained a 3.3 grade point average. Kevin in a National Merit Scholar and has been placed in Who's Who Among American High School Students.

Kevin is also a very fine student-athlete. While at St. Mary's Kevin performed well on the fields of competition as a member of the Varsity Football Team and the Varsity Wrestling Team. Kevin has also made a strong commitment to community service with his participation in the St. Mary's Key Club.

Mr. Speaker, each year, I have the opportunity to nominate young men and women from my district to America's military academies. I am pleased that Kevin was among those offered appointments to join the United States Air Force Academy's Class of 2002. He is a gifted student and a fine young man. I would urge my colleagues to stand and join me in paying special tribute to Kevin Burns, and in wishing him well in the future.

INTRODUCTION OF THE DRUG-FREE PORTS ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. SHAW. Mr. Speaker, today I am introducing legislation entitled the "Drug-Free Ports Act." This bill allows local and state governments the ability to access Department of Justice information for the purpose of doing criminal background checks on port employees or applicants. I am introducing this bill at the formal request of the Broward County (Florida) Commission.

I am introducing this bill because of the high incidence of collusion between drug traffickers and port employees. These "internal conspiracies" are becoming a major avenue for bringing illegal drugs into the United States. To lessen the chance of future internal conspiracies, my bill would allow the local governing body the option to require port employees or applicants have clean records. The subject of this bill was discussed at length at a House National Security, International Affairs and Criminal Justice subcommittee hearing last July which I attended as an ex-officio member.

"Internal conspirators" are clever in the ways they help smugglers. They have been known to "innocently" swing a container in front of a surveillance camera in order to allow another container filled with drugs to pass through undetected. They also have been known to tip off smugglers regarding the routines of Customs officials to maximize the chance of success in bringing in contraband.

According to James Milford, a former head of the DEA in Miami, "Longshoremen are a source of frustration for us, particularly in South Florida. One of the things that concerns us is the ability of longshoremen to be utilized successfully in pulling cocaine shipments out of cargo and moving it out of the port with impunity."

In response to reports about internal conspiracies at Florida ports in the press, I requested that the Customs Service do a random sample of the arrest records of longshoremen at the Port of Miami and Port Everglades. The results were disturbing. Of a random sample of 50 Port of Miami longshoremen, 36 had arrest records. Of these 36 persons, they had a total of 213 arrests, including 68 drug arrests.

In a random sample of 38 Port Everglades longshoremen, 19 persons had arrest records. Of these 19 persons, they had a total of 73 arrests, including 14 drug arrests.

Consider the arrest records from the following three subjects:

Subject No. 1 from Port of Miami—arrested for robbery, assault and battery, carrying a concealed firearm, possession of a firearm by a convicted felon, aggravated assault, possession of heroin with intent to distribute, possession of cocaine with intent to sell, possession of heroin with intent to sell, grand theft, petty theft, uttering a forged instrument, forgery of a U.S. Treasury check, possession of cocaine, simple battery, aggravated battery, petty theft.

Subject No. 2 from Port of Miami—arrested for immigration violation, cocaine possession, marijuana possession, aggravated assault, battery, loitering and prowling, narcotic equipment possession, aggravated assault, possession of a firearm in the commission of a felony, resisting arrest, obstructing justice, aggravated battery, burglary, and cocaine possession within 1,000 feet of a school.

Subject No. 3 from Port Everglades—arrested for armed robbery, assault with intent to commit murder, breaking and entering, disorderly conduct, shoplifting, burglary, dealing in stolen property, possession of cocaine, sale of cocaine, domestic violence.

Mr. Speaker, since 1953, the Waterfront Commission of New York Harbor has been conducting criminal background checks on certain port employees, and their system has worked well. Considering the torrent of drugs and other contraband that moves in and out of our ports, I do not consider it unreasonable for a local government to require clean records for the people who work on the docks. For that reason, I urge my colleagues to support this needed legislation.

COLUMBIA UNIVERSITY SCHOOL OF SOCIAL WORK CENTENNIAL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mrs. LOWEY. Mr. Speaker, I hereby offer congratulations to the Columbia University School of Social Work, the oldest social work training program in the nation, on the occasion of its Centennial. From its beginnings as a summer program organized by the Charity Organization Society of New York, the School of Social Work has had a long and distinguished history of pioneering research, informed advocacy and exceptional professional training.

Social workers have played key roles in every major social reform movement that has taken place in our nation—from settlement houses to labor reform, to the New Deal, to civil rights and voter registration. Many of the laws we take for granted today—Social Security, child labor restrictions, the minimum wage, the 40-hour work week, Medicare—came about because social workers saw injustice and helped to inspire the country to take action.

Throughout the 20th century, Columbia's faculty, students and alumni have worked tirelessly to address both the causes and symptoms of our most pressing social problems. National movements, such as the White House Conference on Children and the National Urban League, have emerged from projects undertaken by the School's faculty and administration in cooperation with professional and community organizations. The entire nation has benefited from the work of people like Eveline Burns (Social Security); Mitchell I. Ginsberg (Head Start); Richard Cloward (welfare rights and voter registration); Alfred Kahn and Sheila B. Kamerman (cross-national studies of social services) and David Fanshel (children in foster care).

As Columbia University School of Social Work, and the social work profession as a whole move into their second centuries, they will be challenged to respond to ongoing social changes and new social problems. Now more than ever, we will need well-trained and dedicated social workers to work with troubled children and families, organize communities for change, conduct cutting edge research, administer social programs, and alleviate society's most intractable problems.

It is with appreciation and admiration that I extend my best wishes to the Columbia University School of Social Work on its Centennial and look forward to its future achievements.

TRIBUTE TO SENATOR TERRY SANFORD

SPEECH OF

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1998

Mr. FROST. Mr. Speaker, it was with great regret that I learned of the death of my friend, Terry Sanford. During his illustrious career, Terry Sanford served as Governor of the State of North Carolina, a U.S. Senator, and President of Duke University.

I was lucky to know Terry personally, and to be able to call him a friend. In 1989, Terry Sanford and I traveled together to Budapest as part of the Interparliamentary Union. There, we worked to bring the tools of democracy to the newly formed parliaments in Eastern Europe.

When Terry Sanford became Governor in 1961, he faced a difficult time of racial unrest in this country. Governor Sanford proudly stood up to those who called for turning back the clock on race relations, and instead blazed a new trail for his state, and this country, in his commitment to equal rights for all.

As Duke President, he created the University we know today as a world leader in medicine, the arts, political science and the humanities. During his 16 year tenure, he took what was once a small southern University, and transformed it into one of the Nation's top ten schools. And still, his public service wasn't done, because in 1986, he served with distinction as a U.S. Senator.

His tenure as a Senator was a continuation of all that he had worked for during his entire career, fighting for public education and the improvement of his Nation.

It was an honor and a privilege for me to know Terry Sanford. Clearly, Terry's hard work and dedication to public service have improved the lives of all Americans, and he will be sorely missed.

LIMITING JURISDICTION OF FEDERAL COURTS WITH RESPECT TO PRISON RELEASE ORDERS

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1998

Mr. STUPAK. Mr. Speaker, I rise today to oppose H.R. 3718, a bill to limit the authority of federal judges to remedy inhumane prison conditions.

Under this bill, no individual convicted of a felony could be released from prison—or not admitted to a prison—by a federal court solely on the basis of prison conditions. In many instances, this bill would keep women prisoners who are sexually abused in the inhumane prison condition or keep mentally ill patients who are physically abused in an inhumane prison situation. It also means that the court would be prohibited from remedying Constitutional violations in prisons, including prisons so overcrowded that they violate the Eighth Amendment ban on "cruel and unusual punishment."

Another flawed aspect of this bill is the provision which terminates all ongoing consent decrees in prison condition cases, even those which do not involve prisoner release orders. A consent decree is a voluntary contract between two parties to end the active phase of litigation. This bill does not close the case—it simply prevents the states from negotiating a resolution of the case. In many of these cases, however, the state or local government wants to remain under the consent decree rather than expend resources litigating over conditions that are clearly unconstitutional. This bill forces states to litigate cases they don't want to litigate, and is an incredible breach of states' rights.

One of the decrees that would be terminated under this bill is one in my home state of Michigan. A consent decree was entered in Michigan to protect mentally ill prisoners who were routinely confined in isolation without mental health care. Several inmates committed suicide and engaged in self-mutilation, including two prisoners who cut off their penises. This legislation would end the Michigan decree, and force the state to enter into costly litigation in order to address a problem that has been solved by the consent decree.

Congress has no business dictating to states how they should resolve litigation involving state institutions. If a state has decided that a consent decree best meets the state's needs, Congress should stay out of it.

Mr. Speaker, this bill overreaches the bounds of the Constitution and violates the basic tenets of states' rights. It also makes it difficult for the court to remedy inhumane prison conditions, and I urge my colleagues to vote to defeat this misguided provision.

A BILL TO ELIMINATE AN UNWARRANTED TAX BENEFIT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. ARCHER. Mr. Speaker, today, in coordination with the Treasury Department, I am introducing H.R. 3947, a bill to eliminate an unwarranted tax benefit which involves the liquidation of a Regulated Investment Company ("RIC") or Real Estate Investment Trust ("REIT"), where at least 80 percent of the liquidating RIC or REIT is owned by a single corporation. Identical legislation is being introduced in the Senate by Senator ROTH and Senator MOYNIHAN.

The RIC and REIT rules allow individual shareholders to invest in stock and securities (in the case of RICs) and real estate assets (in the case of REITs) with a single level of tax. The single level of tax is achieved by allowing RICs and REITs to deduct the dividends they pay to their shareholders.

Some corporations, however, have attempted to use the "dividends paid deduction" in combination with a separate rule that allows a corporate parent to receive property from an 80 percent subsidiary without tax when the subsidiary is liquidating. Taxpayers argue that the combination of these two rules permits income deducted by the RIC or REIT and paid to the parent corporation to be entirely tax-free during the period of liquidation of the RIC or REIT (which can extend over a period of years). The legislation is intended to eliminate this abusive application of these rules by requiring that amounts which are deductible dividends to the RIC or REIT are consistently treated as dividends by the corporate parent.

RICs and REITs are important investment vehicles, particularly for small investors. The RIC and REIT rules are designed to encourage investors to pool their resources and achieve the type of investment opportunities, subject to a single level of tax, that would otherwise be available only to a larger investor. This legislation will not affect the intended beneficiaries of the RIC and REIT rules.

The legislation applies to distributions on or after today. A technical explanation of the legislation is provided below.

The bill provides that any amount which a liquidating RIC or REIT may take as a deduction for dividends paid with respect to an otherwise tax-free distribution to an 80-percent corporate owner is includible in the income of the recipient corporation. The includible amount is treated as a dividend received from the RIC or REIT. The liquidating corporation may designate the amount treated as a dividend as a capital gain dividend or, in the case of a RIC, an exempt interest dividend or a dividend eligible for the 70-percent dividends received deduction, to the extent provided by the RIC or REIT provisions of the Code.

The bill does not otherwise change the tax treatment of the distribution under sections 332 or 337. Thus, for example, the liquidating corporation will not recognize gain (if any) on the liquidating distribution and the recipient corporation will hold the assets at a carryover basis.

The bill is effective for distributions on or after May 22, 1998, regardless of when the plan of liquidation was adopted.

No inference is intended regarding the treatment of such transactions under present law.

TRIBUTE TO MIDWOOD HIGH SCHOOL AT BROOKLYN COLLEGE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. OWENS. Mr. Speaker, I rise today to pay tribute to the students, parents, and faculty of Midwood High School at Brooklyn College. On May 22, 1998, the United States Department of Education selected the school as one of 166 winners of the Blue Ribbon Award. These outstanding individuals have not been celebrated as sports heroes and entertainment celebrities; but a tradition of academic excellence has been established at Midwood High School. These students, parents and educators have tirelessly dedicated themselves to achieving academic excellence that is necessary to prepare our young people for the challenges of the next century.

Midwood High School at Brooklyn College, a secondary school of 4,000 students in Brooklyn, New York, is located in a middle class, urban environment. It is a model school

of academic excellence within an integrated instructional setting. The student population consists of 43% African American students, 10% Latino students, 17% Asian students, and 30% students of other nationalities. Students wishing to attend Midwood High School may apply to one of three programs: the Medical Science Institute, the Humanities Program, and the Collegiate Program.

Mr. Speaker, I feel some degree of personal pride in this achievement. For the last five years I have been a guest of the annual Midwood Student Congress. At their Congress students debate issues and take votes. A bill to greatly increase taxes on tobacco won a narrow victory this year. This activity is just one more example of the comprehensive excellence of the program at Midwood.

During the 1986–87 school year, Midwood High School was named a School of Excellence by the United States Department of Education, In 1994, the school was also selected by Redbook Magazine as one of America's fifty outstanding high schools. Of the 1997 graduating class:

Ninety-eight percent of the students went to college.

Over seventy percent of the students earned Regents endorsed diplomas.

The school's SAT mean scores were significantly above the national mean.

The school was rated as one of the top fifty high schools in America by the College Board Advanced Placement Program.

Students were awarded $28 million in college scholarships.

For the fourth year in a row, Midwood ranked among the ten top schools in the nation in the Westinghouse Research Competition.

Sixty-four students were ranked Advanced Placement scholars by the College Board.

Two Midwood seniors were selected as National Merit finalists.

Ten Midwood students received commended status in the 1997 Achievement Program.

The National Council of Teachers of English presented a writing achievement award to a Midwood senior—the tenth year in a row that this prestigious award was presented to Midwood High School.

In the New York Academy of Science 1997 Science and Technology Expo, eight Midwood students received awards.

Ten students received awards in a science competition sponsored by the Rockefeller Foundation.

University students at Midwood High School are enriched in various ways by the academic and physical resources of Brooklyn College:

They are encouraged to enroll in courses at the college campus, if qualified.

They have the opportunity to use the college library.

They participate in appropriate college cultural and career programs.

They conduct research under the tutelage of college professors.

They take Midwood High School laboratory classes on the college campus.

They hear distinguished scholars from the college who visit Midwood as guest lecturers.

We must create an atmosphere where our students are inspired and given incentives to strive for excellence. I salute Midwood High School for their outstanding academic performance. Each student, teacher and parent is part of a process of creating an environment in America where education is exalted, where academics and intellectual activities are raised to a new level.

Midwood High School students are provided with a great Opportunity-To-Learn and they use it well. We salute Principal Lewis Frohlich and all of the teachers and students of Midwood High School.

IN HONOR OF WARWICK H. JENKINS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. FROST. Mr. Speaker, I rise today to honor Mr. Warwick H. Jenkins of Waxahachie, Texas, in celebration of his 50th anniversary as a licensed and practicing attorney.

Mr. Jenkins grew up in Waco, Texas, and attended college at Baylor University. When America entered World War II, he enlisted in the United States Army, left Baylor, and served his country in the European theater. Mr. Jenkins participated in the landing at Normandy, the Battle of the Bulge, and the crossing of the Rhine. He returned to Baylor after the war, and attended law school there on the G.I. Bill. Mr. Jenkins graduated from law school in 1948, and moved 64 miles north of Waco to Waxahachie in order to begin his practice. Mr. Jenkins is the founder and president of Jenkins & Jenkins, P.C.

Mr. Jenkins has also found time in his busy work schedule to become an active member of his community. He teaches Sunday school at the First Baptist Church, served as City Attorney for Waxahachie, and is a past president of the Chamber of Commerce and the Lions Club. He has also been active on all political levels, having served as Democratic County Chair and as a member of the State Democratic Executive Committee.

Mr. Jenkins is the father of four children, Jim, John, Laura, and Clay, and eight grandchildren.

My fellow colleagues, please join me and his family in recognizing Mr. Warwick H. Jenkins, an outstanding attorney and active member of his community.

100TH ANNIVERSARY OF EMMANUEL BAPTIST CHURCH, TOLEDO, OH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to acknowledge the many contributions that Emmanuel Baptist Church has made to my district during the past 100 years of existence. Founded as the Oakwood Baptist Church in 1898 and merged with Heston Street Baptist Church in 1911, the congregation moved to its current location, on Laskey Road, in 1961. The Church established a school in 1967 and grew, grade by grade, until a new high school building was built in 1978. This school can now be proud of an enrollment over 400.

The Church ministers to community members of all ages; from a weekly club, AWANA, for preschool through sixth grade, to a part-time visitation pastor, Rev. Charles Vermilyea, who calls on those hospitalized or with special needs. Other ministries include Ladies Alone for widows, Shepherds Ministry for those mentally handicapped, and Campus Bible Fellowship for students at the University of Toledo. Their charity does not stop there, as 20% of the weekly offerings go to missionary endeavors.

The activities of the Church also extend far beyond the boundaries of my district. In fact, this Anniversary celebration began with plans to build a new auditorium for a mission church in Crato, Brazil. Dozens of parishioners traveled to Brazil to assist in the building of the auditorium.

The Emmanuel Baptist Church has been a meaningful part of our community for over 100 years, and we hope for just as many years to come. Let us offer prayer and honor to the members of Emmanuel Baptist Church just as they have offered prayer and honor to the members of our community for a century.

TRIBUTE TO MELVIN JACOBSON

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. STUPAK. Mr. Speaker, I'd like to take a moment to reflect on the meaning of volunteerism and community service as personified by an individual in my congressional district.

We've all met such people in our personal and professional lives, people who have made the act of giving of themselves almost second nature. We soon recognize them in our communities, even if we may not always know them personally, because we see them on one day cooking pancakes at a benefit breakfast, and perhaps on the next evening we may see them serving as an auxiliary traffic police officer at an event like a parade.

Gogebic County in the Upper Peninsula of Michigan is blessed with such a volunteer and community servant. Mr. V. Melvin Jacobson for half a century has dedicated himself to the 4–H program and the youth of the county. It was in fact 1948 when Melvin became president of the Gogebic County 4–H Council. From this leadership position, he would help the local 4–H launch a variety of valuable programs.

First, he played a major role in the establishment of the Gogebic Extension Camp at Little Girl's Point, which opened in 1950. He served as a leader in the establishment and operation of the 4–H Ski Hill on the George Mussatti farm in Bessemer. The ski hill opened in 1951 and was open every weekend through the early 1980's.

Melvin helped promote and organize many "Annual 4–H Winter Sports Days," and in his

18 years on the Gogebic County Fair Board he actively promoted many county fair activities, including coordinating the 4–H Parade.

Maybe most importantly in his 4–H work, Melvin has served as a positive and encouraging friend to the children involved with the Gogebic County 4–H program. I have it on good faith from a member of my own staff, a 4–Her from northern Michigan, that "Melly," as he was known, never failed to offer a warm, welcoming smile, a constant and an eagerly expected treat for those youth attending 4–H Camp or exhibiting their projects at the Gogebic County Fair.

Mr. Speaker, we know the face of this giving volunteer was bound to show up in other venues, as is the case with true volunteers, so it should be no surprise to learn Melvin also served as a Gogebic County Commissioner for 22 years. For the same amount of time he served on the Western U.P. Planning and Development Regional Commission and with the Gogebic-Ontonagon Community Action Agency.

Melvin was a member of the Gogebic County Airport Board for six years, a member of the UPCAP Executive Committee for 11 years, and he served on the Western U.P. District Health Board for 18 years. He was a liaison to the Michigan Townships Association for eight years. Melvin was active in dairy farm professional associations, and in other professionally-related efforts he was a part of the Agricultural Stabilization and Conservation Service for 30 years.

Repeated terms on the local Lutheran Church board and service as a Little League Counselor round out the valuable contributions made to the area families and the community.

It's no wonder that Mr. Jacobson was nominated for Governor George Romney Lifetime Achievement Community Service Award. Michigan's former governor served as an inspiration for volunteerism in the state before he became a national inspiration for last year's gathering in Philadelphia.

On May 30, 1998, V. Melvin Jacobson will be honored by friends and family at a 4–H Appreciation Banquet. I ask all my colleagues to join me in celebrating this lifetime of service to all the people of the western Upper Peninsula of Michigan, and to offer thanks on behalf of all those, children and adults, whose lives were enriched by this service.

MY VOICE IN OUR DEMOCRACY

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. SUNUNU. Mr. Speaker, I rise today to pay special tribute to Ashley Allyn, 16, of New Durham, New Hampshire. As a national winner of 1997–98 Veterans of Foreign Wars and Ladies Auxiliary "Voice of Democracy" broadcast script writing contest, Ashley concisely captures the importance of America's most basic freedoms in her well-written entry.

I hereby submit Ashley's work for publication in the CONGRESSIONAL RECORD and congratulate her for her thoughtful piece entitled "My Voice in our Democracy." Her words serve as a thoughtful reminder to all Americans that in a Democracy each voice does matter

[1997–1998 VFW Voice of Democracy Scholarship Competition]

MY VOICE IN OUR DEMOCRACY

(By Ashley Allyn)

"The doctor will see you now." That's something you might expect to hear if you've lost your voice. That is "voice"—defined in the dictionary as "sound made through the mouth, especially by human beings, as in talking, singing, etc."

But there is another sort of voice we need to be concerned about. Consulting the dictionary again, we find quite "the right to express one's wish, choice, opinion, or to make it prevail; as in, having a 'voice' in our government." We have all seen enough newspaper and television accounts of the tragic consequences in countries where the people have lost their voice.

My voice in our democracy started before I could even actually speak. Ours is a country with civil rights for all—no matter how young. I was protected by laws from the very beginning of my life. As I grew older, I was able to function within our democracy on a smaller scale—within my family, my peer group, and my school.

When I turn 18, my voice will grow louder, because I will be able to vote. But what about now? Under our Constitution, my rights as a citizen are protected. One of the most satisfying things about living in a democracy is knowing that I do have a voice. I have the right to free speech, the right to publish my feelings, the right to write my Congressmen, and the right to organize a group. Even children in elementary school have made their voices heard by launching a campaign addressing a concern. Anyone can make their voice heard by the leaders of this country—they must have to speak up. I can do it, too. With supporters behind any cause I choose, my voice will be heard in Washington.

Ha, you think. Congressmen don't listen. They're corrupt, they're not even real to me. Think again. Given an unusual chance most people could only dream about, I was able to meet our nation's senators, to work with them face to face, and get to know their personal quirks and mannerisms. I realized that they are just people like you and me. They're everyday people—but they're people who had the drive, the initiative, and the concern for their country to try to fix its problems. After that opportunity, I saw how important and valuable anyone's voice is and I realized that I wanted my voice to be heard.

Oh, I won't necessarily change the world at this stage of the game, but the knowledge that, in the very near future, that could be a real possibility is something that will direct my educational goals and my extracurricular activities.

As a high school student, there are many opportunities for me to voice my opinion. I can debate issues in class, I can attend government related activities such as Model Congress and Youth in Government, and I can campaign for political candidates. By showing my support for a candidate, whether it be at the town or national level, I am telling my neighbors, my community, and my country that I care about what laws are passed and which programs are funded. I can petition my school board if I feel a change needs to be made in my school. I can write my state senator about a problem that I feel needs to be addressed in my state. There are countless ways a teenager can tell the rest of the world that they notice, observe, and strive to change their own little corner. And as my corner grows, so do the changes I can make. And as my voice grows, so do the others behind it.

My voice will continue to be heard, at different levels, as my school years and community involvement continues. But in a democracy, it is reassuring to know that it will never be along. Others may be making different points, and even opposing points, but they will all be heard. And that, of course, is our fundamental strength—that here in America we will always have a chorus of voices.

TRIBUTE TO MATTHEW KENNEDY

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to acknowledge the accomplishments of Matthew Kennedy who won a scholarship in the Veterans of Foreign Wars of the United States and its Ladies Auxiliary Voice of Democracy broadcast script writing contest. Matthew is the son of Glenn and Shirley Kennedy who are serving as missionaries in Taichung, Taiwan and was sponsored by VFW Post 727. As the Pacific Areas winner, he is the recipient of a $1,500 Silver Spring Memorial Post 2562 Scholarship Award. Competing with over 93,000 students, sixteen year old Matthew won one of the 54 national scholarships with his speech "My Voice in Our Democracy." I would like to insert his speech into the CONGRESSIONAL RECORD.

My voice in our democracy is as powerful as a sweeping tide, as far-reaching as thought, and as valuable as the wisdom of Solomon. Its power is recognized and protected by our Constitution, its potent influence is proven by our nation's history and by current events; its value makes it my duty to steward it carefully.

Did the Founding Fathers believe the voice of a single citizen holds power? Absolutely. They established the freedoms of religion, speech, press, assembly, and petition. They wove into our democracy the great principles of popular sovereignty, limited government, representative government, and majority rule balanced by minority rights. They enshrined the fundamental worth of each individual's voice and the equality of all voices. To the minds of the Founding Fathers, even these freedoms and rights were not enough; they established the Ninth Amendment which recognized other unenumerated rights of the people. Is my voice really so powerful as to be precious? The Framers of our nation apparently thought so; they protected it as the essential flame of democracy.

Try telling Robert E. Joiner one vote cannot make a difference. Less than twenty years ago he ran for the office of Southern District Highway Commissioner in Mississippi and won—by less than one ten-thousandth percent of the votes. Had his opponent garnered just six more votes, Joiner would have lost the election.

Just last April, Eugene Shoemaker won the seat of Orfordville, Illinois, village trustee by drawing from a hat. He and his opponent each earned one hundred popular votes. Had just one more villager voted, the election would have been decided by the people.

As it was, the outcome was left completely to the fingers of chance.

The vote of each American counts toward the election of local, state, and national leaders. Its effectiveness is directly proportionate to the frequency of its use. My voice, and the voice of every American, does not, however, die in the ballot box.

Boycotts, like those instigated by the legendary Rosa Parks bus incident in Montgomery, Alabama, and citizens organizations, like those founded by the consumer advocate Ralph Nader, wield profound influence.

Demonstrations spotlight the views in the sight of the public. On generating social reform, President Woodrow Wilson proclaimed this, "In order to clean house the one thing we need is a good broom. Initiatives and referendums are good brooms."

My voice, and the voice of every American, is carried on the wings of peaceable assembly and petition; it influences those around me and even trumpets itself through my everyday actions.

The worth of my voice, because of its power and effectiveness, is incalculable. To not exercise it is a foolish waste. Because our democracy provides many practical vehicles for my voice, and because our country's future truly depends on it, it is my duty to articulate it. Otherwise, I scorn the pragmatic provisions of our democracy; I become a parasite living off the nation's privileges without positive contribution to the nation; I toss aside my right to cry for change in society. Or as Edmund Burke put it, "The only thing necessary for the triumph of evil is for good men to do nothing." But when I vote, petition, write, speak, or act for the benefit of the nation I am, to the utmost, fulfilling my patriotic duty.

To the cynic, my voice may be merely the frail peeping of one person among two-hundred-sixty million, but to Robert E. Joiner, Eugene Shoemaker, Rosa Parks, Ralph Nader, and to me it is the soaring shout of freedom. My voice is the very essence of our democracy. Multiplied several million times, my voice is the throbbing heart of America.

OUR LADY OF LOURDES ACADEMY IN MIAMI, FL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute to an outstanding group of girls from Our Lady of Lourdes Academy who won second place at this year's national We the People competition.

These dedicated, remarkable girls spent countless of hours studying diligently to win the local and state tournament. Proudly representing the state of Florida this year in our national competition, these devoted 17 girls made evident their pride in our country's heritage and demonstrated their vast knowledge of U.S. history and of current events.

Great statesman Edward Everett mentioned that "Education is a better safeguard of liberty than a standing army." Mr. Speaker, education is indeed, a safeguard of liberty. Through education we are made free. These 17 girls have embodied the definition of liberty as they have edified on what our wondrous democratic nation has to offer. These students have learned to cherish the rights found in our constitution—the rights our founding fathers died for and for this I commend them today.

For winning second place this year, for the long nights and weekends spent in intense study and for the honor which they so greatly deserve, I ask my Congressional colleagues to join me today in congratulating the teacher Rosalee Heffernan and these high caliber students: Nina Bassil, Claudia Capriles, Alejandra Chamorro, Ana Del Cerro, Claudia Ferrer, Jennifer Garcia, Mariah Gidel, Miriann Guazzini, Annie Heffernan, Lauren Knickerbocker, Genevieve Koch, Monica Leal, Sabrina Munnings, Maria Ortega, Kristina Perez, Talia Romero, and Melissa Zurini.

A HISTORIC VOTE FOR PEACE

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Ms. McCARTHY of Missouri. Mr. Speaker, today the people throughout Ireland will make a historic vote for peace and progress. I would like to commend all of the leaders who have worked assiduously to reach this agreement to establish a political framework to reunite the people of Ireland.

For lasting peace to take hold in Northern Ireland, economic stability and growth must be achieved. The Republic of Ireland is often referred to as the "Celtic Tiger" because of the strides that its citizens have made in building their economy and in attracting foreign investment capital. The same pattern of growth and development as occurred in the Republic now needs to take hold in the North of Ireland.

Secretary of Commerce Richard Daley will lead a trade mission this June to promote economic development and private investment by U.S. firms. I support this initiative because long term stability is directly linked to economic prosperity. History has shown that the key to resolving longstanding tension is through economic expansion.

Mr. Speaker, today the people of Ireland are making a choice on whether they wish to move forward or return to the violence and the bloodshed of the past. This vote is an important step in the journey toward peace and trust. I commend the U.S. and foreign leaders who will make peace a reality by their work to encourage investment and growth in Northern Ireland.

JENNIFER'S LAW ACT OF 1997

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. LANTOS. Mr. Speaker, I rise today to recognize the brave efforts and profound hope of my constituents JoAnn and Carl Rock in the search of their missing son, Robert, and to urge support for the Jennifer's Law Act of 1997. H.R. 2850, which was introduced by my distinguished colleagues, Congressman JAY JOHNSON, Congressman NICK LAMPSON, and myself.

I urge my colleagues to help all parents who may be seeking to locate a missing daughter or son. Jennifer's Law is necessary to bring relief to families that face endless nights of not knowing where a loved one may be and what has happened to them. This legislation is a simple way of closing a terrible loophole with painful and needless consequences.

Mr. Speaker, Jennifer's Law will bring peace and relief to thousands of American families whose sons and daughters have disappeared and remain missing. Each year, thousands of unidentified bodies are buried in the United States. While law enforcement officials are required to report unidentified bodies, they are not required to use the already established national repository for information that may have criminal investigation importance, the National Crime Information Center (NCIC) of the Federal Bureau of Investigations.

In New York City alone, Mr. Speaker, over 4,000 unidentified persons are buried each year in mass graves in Potter's Field without NCIC references. The circumstances of this oversight are stark and real; thousands of unidentified bodies may be identified and long-awaited closure brought to their families across the United States through the usage of the NCIC.

Many of these unidentified persons who are found dead or murdered were only children when they disappeared from their families. Those children may be alive or dead anywhere in this country. Federal legislation must be enacted swiftly in order to address the nature of this terrible situation.

Mr. Speaker, in my home state of California, for instance, law enforcement officials are required to report unidentified bodies to the NCIC, but that is not enough for parents like Carl and JoAnn Rock because their son could be alive or dead in another state, even as far away as New York City's Potter's Field. Their tragic story demonstrates the need for comprehensive action, not a piece-meal solution.

Last fall, JoAnn Rock and other families who have also lost their children came to ask the help of their Representatives as part of a group called Finding Our Children Under Stress (FOCUS). Mr. Speaker, I do not believe that they made their trip in vain.

Mr. Speaker, I urge my colleagues to support Jennifer's Law. It costs nothing but it gives in return the priceless gift of human compassion. This bill is a clear, obvious way to remedy a confusing and terrifying situation.

Mr. Speaker, I want to share with my colleagues the experience of the Rock family in their own words. It is my hope that this story will inspire each of you to act upon their behalf and the behalf of thousands of families still searching for their missing loved ones.

I cannot begin to put into words my feelings, profound sadness and sense of loss as a result of the disappearance of our son, Robert. Bob was our son, our daughter Kristin's brother, a grandson, nephew, cousin and friend. All the people who know and love Rob have had their lives changed forever. Almost three years have passed with not a single piece of information about Rob's whereabouts. As a Magna Cum Laude graduate of NYU he had wonderful plans and a promising future. Stricken with schizophrenia in 1995,

his life literally fell apart. A bout of hospitalizations, medications and depression left him and his family confused and anguished.

On May 3, 1995 Rob left his home to get lunch downtown. He has never been seen or heard from since. We live in a suspended state, fearing the worst, dealing with false leads and dashed hopes, facing each day asking "where is our son?"

When we reported to the Millbrae Police Department that Rob was missing, they were wonderful. Without hesitation they entered him into the NCIC (National Crime Information Center) system. Chief Parker has seen that the investigation goes on with special thanks to Officers Michael Grogin and Robb Lowe. "3 Children" of San Bruno, CA and Child Quest Int'l of San Jose were two agencies that reached out to help with a missing adult. There is no doubt that because of Rob's disappearance our level of awareness of the horrifying number of children and adults who are missing each year has changed dramatically. A child is reported missing every 40 seconds in this country. We don't even have statistics on missing adults.

Rob was 26 and an at-risk adult because of being afflicted with schizophrenia. He is so bright and talented but this disease has robbed him of his ability to deal rationally with the world. He feels himself to be responsible for every "evil" thing that happens on earth. Can you imagine having to face each day knowing you caused the Oklahoma bombing, the earthquake in Osaka, the war in Bosnia.

In his delusional state, Rob thinks his family is dead. We are very much alive and want to find our son. We found support and assistance immediately from other families of missing loved ones, and endless support from caring friends. Wanting to reach out to others I became involved as a founding member of a group called F.O.C.U.S. (Finding Our Children Under Stress). One of the first activities of our group came about when a horrifying bit of information surfaced related to one's search for a loved one. In this country we have a central repository of information available to law enforcement for listing missing and unidentified persons, the NCIC. Law enforcement must immediately list a missing child under the age of 18 into this system. Our population can easily move from state to state so this is so logical. However, states are not required to list adults nor are they required to report unidentified persons (alive or deceased) found in their jurisdiction, into this system. If our son died without any identification on him, has he been buried in a Potter's Field somewhere in this country, his identity forever lost? Mourning may never end, investigations may continue to go on, families grieve over cases that could be solved. As a result, under the encouragement of Congressman Lanto's office we have proposed federal legislation to rectify this, Jennifer's Law, HR 2850. In content simply—require states to report unidentified persons found in their jurisdiction into the NCIC in a prompt manner. Jennifer's Law would not only ease the suffering of families wanting to hear about missing loved ones, but could help solve other crimes as well. HR 2850 will ensure that no child or adult is buried as Jane or John Doe. It will assure that they keep their identities even into their deaths.

MANDATES INFORMATION ACT OF 1998

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3534) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

Mr. STUPAK. Mr. Speaker, I rise today to oppose H.R. 3534, the Mandates Information Act of 1998. This misguided legislation would create a road block for many environmental, worker health and safety, and consumer-protection legislation the House may consider in the future.

H.R. 3534 allows a point of order against any bill or amendment if its direct costs to the private sector—either by way of regulatory costs or taxes—exceed $100 million.

The current unfunded mandates law—which I support and voted for in 1995—establishes a point of order against any bill that imposes net costs of more than $50 million to state or local governments. This law is designed to prevent Washington from passing on the cost of new laws and regulations to the states and local governments.

The Mandates Information Act, however, is more broad and would restrict more legislation. Under this bill, for example, any legislation that increases taxes on gasoline, airports or tobacco—which would be used for highway funding, airport construction, or reducing teen smoking—would be subject to a point of order. This bill would jeopardize the hard-fought BESTEA highway program, which includes $356 million more for my home state, and could stop the tobacco bill, which is being crafted with the intention of curbing teen smoking, from being considered when it reaches the floor.

Another problem with this legislation is that the implementation of the point of order provision is uneven and arbitrary. For example, if Congress decides to increase the tax on tobacco products in order to create new programs and incentives to stop children from smoking, the bill would be subject to a point of order. But, if Congress passes a tobacco tax, and decides to use the increased revenues to pay for a tax break for special interests, there would be no point of order. In both of these examples a mandate was imposed on the private sector, but in only one case is the point of order imposed.

I also find this bill unnecessary. The Unfunded Mandates Reform Act already requires the Congressional Budget Office to report the private sector costs of legislation to Congress. Additionally, an executive order exists which requires federal agencies to consider private sector costs when drafting and implementing regulations. Congress and the Administration is already addressing the need to consider mandates on the private sector.

Mr. Speaker, I support the objective of this legislation, which is to assure that Congress fully considers the mandates imposed on the private sector, but I disagree with the method this bill takes to achieve that goal. That bill creates an unnecessary obstacle for considering legislation and is implemented in an arbitrary way. I hope we can continue to work to assure that the cost of legislation on the private sector is considered, but urge my colleagues to reject this misguided bill.

TRIBUTE TO VICE ADMIRAL GEORGE R. STERNER

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. SISISKY. Mr. Speaker, I rise today to recognize and honor Vice Admiral George R. Sterner, United States Navy, as he retires upon completing 36 years of faithful service to our Nation.

During his distinguished career, Vice Admiral Sterner played a significant role in reshaping the way America develops, acquires, modernizes and maintains its ships, ordnance and systems so that our Sailors and Marines at the tip of the spear have the best in the world at an affordable price.

Vice Admiral Sterner's career began in 1962 upon his commissioning as an Ensign in the United States Navy. During the years that followed, he served aboard four submarines, U.S.S. *Tullibee* (SSN 597), U.S.S. *Kamehamena* (SSBN 642), U.S.S. *Archerfish* (SSN 678), and U.S.S. *Henry L. Stimson* (SSBN 655), and commanded two others, the attack submarine U.S.S. *Sturgeon* (SSN 637) and the ballistic missile submarine U.S.S. *Florida* (SSBN 728).

Among his shore assignments was duty on the staff of the Commander in Chief, United States Atlantic Fleet; as branch head for submarine tactical weapons on the staff of the Chief of Naval Operations; Program Manager for Mark 48 Advance Capability Torpedo; and Program Executive Officer for Submarine Combat and Weapons Systems. He also served at Naval Sea Systems Command, first as Assistant Deputy Commander for Combat Systems Engineering and Technology and then as Vice Commander.

On April 25, 1994, Vice Admiral Sterner took charge of Naval Sea Systems Command, the largest of five Navy Systems Commands.

As Commander of Naval Sea Systems Command, his remarkable leadership refocused and re-energized the organization, which, due to downsizing and restructuring, was experiencing a transformation of a magnitude and impact that had not been experienced since World War II. Carefully executing a budget of about $14 billion annually and managing more than 180 acquisition programs, he has been an outstanding steward of taxpayer dollars, yet has also ensured we have the technically-superb, world-class ships, ordnance and systems needed to protect our national interests.

As testament to his dynamic leadership, the National Performance Review chose to honor him and his command with 27 Hammer Awards for contributions to create a government that works better and costs less.

Closer to home, Vice Admiral Sterner has been a good friend to the men and women of Virginia who make their livelihood at the Norfolk Naval Shipyard. Thanks in part to his insightful planning, the Shipyard will retain its important military-industrial capabilities and continue to provide jobs for decades to come.

Vice Admiral George Sterner's innovation and vision positioned Naval Sea Systems Command for the 21st century and beyond. He is an individual of uncommon character, and his superb leadership and service will be sincerely missed. Mr. Speaker, I am proud to be able to recognize him today and thank him for his honorable service in the United States Navy, and wish him "fair winds and following seas" as he brings to a close his distinguished career.

IN HONOR OF THE PENNSYLVANIA FREE ENTERPRISE WEEK

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to join the citizens of Pennsylvania to pay special tribute to the Foundation for Free Enterprise Education which this year is celebrating the 20th Anniversary of Pennsylvania Free Enterprise Week.

Pennsylvania Free Enterprise Week is a seven-day economic education program providing Pennsylvania high school students and teachers at all levels, a practical, in-depth course on the American system of private enterprise and the operations of a free market. Over 1,100 students and teachers will join together with more than 200 Pennsylvania businessmen and businesswomen in order to experience and explore the challenge of healthy competition through a business management simulation, to hear top leaders in Pennsylvania business and government speak on the issues facing American business and industry, and, to participate in a series of specially formulated projects designed to acquaint them with the inner workings of a modern-day business.

Pennsylvania Free Enterprise Week is celebrating its more than 12,000 graduates representing more than 900 high schools in every county of this Commonwealth who have returned to their schools and communities with a vastly improved understanding of the world of business.

Pennsylvania Free Enterprise Week is now recognized as the largest, most successful economic education program of its kind in the world. Pennsylvania Free Enterprise Week has now attained both national and international acclamation by its receipt of the 1987 National Award for Excellence in Economic Education from the Freedom's Foundation in Valley Forge, by being instrumental in starting similar programs in twenty-seven other states as well as in the country of New Zealand, by hosting students from the countries of Puerto Rico, Mexico and Russia and by serving as hosts in 1994 to a contingent of business people from Australia, seeking to pattern a program after Pennsylvania's.

I applaud Pennsylvania Free Enterprise Week which continues to fulfill its mission of providing the highest quality economic education to the youth and educators of Pennsylvania, thereby insuring a brighter future for the Commonwealth.

TRIBUTE TO THE HON. S. SUE SHEAR

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to the Honorable S. Sue Shear, a Representative from the 83rd Legislative District. She is currently serving her 13th term in the Missouri House of Representatives. Her district takes in all or part of six communities: Clayton, Ladue, Olivette, Creve Coeur, Overland and University City.

Representative Shear has spent the last 26 years fighting for the rights of women, bettering conditions for Missouri's children, older adults, the disabled, health care in general and working to improve the conditions in Missouri's prisons. She sponsored numerous measures reflecting her commitment to the environment, working people, and consumers. She was the original author of the award winning "Parents as Teachers" program, first established in Missouri and now a national model. One of the battles not won was for the Equal Rights Amendment of which she was the original sponsor and for which she became the symbol for women across the state. Susie has also become an icon; treated with respect and affection by fellow legislators, especially women colleagues who have dubbed her "the mother of us all." The Missouri house honored her at the close of its current session with a renewed commitment to women's equality in her honor.

Susie was born March 17, 1918. Now the senior woman in the House of Representatives, Susie recently celebrated her 80th birthday. She married the late Harry D. Shear and they had three children: M. Katherine, a psychiatrist; Kenneth R., a lawyer; and Kerry R., an art historian. Ken wrote a letter to her on her 75th birthday in which he said: "Going to Jeff City with you last month brought home to me just what an accomplishment you have made, without a college degree, without a law degree, to have forged yourself a role as one of the leaders of state government. The way I see it, you created a situation in which you had the role of being a leading spokeswoman for feminist and liberal causes, before you quite knew how to fill the role. And then you grew into it. A neat trick."

Perhaps Susie's greatest legacy is her clear commitment to stand firm in her beliefs. For this and many of her attributes, Women in Public Life at the University of Missouri-St. Louis will aptly bear her name. She has inspired, nurtured, and taught many women the skills they need to make their way in the world.

I am very fortunate to have served with her for 18 years in the Missouri General Assembly. I unabashedly called her "Mom." She was the mother I needed as I made my way as a young woman through the trials and tribulations of public service. In her Darwinian function, she gave birth to me in the political arena, set standards she expected me to meet, and shoved me out of the nest to become a member of Congress.

Susie is retiring this year after serving 26 years in the Missouri House. Her children and grandchildren are to be commended for their generosity in sharing her with the broader community, our state and nation. The world is a better place for her life of public service. Thank you, Mom, for teaching me the joy of giving back to society.

TEEN PREGNANCY PREVENTION MONTH

HON. DONNA M. CHRISTIAN-GREEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise to join my colleagues to take advantage of the fact that this is Teen Pregnancy Prevention Month to speak about this important and far reaching problem in my community and many others across this nation, and to thank my colleagues Ms. CLAYTON and Mrs. MORELLA for their leadership in calling this evening's special order.

According to statistical data provided by the Virgin Islands Department of Health, Bureau of Vital Statistics and other sources, the incidence of sexual activity among the adolescent and young adult populations in the Territory is very high. Within a five year period from 1992–1996 there were 11,810 live births recorded in the Virgin Islands. Of those births, 25.7% were born to white non-Hispanic mothers ages 13–24 years of age; 44.3% to black, non-Hispanic mothers and 50.3% to Hispanic mothers in the same age group.

Additionally, information provided by the national campaign to prevent teen pregnancy showed that birth rates for Virgin Islands teenagers ages 15–19 in 1995, though down from 1991 figures of 77.9%, were still at a very high 63%. But there is another distressing message underlying these statistics which cannot be overlooked; that is that our teens are having unprotected sex.

As these numbers indicate the incidence of teenage pregnancy is declining, albeit slowly, and my community, as well as all other communities need to view this issue not only as a problem of young people having children before they are mature enough to accept and carry out the responsibilities of parenting, but as but a symptom of larger, much deeper issues of the poor and unhealthy socio-economic environment which creates and fosters this and other problems in minority youth.

The best teen pregnancy prevention program would be to pass much of the Democratic agenda. Let's rebuild and construct new schools, hire and train more teachers, and improve our public educational system.

Let's create more opportunities for a college education, jobs, business and home ownership. Let's fully fund our health care proposals.

I have developed and worked in programs and clinics which serve pregnant teens.

Too often we miss the opportunity to prevent second pregnancies, but a comprehensive program, which provides all of the supportive services, and which includes counseling, esteem building, and coordination with the schools the young parents attend is very effective.

We also have to effectively and firmly deal with the older men who prey on our young women and are most often the fathers of the children they bear.

Most of all, parents cannot abandon their children once they have made this first mistake. That has proven to be the most important factor in how well we prevent the next pregnancy and whether the young woman returns to school and continues to pursue an education and career.

But it is the best interests of all—mother, child and community—that we help our children to delay pregnancy and the duties of parenthood, so that they themselves can continue to grow and develop and deal effectively with the many difficult issues of adolescence. This is necessary to provide healthy and productive adults. Furthermore, the children of adolescents are generally being raised by persons who are children themselves, without the benefit of the extended families of years past. They just don't have the parenting skills or the tolerance with maturity, and the children they raise demonstrate these deficiencies.

Therefore, what we need to do is to fix our neighborhoods, provide a good public educational system, to make sure that there are comprehensive health facilities which are accessible to the entire family, and to open up opportunities for self-fulfillment other than parenthood. For many of our youngsters, there is nothing else, and that is our fault, not theirs.

PROBLEMS WITH THE FREEDOM FROM GOVERNMENT COMPETITION ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. VENTO. Mr. Speaker, I rise today in opposition to H.R. 716. Simply put, this legislation states the Government's role and service function is for sale. The current draft, which was the subject of a joint House-Senate hearing on May 24, would replace the Office of Management and Budget (OMB) Circular A–76 Cost Comparison study. This detailed review process is the current system for competing and comparing commercial services between federal employees and contractor employees. The revised H.R. 716 turns out less objective and more ideological. Furthermore, this new policy provides a bias toward contracting out and would place the Government's role and service function up for bid over a 5 year period.

Currently, the federal government contracts out $110 billion annually. Under the policy of H.R. 716, the absence of sound Cost Comparison studies would allow private contractors to receive work without competing against federal workers. This simply results in a loss of federal employee jobs and questionable cost savings for taxpayers. What kind of message does Congress relay to a hard working federal workforce in our Districts and across the nation after their outstanding participation in the Vice President's reinventing government program? We should provide adequate resources and tools necessary to our valued federal employees.

H.R. 716 has three flaws:

(1) This legislation would replace the OMB Circular A–76 Cost Comparison study in favor of a pro-contractor system. Currently, federal employees regularly lose the competitions conducted under the OMB Circular A–76. Only a few years ago, federal employees lost approximately 70% of all contracts. Thanks to the continuing efforts of federal employees to reinvent themselves, they now win one-half of the public-private competitions. This dramatic change in fortunes for the contractors has inspired this recent legislative effort to do away with the OMB Circular A–76.

(2) This legislation would make public-private competitions subject to work which is inherently governmental. H.R. 716 would allow contractors to protest agencies' decisions to keep work in-house. In addition, this bill would allow contractors to challenge agency awards in federal claims court. As might be expected, federal employees would be forbidden from both challenging agencies' decisions about what is inherently governmental and would be bullied by the threat of costly and protracted litigation into contracting out as much work as possible. Decisions about awards and what is inherently governmental should continue to be made by department officials who are most familiar with the services actually provided.

(3) This legislation would mandate public-private competitions under a pro-contractor successor to the Cost Comparison study regardless of how well federal employees are actually performing their jobs.

After 12 years of Reagan-Bush political appointees, who largely disdained the public sector and racked up the largest service contracting out bills in the nation's history, it is difficult to argue that the reason more work has not been contracted out is to protect federal employees. Federal employees consistently and efficiently deliver the needs of service department customers at the prices taxpayers can afford. If federal employees are performing satisfactorily, then there is no need to impose public-private competitions.

Finally, the savings generated from this disruptive system of competitions would be short-lived and could very well disappear soon thereafter. Work contracted out is unlikely to ever be brought back in house because of the expense of recapitalizing in house capability and reassembling and retraining the necessary staff.

Moreover, this legislation fails to address several very serious problems:

Arbitrary personnel ceilings are already forcing work to be contracted out. Federal agencies do not have enough employees, so they simply contract out the work without any public-private cost comparisons. The size of the federal workforce has been dramatically reduced. Ironically, the American people have not been told federal employees are being replaced with contractor employees, often at greater expense.

Champions of contracting out say that private sector firms generate savings for taxpayers by devising more efficient ways of delivering services. However, some contracting out is done to devise better ways of delivering services and reducing their incentive to provide substandard wages and benefits. Today, the economy is booming and the Congressional Budget Office (CBO) projects a budget surplus between $48 and $68 billion. However, income distribution grows worse and worse. How can the federal government justify replacing workers and middle class Americans with poorly paid, contingent workers?

Mr. Speaker, H.R. 716 is a pro-contractor bill that simply states the Government is for sale. Therefore, I urge my Colleagues to oppose this radical measure.

AIDS AWARENESS DAY IN SANTA BARBARA COUNTY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mrs. CAPPS. Mr. Speaker, I rise to recognize June 5th, 1998 as "AIDS Awareness Day" in Santa Barbara County. I particularly want to honor the over three thousand bicycle riders participating in the 1998 "AIDS Ride" from San Francisco to Los Angeles.

This outstanding effort runs directly through my district. In the city of Santa Barbara, the ride attracts thousands of well-wishers, bringing much-needed awareness to this deadly disease. It is the result of thousands of hours of work, and the desire of thousands of individuals to improve treatment and find a cure for AIDS.

It is currently estimated that by the year 2000, 26.6 million people in the world could be living with the AIDS virus. We must do all we possibly can to encourage steps that both educate people about the disease, and help those who have been affected with it. Recognizing June 15th, 1998 as "AIDS Awareness Day" in Santa Barbara County is a way we can help recognize all the brave people involved in this noble effort.

RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS ON TIBET

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. BERMAN. Mr. Speaker, I rise to introduce with Mr. PORTER, Ms. MALONEY, Mr. PAYNE, Mr. ABERCROMBIE, Mr. LANTOS, Mr. ROHRABACHER, Mrs. LOWEY, Mr. GILMAN, Mr. WOLF, Mr. COX, Mr. SMITH, Ms. LOFGREN, Mr. KENNEDY (MA), and Ms. PELOSI, a House Concurrent Resolution expressing the sense of the Congress concerning the December 1997 report on Tibet of the International Commission of Jurists and on United States policy on Tibet.

This resolution reflects our serious concern for the plight of the Tibetan people and our

strong support for the Dalai Lama's efforts to enter into serious discussions with the Chinese leadership on the future of Tibet.

The resolution cites a recent and comprehensive report by the International Committee of Jurists entitled "Tibet: Human Rights and the Rule of Law." It is the fourth report on Tibet by this distinguished body since 1959 and their first since 1964. The December 1997 report was inspired by the situation in Tibet that by all credible accounts, including the Department of State, remains unsettled and in many ways has grown more desperate.

I understand that Tibet, and more specifically the dialogue between the Dalai Lama and the Chinese leadership, is to be an important issue during the upcoming visit of President Clinton to Beijing. I hope that progress on Tibet will be made at the summit and this resolution is an effort to encourage that progress. Secretary Albright presented a strong case for progress on the dialogue in the summit preparatory meetings she held in Beijing earlier this month.

This resolution is a sign of support by the Congress for the Administration's efforts to encourage a dialogue between the Dalai Lama and Chinese leaders and a signal to Beijing that a positive response from President Jiang to the Administration's proposal would be welcomed by the Congress. It is appropriate that the Congress which has been in the forefront of support for the Tibetan people should go on the record in support of the Administration's summit agenda in regard to Tibet. Positive action by the Chinese would go far to demonstrate to the Congress that a policy of engagement with China is productive and important.

Finally, I would like to draw the House's attention to the continuing detention of Gendun Choekyi Nyima. Three years ago this month, the Dalai Lama announced the recognition of this young boy, then only six, as the Panchen Lama of Tibet. Within days, this child disappeared from his home. It was not until a year later that the Chinese Ambassador to Geneva admitted to a meeting of the United Nations Committee on the Rights of the Child that Gendun Choekyi Nyima was under the "protection" of the Chinese government. Repeated requests from governments and private humanitarian organizations to meet with the boy have been denied. No one knows where he is nor the conditions under which he lives. It is unconscionable that in today's world a young child, now nine years old, has apparently become a pawn in Beijing's political efforts to control Tibet.

I urge my colleagues to join me in introducing this resolution which calls for the release of Gendun Choekyi Nyima, the 11th Panchen Lama of Tibet, and for a dialogue between the Dalai Lama and Chinese authorities.

100TH ANNIVERSARY OF THE BROOKS SCHOOL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. MARKEY. Mr. Speaker, I rise today to recognize The Brooks School in Medford, Massachusetts in the celebration of its 100th Anniversary. During its century-long presence in the Medford community, The Brooks School has set innovative standards in excellence and diversity in public education through its programs of intellectual, physical, and social development of children.

On May 30, 1998, The Brooks School will be holding a public celebration to honor its rich history of instruction and service to the young people of Medford. The undying commitment of The Brooks School to excellence in diverse public education should serve as an inspiration to us all.

I congratulate the students, alumni, and faculty of The Brooks School for perpetuating effective education in the Medford community, and I wish them continued success in the future.

TRIBUTE TO OUR VETERANS

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. ADERHOLT. Mr. Speaker, I am proud of the many Veterans who live in north Alabama, and of the many men and women who are currently serving in the armed forces.

I am honored to be a guest Saturday of The Gadsden-Etowah Patriots Association, who are currently raising funds for a new outdoor museum. This museum will be a valuable addition, a way of celebrating the American way of life and the blessings of being part of a community. It is also a means of teaching young people that the freedom we enjoy has come at a price.

I commend the President of the association, Andy Chaffin, and the members whose teamwork is making this memorial a reality.

Memorial Day brings to mind the opportunity to lay flowers at monuments and at graves. It is also, however, an opportunity to thank veterans who are still with us, such as General Clarence Rhea, Congressional Medal of Honor winner Olan Mize, and State of Alabama Veterans Association Representative Rick Vaughn.

Although the date and location of the first Memorial Day is disputed, I am just grateful each year for the opportunity to pause and reflect on the gift of freedom bestowed upon us by our veterans.

INTRODUCTION OF THE HUMAN SERVICES AMENDMENTS OF 1998

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. MARTINEZ. Mr. Speaker, on May 14, I introduced the Human Services Amendments of 1998. This legislation will reauthorize and strengthen the Head Start, Low-Income Home Energy Assistance (LIHEAP) and Community Service Block Grant (CSBG) programs. When Congress last reauthorized these programs in 1994 it was the product of true bipartisan negotiations. I strongly believe that this bill is one which can capture the same bipartisan spirit.

The last reauthorization cycle produced major successful structural changes in these programs, eliminating the current need for an expansive rewrite of each statute. Presently these programs are working well and do not need significant modification. Instead of implementing wholesale change, this legislation builds upon the positive changes made in 1994 allowing the good work presently being done to continue.

Title I of the bill amends the Head Start Program. This legislation will refine Head Start's focus in two major areas—improving the transition of children from Head Start programs to school by strengthening the coordination between Head Start programs and schools and increasing the financial resources available and access to Early Head Start programs. The bill would increase the setaside for Early Head Start to 10%, with the stipulation that funds not be taken from current Head Start programs. The legislation would also allow expansion grants to be used by existing Head Start grantees to expand service to the Early Head Start population. Significant research has shown the importance of brain development in young children and an increased focus on intervening in a young child's life during the most sensitive of years is vitally important.

In improving the transition of children from Head Start programs to school, the bill would also require Head Start programs to coordinate services with the educational services of the local education agency projected to serve the children enrolled in their programs. The legislation would also require that the Secretary, in considering the expansion of Head Start programs, to consider the extent to which Head Start programs will coordinate services with local education agencies. Both of these provisions will ensure that the educational experiences and cognitive development gained by children in Head Start programs are not lost when they progress through school.

In addition, the bill improves the access of children with disabilities to quality programs and ensures that Head start programs maximize their enrollment and resources and increase flexibility to deal with the transition of families from welfare to work by allowing the Secretary to permit up to 25% of enrollees in a Head Start program to be from families with incomes above the poverty line.

Title II of the bill amends LIHEAP. This legislation will maintain LIHEAP's focus on serving low-income individuals with the highest proportion of energy expenses. In addition, this bill reinforces that weatherization and energy-related home repair should be directed to low-income households, particularly those households with the lowest incomes and the highest proportion of household income for home energy. With this increased targeted emphasis on the poorest of our poor, the weatherization portion of LIHEAP will truly help those most in need.

Title III of the bill amends CSBG. Similar to the other two programs, a significant rewrite is not necessary, but the legislation does make several changes designed to improve the program. The bill raises the authorization level of the program by over $100 million to $650 million in FY 1999 and such sums in FYs 2000–

2002. This will ensure that the significant increases in appropriations which this program has received in the last few years can be repeated. Also, the bill would give preference to private, non-profit organizations should an existing entity running a local program authorized under the statute terminate. In addition, this legislation would provide that CSBG carryover funds are reprogrammed at the local level. For each of the last three years similar language has been attached to the Labor-HHS Appropriations bill requiring this provision. Lastly, the measure would allow local community action agencies to offer services to improve literacy in the community. This would be a new activity for local community action agencies to address the illiteracy—one of the most pressing problems and indicators of poverty in our nation today.

In closing, Mr. Speaker, I would like to stress that I believe this legislation is the beginning of another historic bipartisan effort to reauthorize and strengthen these programs. I urge all members of Congress to join me is supporting this legislation and to support the bill which will be the eventual product of our joint bipartisan discussions.

RACIAL INTOLERANCE IN THE CZECH REPUBLIC

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to express my profound alarm at the further deterioration of the situation for minorities in the Czech Republic. Since the Velvet Revolution, that country has witnessed violent and sometimes deadly attacks against minorities—a pattern of violence which is not being addressed by the Czech Government.

Let me describe the most recent examples of this unchecked wave of brutality. On May 7, an Algerian in a Prague subway station was stabbed by skinheads; the next day, two Indians were also attacked by skinheads in a subway station in Prague. On the night of May 16–17, a Rom was beaten by skinheads and left on a road, where he was subsequently hit and killed by a truck. And last week, local officials in two different Czech cities—Pilsen and Usti nad Labem—announced plans to build ghettos. In Usti nad Labem, authorities stated outright that they plan to build a 15-foot-high wall around Roma apartment buildings. Pilsen officials described their walled-off area as a place for putting "undesirables," using terminology reminiscent of that used by the Nazis. Former Czech Minister of Interior Jan Ruml has described these plans as "inadmissible in a democratic society."

Unfortunately, these were not isolated events. Last November, Sudanese student Hassan Elamin Aldelradi was killed by a skinhead in Prague. In January, a Romani woman was seriously injured in Krnov when her home was fire bombed. In February, another Romani woman, Helena Bihariova was attacked, beaten, forced into the Elbe River and drowned. In early March, two Romani men in Decin were assaulted by a man with a pistol; a Congolese doctor was subsequently beaten in the town of Prostejov. In late March, skinheads in Trutnov attacked a Jewish couple. Each and every one of these has been widely described as a racially motivated attack.

Apparently, skinheads are not convinced they will be held accountable for their acts and the Czech Government has failed to persuade Roma that authorities will do all in their power to protect them. Roma have increasingly shown their unwillingness to simply stand aside while their family members are attacked or murdered, one by one. A number of recent attacks against Roma have been followed by revenge attacks by Roma. The rule of law appears to be degenerating into the rule of the mob. Official statements like that made March 17, by the current Minister of Interior, Cyril Svoboda, exacerbate the charged atmosphere. Mr. Svoboda minimized the significance of racially motivated violence, claimed it is not destabilizing and then blamed non-governmental organizations for distorting the Czech Republic's image through their reporting on this problem.

The most recent revenge attack by Roma occurred in the town of Novy Bor two weeks ago, when two Roma attacked Miroslav Sladek, a member of parliament campaigning for re-election. Sladek is the notorious head of the Czech "Republican Party" who has called for making one's ethnic identity as a Rom a criminal act.

A fair amount of media attention has been given to the fact that the two Roma arrested in that case were immediately pardoned by President Havel. Understandably, President Havel's decision has been controversial. What I think is most interesting is his reasoning: according to the President's spokesperson, the President did not believe that the local police could conduct an impartial investigation into the matter. She noted, in particular, that the police have given an account of events which match that of Mr. Sladek's, but which is contradicted by other eyewitnesses. She also observed that human rights groups have reported a consistent failure of the police in that area to investigate and prosecute successfully racially motivated attacks against Roma.

On May 14, the Czech Chamber of Deputies weighed in on this serious matter and expressed concern about the attack on Sladek. They even called for the Ministry of Interior to investigate the attack further to determine if it was a planned attack. Certainly, violence should not have been used against Sladek. As repugnant and disgusting as Sladek's views might be, he is entitled to them. What I do not understand is why the Czech Chamber of Deputies—which has remained silent when Roma have been attacked and even murdered—has chosen to express its concern in this manner. The bulk of the Czech cabinet has remained conspicuously silent regarding the most recent racially motivated skinhead attacks; certainly, the Prime Minister appears to have said nothing. Instead, Monika Horakova, a Romani representative on the recently created Inter-Ministerial Commission for Romani Affairs, has been dispatched to dissuade Roma from taking matters into their own hands. In the end, however, Ms. Horakova is unlikely to be successful unless she has the full backing of the full cabinet.

Mr. Speaker, the Czech Government should not wait until after the June elections to react to racially motivated violence. With time, more innocent life could be lost. Every member of the Cabinet should condemn in decisive terms the acts of these repugnant skinheads; the Ministry of Interior, in particular, should unequivocally signal its commitment to ensure that the perpetrators of these acts are caught, prosecuted and convicted. And the discriminatory Czech citizenship law, which continues to telegraph the message that Roma are not wanted in that country, must be amended.

TEENAGE PREGNANCY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mrs. MORELLA. Mr. Speaker, what have we done to childhood? We live in a world where every year, 1 million teens become pregnant, 3 million teens contract STDs, and HIV/AIDS is spreading most rapidly among adolescents.

What will it take to convince teenagers—the "it-will-never-happen-to-me crowd"—that they can become pregnant and infected with STDs, including HIV infection?

What will it take to convince community leaders, religious leaders, local and national leaders, pop culture stars, and parents that education and prevention strategies are critical?

I am proud to join my colleague, EVA CLAYTON, with whom I have organized this special order, and other members of the Women's Caucus to shed light on the problem of teen pregnancy during National Teen Pregnancy Prevention Month. Although we have been fighting this problem for a long time and the problem seems insurmountable, I am energized and encouraged by recent trends and the efforts of so many outstanding organizations to combat teen pregnancy.

I am proud to be a member of the Congressional Advisory Panel to the National Campaign. The leadership of the National Campaign to Prevent Teen Pregnancy and so many other groups have moved our Nation's consciousness about teen pregnancy to a higher level, and we are seeing results. The teenage birth rate has declined steadily since 1991 when the rate was 6.2 percent, an overall decline of 12 percent.

Although it is encouraging that the teen birth rate is declining, we must celebrate cautiously. Out-of-wedlock births are increasing, and over 1 million teens become pregnant every year.

Seventy-Five percent of teen births are out of wedlock today. In 1960: 15 percent of teen births were out of wedlock. Today, teen mothers make up the largest group of all first births to unmarried women (48 percent). About 44 percent of all girls become pregnant at least once before age 20—more than one million girls per year—most of whom are unmarried and totally unprepared to take on the responsibilities of parenthood. One-third of these pregnancies end in abortion, and only 2 percent of teens who give birth choose to put their babies up for adoption.

We know the consequences of teen pregnancy. Teen parents are much more likely to

be trapped in a cycle of poverty. The opportunities lost to teens who become pregnant are enormous, and costs associated with teenage pregnancy drain limited federal, state, local and family resources.

I want to highlight an important point about teen pregnancy: It is not enough to say we want to solve the problem of teen pregnancy; we must know how to fix it. We cannot solve the problem without sufficient information on what works in teen pregnancy prevention, and what works in different areas of the country. I commend my colleagues Nita Lowey and Mike Castle for their legislation, H.R. 1736, the Teenage Pregnancy Reduction Act of 1997, which will ensure that we have better information and provide for in-depth evaluation of teen pregnancy prevention programs.

Today's message is a call to action. Although we don't have all the answers to solve the problem; it's clear that we simply cannot wait.

As Members of Congress, we must do more. If figuring out what works, we must look at why teenage girls become pregnant.

What is it about our society that makes teenage girls think that to be loved, they must have a child of their own? Surely we can do better. Educational opportunities build self-esteem, as do girls' sports and community activities. Improving our education system, increasing access to girls' sports, building our communities, increasing job opportunities and giving young girls something to look forward to will all reduce teen pregnancy, and those are all areas where our decisions make a difference.

We also have jurisdiction over federal programs that deal with teenage pregnancy: the Title X Family Planning Program, grants from the Centers for Disease Control for community projects, and the Adolescent and Family Life Act which provides a small grant that goes toward care and parenting for adolescent mothers and abstinence only education. These programs help, but they are clearly not enough.

Although federal attention and involvement is important, we must become local leaders on this issue. Teen pregnancy is a national problem, but its solutions are local. We must go into our districts to see what works and encourage community involvement.

There is not magic bullet. I have worked with Congresswoman EVA CLAYTON on this issue, and I can tell you that what works in her district in North Carolina is not what works in Montgomery County, Maryland.

I have met with Elayne Bennett, founder of the Best Friends program, and several of her students. I must be honest; I was very skeptical of abstinence-only prevention efforts. Her results in my district, however, have been amazing. The Best Friends program is not a quick fix. It works because mentors make a long-term investment in junior high and high school girls, taking them on outings, teaching them new skills, and going to weekly classes with them. It won't work for everyone, but it is one of many approaches making a dent in this critical problem.

Maryland's teen pregnancy rate ranks 13th nationally. There are 118 pregnancies annually per 1,000 women aged 15–19 in Maryland; 43% result in live births and 29% result in abortions. The State of Maryland is making progress in reducing the number of pregnant teenagers through the Governor's Council on Adolescent Pregnancy. As part of their ongoing media campaign, they have developed a new series of ads focusing on parent-child communication as a means to prevent teen pregnancy, and they are holding a contest for teens to create teen pregnancy prevention slogans.

I will continue to encourage my colleagues in Congress to make reducing teen pregnancy a priority by going back to their districts and encouraging community leaders, religious leaders, parents, business, the media, and local leaders to figure out what works. This is only the beginning of a dialogue between the Congress, the media, policy experts, state and local governments, and educators. It's time that we figure out what works in order to make a difference.

NATIONAL MARITIME DAY 1998

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. EVANS. Mr. Speaker, on this special day, National Maritime Day, it is fitting that we recognize and honor those men and women who have served our country by transporting our Nation's cargoes in times of peace and prosperity and in times of war and grave danger. The service of merchant mariners to our Nation includes the heroic effort put forth during World War II by the thousands of young men who volunteered for service in the United States Merchant Marine. Many of these merchant mariners were recruited specifically to staff ships under the control and direction of the United States government to assist the World War II effort. These seamen were subject to government control, their vessels were controlled by the government under the authority of the War Shipping Administration and, like branches of military service, they traveled under sealed orders and were subject to the Code of Military Justice.

Some volunteers joined the Merchant Marines because minor physical problems, such as poor eyesight, made them ineligible for service in the Army, Navy, or Marine Corps. Others were encouraged by military recruiters to volunteer for service in the Merchant Marines because the recruiter recognized that the special skills offered by the volunteer could best be put to use for our country by service in the Merchant Marines. Most importantly, all were motivated by their deep love of country and personal sense of patriotism to contribute to the war effort.

In order to staff our growing merchant fleet during World War II, the U.S. Marine Commission established training camps around the country under the direct supervision of the Coast Guard. After completing basic training, which included both small arms and cannon proficiency, seamen became active members of the U.S. Merchant Marine. These seamen, often at great personal risk, helped deliver troops and war supplies needed for every Allied invasion site from Guadalcanal to Omaha Beach.

More than 6,500 merchant mariners who served our country during World War II gave the ultimate sacrifice of their lives, including 37 who died as prisoners of war, and almost 5,000 World War II Merchant Mariners remain officially missing and are presumed dead. In addition, 733 U.S. Merchant ships were destroyed. Even after the surrender of Japan, members of our Merchant Marine fleet were in mortal danger as they continued to support the war effort by entering mined harbors to transport our troops safely home. After the war ended, they carried food and medicine to millions of the world's starving people.

In spite of the illustrious service of the World War II merchant mariners, then-Secretary of the Air Force, Edward Aldridge, inexplicably made the decision in 1988 to define the dates for World War II service differently for merchant mariners than for those who served in the other American forces. The effect of this decision was to deny veteran status to those merchant mariners who served between the dates of August 15, 1945 and December 31, 1946, the official end of World War II. H.R. 1126, the Merchant Mariner Fairness Act, which has wide bipartisan support from over one-half of the Members of the House, will correct this erroneous administrative decision by making the service eligibility period for World War II merchant mariners identical to that established for others.

It is important to remember that during the time period addressed by this bill, August 15, 1945 through December 31, 1946, 12 U.S. Flag Merchant Vessels were lost or damaged as a result of striking mines, and some of the merchant mariners serving on these vessels were killed or injured. Fully understanding the tremendous risks they faced, merchant mariners, nonetheless, willingly went into mined harbors so that they could bring our American troops home to their families and friends. I believe these courageous merchant mariners, who were subject to the risk and dangers of war between V-J Day and the official end of the war, have been wrongfully denied veteran status. They faced the very real hazards of war-time hostile actions and should not be denied the status of veteran for purposes of laws administered by the Department of Veterans Affairs because their sea-going contributions began after August 15, 1945. H.R. 1126 will correct this injustice.

It has been more than a half century since the end of World War II. How much longer must these aging merchant mariners, who are forgotten patriots of World War II, wait for their service to our Nation to be properly and fully honored and acknowledged? H.R. 1126 will finally provide appropriate recognition: veteran status for a few thousand World War II American merchant mariners. While this status will enable them to be eligible for veterans' benefits, it is likely that the only benefit most will receive is proper recognition of their contribution to the war effort and the right to a veteran's funeral. The merchant mariners who would be granted veteran status by this bill are aging. They will not qualify for educational benefits. As Medicare beneficiaries, most already have longstanding relationship with their medical providers and are unlikely to seek VA health care. Nonetheless, the merchant mariners of World War II will receive the long-overdue

thanks from the Nation they served faithfully and courageously.

I encourage those Members who have not already cosponsored the Merchant Mariners Fairness Act to celebrate National Maritime Day by joining Members on both sides of the aisle as a cosponsor of this important legislation.

TRIBUTE TO DR. ARTHUR J. NAPARSTEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the outstanding career of a distinguished scholar and civic activist, Dr. Arthur J. Naparstek. On Saturday, May 30, 1998, Dr. Naparstek will be joined by his family and friends to celebrate his 60th birthday. It gives me great pleasure to wish my dear friend, Arthur, a very happy birthday.

Dr. Arthur J. Naparstek is a nationally recognized authority and leading theorist on community change and community organization. Since 1962 he has been extremely dedicated to improving the lives of those less fortunate by teaching others how to develop neighborhood strategies and coalitions to build stronger communities.

Since 1983, Dr. Naparstek has been the Coyle Professor of Social Work at the School for Applied Social Sciences at Case Western Reserve University in Cleveland where he served as Dean for nearly a decade. As Director of the Cleveland Foundation Commission on Poverty from 1990 to 1993, Dr. Naparstek initiated the drafting of the commission's report which served as the basis for HUD's $2.6 billion Urban Revitalization Demonstration Act (HOPE VI). In July 1994, in recognition of his service to combat inner city poverty, President Clinton appointed Dr. Naparstek to the Board of Trustees of the Corporation for National Service. Throughout his career, he has been an innovator, a reformer, a new idea creator. His pathbreaking research and testimony before Congress helped lead to passage of significant national legislation including: The Home Mortgage Disclosure Act, The Community Revitalization Act, and the National Neighborhood Commission. His writings are prolific and span a wide range of subject areas: Rethinking Poverty Through a Community-Building Approach Initiative; Neighborhood Networks for Humane Mental Health Care; and Community Building: New Strategies for Community Development.

Arthur's unmatched commitment to community service is an example of a true American patriot as he remains extremely active in both the public and private sector. He has directed the Cleveland Foundation Commission on Poverty, worked with the National Center for Urban Ethnic Affairs, the Rockefeller Foundation, the U.S. Conference of Mayors, the White House Conference on Neighborhoods and many other civic organizations. Dr. Naparstek is also the author of numerous reports, articles, and books that address the importance of community building and development.

Dr. Arthur Naparstek earned his doctorate from Brandeis University and his Master's Degree from New York University. He received his undergraduate degree from Illinois Wesleyan University. Dr. Naparstek is married to Belleruth, and they are the proud parents of Aaron, Keila, and Abram.

Americans all across this country should tip their hats to Dr. Naparstek, a lifelong prophet empowering people in our urban corridors to overcome poverty and hopelessness.

Mr. Speaker, it is with great pleasure that I rise today to wish Dr. Arthur Naparstek—a rare and gifted talent—a very happy birthday. Mazel tov.

HONORING JAMES LINCOLN OF TECUMSEH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise to pay special tribute to one of my constituents who was recently honored by the Tecumseh Area Chamber of Commerce in Tecumseh, Michigan.

James Lincoln is a local newspaper owner who for 40 years has published the Tecumseh Herald, one of our leading area papers. In addition to that, Mr. Lincoln has forged an impressive record of public service and civic involvement. For his longstanding contributions to the Tecumseh area, his peers have rightly honored him as the winner of the annual Musgrove Evans Award, named after Tecumseh's founding father.

It is gratifying that the Tecumseh Chamber of Commerce has dedicated time and commitment to recognizing those people who make such valuable contributions to our community. And even more inspiring are the many good works performed by area leaders such as James Lincoln.

As the Chamber knows, a healthy economic climate is not the sole characteristic that makes a community worthwhile. While we can do much to create a climate that brings jobs, builds roads, lowers taxes, and eliminates deficits, the most important deficit we as a nation and a community must continually confront is a deficit of values and character.

For this reason, Mr. Speaker, I enjoy taking the opportunity to tell my colleagues about those people who demonstrate the true meaning of community service in my district in Michigan. So many people talk about the need to get involved and pitch in when they see a problem, but James Lincoln is one person who takes action.

Mr. Lincoln is not only a fine publisher, but he has used his paper to reach out and make a difference in the community. He has turned his paper into a community watchdog, a civic leader, and a valuable, respected voice for Tecumseh area residents. He has contributed greatly to organizations such as the Rotary Club, the Tecumseh Chamber and his local church.

Mr. Speaker, on behalf of my constituents, I extend my congratulations and appreciation to James C. Lincoln.

IN HONOR OF ST. IRENE CHRYSOVALANTOU

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise to recognize a historic event that started to heal a schism that began 27 years ago and divided the Greek Orthodox Church in America from the Orthodox Church elsewhere in the world.

The dispute related to a 13-day discrepancy between the Gregorian calendar and the old Julian calendar to which Orthodox traditionalists adhere. The reconciliation, approved by the Synod in Constantinople on April 7, was simple. Neither group would have to give up its calendar but the Old Calendrists of churches such as St. Irene Chrysovalantou would be accepted under the Ecumenical Patriarchate of Constantinople.

St. Irene Chrysovalantou was named a patriarchal monastery as a result of this agreement. Its Old Calendrist clergy were re-ordained last month. The sacraments that they had celebrated, as well as the countless weddings and baptisms, were deemed retroactively proper.

Archbishop Spyridon, who endorsed the plan, led a moving ceremony celebrating the event on May 3, 1998. He was joined by the founders of St. Irene, His Excellency Metropolitan Pasisios of Tyana, Abbot of the Monastery and Bishop Vikentios of Apameia. Amid the airs of a brass band, the ringing of church bells, sonorous Byzantine incantations, and the jubilant salutes of a thousand faithful, the community turned out in strength to rejoice over this historic reconciliation.

To further commemorate the reconciliation, on May 23, 1998, His All Holiness Bartholomew I, Archbishop of Constantinople, New Rome and Ecumenical Patriarch, will visit the Sacred and Patriarchal Monastery of St. Irene Chrysovalantou.

Since this is the first time that His All Holiness will visit Astoria, his visit is eagerly anticipated. This historic event will be celebrated by thousands of faithful who will come to welcome him and to attend the Patriarchal Great Vespers.

Mr. Speaker, these events in Astoria mark the beginning of a healing process that I hope will reunite a people long divided. This reconciliation should give hope to others living amid conflict.

INTRODUCTION OF LEGISLATION TO REPEAL THE FAMILY INFLATION TAX

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mrs. KENNELLY of Connecticut. Mr. Speaker, I will introduce legislation today to repeal the family inflation tax. The $500 per child credit enacted in last year's Taxpayer Relief Act will provide vital tax relief to millions of

American families. Its execution, however, has been flawed from the beginning.

We were able to defeat the initial proposals to require families with incomes of less than $50,000 to reduce their $500 per child credits by 50 percent of their day care credit, to cap the dependent care credit, and to deny the credit to families who receive the Earned Income Tax Credit. We tried but were unable to allow the credit against the individual Alternative Minimum Tax. As a result millions of families will be thrown into the individual Alternative Minimum Tax simply for claiming the child credit. I subsequently introduced H.R. 2524 to remedy this. However, this flaw beats them all.

Did you know that some families, after receiving the initial benefit, will actually have their taxes increase in the future because of complicated efforts to reduce the benefits of the $500 child credit. Yes, that is correct. Over time, a number of families will see future tax increases even if their income does not change!

This happens because of the interaction of three provisions, the partially refundable family credit, the reduction of the partially refundable family credit by minimum tax liability, and the inflation adjustments to the regular tax. For some families paying the minimum tax, the inflation adjustments cause tax increases by increasing minimum tax liability and thereby reducing partially refundable credits.

So each year, the inflation adjustment of the standard deduction and personal exemptions—a provision that results in tax savings for the majority of taxpayers, actually results in a tax increase for these families. We must not allow this to happen. That is why today I am introducing legislation to correct this.

On a related note, there is a tremendous amount of bipartisan support for fixing the marriage penalty. One of the most popular proposals would increase the standard deduction for married couples, a proposal that would actually make this problem worse. I have been talking about the need to fix the marriage penalty for years. We should fix it but we should also include this fix so we don't increase taxes on families in the name of eliminating a penalty.

Please join me in repealing the Family Inflation Tax.

TRIBUTE TO MR. PHILIP C. MUSGRAVE, UPON HIS RETIREMENT AS PRINCIPAL FROM STROM THURMOND HIGH SCHOOL

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. GRAHAM. Mr. Speaker, I rise today to recognize the remarkable achievements of Philip C. Musgrave. Mr. Musgrave has had a splendid career in education and discipline which has spanned more than three decades. Sadly, we say goodbye to this gentleman, but are grateful for the legacy that remains.

The youth of Edgefield County owe a debt of gratitude to Mr. Musgrave for his firm, but fair style of discipline. When love was absent at home, there was Mr. Musgrave. When the role model was no where to be found, there was Mr. Musgrave. When they needed someone simply to talk to, there was Mr. Musgrave.

As a coach, a teacher and a principal, he has influenced thousands of young men and women. A recognized leader in Edgefield County, he has honed his leadership skills over the years and developed a sense of strong values vital to his many roles. From my contact with him as an educator and a mayor, he has impressed me with those characteristics revered by many; including honor, humility and personal integrity. I have found Mr. Musgrave to be a dedicated man of outstanding character, concerned with the needs of others and with the willingness and ability to lead.

INTRODUCTION OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1998

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. TAUZIN. Mr. Speaker, I am pleased to introduce a bill today to help America's energy consumers by repealing an outdated law that is keeping the best of the new technologies and innovative services from reaching our marketplace. I am pleased to be joined by Reps. BARTON, et al. in introducing this important legislation. Our bill, which is similar to legislation already pending in the Senate, would repeal a New Deal Law, the Public Utility Holding Act of 1935 (PUHCA).

Our legislation is a bipartisan initiative. The current Democratic and previous Republican Administrations have called for repeal of PUHCA. This legislation would implement the recommendations of the Securities and Exchange Commission (SEC) made in 1995 following an extensive study by the SEC of the effects of this outdated law on today's energy markets.

It is a law that has outlived its usefulness. It imposes unnecessary costs on consumers and directly undermines the intent of recently enacted federal and state policies designed to bring more competition to America's energy market.

PUHCA was enacted in 1935 to address abuses arising out of pyramided corporate structures at a time when electric utility regulation was just starting at both federal and state level. PUHCA's primary purpose was to dismantle more than 100 complex utility holding company structures that, in many cases, took advantage of weak federal and state regulations to pursue inappropriate business practices. The result of this dismantling is that the number of utility holding companies registered under PUHCA had been reduced to the current 14. These 14 electric and gas utility holding companies are required by PUHCA to operate under arbitrary investment caps that preclude them from investing in areas of need. Other utility companies are exempt from PUHCA's caps, but must operate primarily within one state in order to maintain their exemptions. Our Nation's gas and electric utility companies, therefore, must operate principally within certain geographic "boxes." This stifles innovation, hinders competition, and undermines development of regional electricity markets. This inhibits the very competition that Congress has sought to foster in the Energy Policy Act of 1992.

America's natural gas and electric power industries, confronted by lower growth rates, environmental mandates and the need to emphasize conservation, are trying to become more than just suppliers of electricity and natural gas. To succeed in this new economic environment, they must become a provider of energy information and services. PUHCA, however, stands in the way of the efforts by our nation's utility industry to serve consumers in a more efficient manner.

The counterproductive restrictions that PUHCA places on these companies are based on historical assumptions that are no longer valid. The factors that existed when PUHCA was enacted in 1935 no longer exist today. Federal and state laws at that time were inadequate to protect consumers and investors 60 years ago. Today, Federal and State regulations have become much more comprehensive and sensitive to market conditions. PUHCA, however remains an economic drag on America's energy industry.

The ability of State commissions to regular holding company systems and, together with the development of regulation under the Federal Power Act of 1935 and the Natural Gas Act of 1938, have eliminated the regulatory "gaps" that existed in 1935 with respect to wholesale transactions in interstate commerce. The expanded ability of State commissions and the FERC to regulate inter-affiliate transactions has rendered the 1935 Act unnecessary.

Simply put, America no longer can afford the Public Utility Holding Company Act of 1935. Using conservative estimates, the cost of this law runs into the billions of dollars. Restrictions on the ability of companies registered under PUHCA to diversify range from $2 billion to $4.5 billion in present value terms. PUHCA's utility integration restrictions impose social costs between $1 billion and $8 billion. In addition, the administrative costs of complying with the 1935 Acts requirements are substantial.

Our legislation would reform regulation of utility holding companies by repealing the duplicative SEC-related provisions of the Public Utility Holding Company Act of 1935, while assuring that the SEC retains all of its non-PUHCA jurisdiction of securities and securities markets in order to protect investors. Our bill would put gas and electric power companies on an equal competitive footing, allowing them to take advantage of market opportunities that benefit investors and utility companies.

Our legislation will remove those limitations on registered companies' corporate structures, financing and investments to which they alone have been subject. At the same time, however, under our legislation, registered companies will continue to be subject to all government regulation intended to protect investors to which other industry participants are subject. SEC authority under the 1935 Act, the Trust Indenture Act and State Blue laws will all remain in place. Our bill will assure FERC access to those books, records, accounts, and

other documents of holding companies, their affiliates and subsidiaries, that are relevant to costs incurred by a public utility company and are necessary for the protection of consumers with respect to rates.

Our bill also gives the right to inspect books and records that "have been identified in reasonable detail in a proceeding before the State commission, are relevant to costs incurred by such public utility company and are necessary for the effective discharge of the State commission's responsibility with respect to such proceeding."

In the new environment confronting the utility industry, PUHCA has become nothing more than a bottleneck that constrains the ability of our Nation's natural gas and electric power industries to serve consumers. PUHCA is an anachronism that burdens utility systems with costs and restrictions that impair their competitiveness and prevent them from adapting to the new and more competitive environment. PUHCA is no longer a solution because the problems of the 1930's have been replaced by effective State and Federal legislation and by the realities of today's marketplace. It is time for Congress to act on the recommendations of the SEC and enact our legislation.

FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1998

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2431) 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:

Mr. CRANE. Mr. Chairman, I rise in reluctant opposition to H.R. 2431, the Freedom from Religious Persecution Act. As a Christian, I am always deeply concerned when reports surface about individuals and groups anywhere in the world being persecuted for their faith.

However, like so many situations that face us in the international arena where we seek to change the behavior of other governments, legislation can often do more harm than good, both for the people we seek to help and for U.S. national interests.

With respect to H.R. 2431, there is no evidence that the automatic sanctions triggered by the bill would do anything but incite further persecution in the divided and troubled countries that it is designed to condemn. Although the sanctions in the bill have been watered down during the many months this legislation was stalled in the International Relations Committee, the premise and structure of H.R. 2431 remain fundamentally flawed.

The bill creates a mid-level bureaucracy within the State Department, the "Office of Religious Persecution Monitoring," which would have extraordinary powers to publicly condemn and sanction a wide range of countries important to U.S. national security interests. The "Office Director" would be charged with identifying countries that engage in or tolerate religious persecution. Countries named as violators would be subject to an arbitrary, "one size fits all" list of trade sanctions including denial of U.S. foreign assistance, denial of visas, and prohibitions on U.S. exports and U.S. support for multilateral development bank assistance.

The danger is that sanctions are automatic, can be waived by the President only in very narrow, extraordinary circumstances, and are limited to one year. Contrary to statements made by the bill's proponents, H.R. 2431 contains no authority for the President to waive sanctions if he determines that they would result in the loss of American jobs or otherwise have an adverse impact on U.S. economic interests. Under the bill, sanctions would be imposed on many governments that are important to U.S. trade, security and foreign policy interests. These countries include Egypt, Saudi Arabia, Indonesia and Morocco.

The supporters of H.R. 2431 say that this bill will force foreign governments to improve their treatment of religious minorities and help alleviate egregious human rights abuses. Yet they fail to offer any evidence that this bill would be effective in achieving its intended result.

In truth, the call for passing H.R. 2431 is not coming from persecuted religious minorities throughout the world. Indeed, many prominent religious leaders from countries this bill is designed to target recently traveled to Washington to warn us that the bill would only further divide them from the societies in which they live and struggle to worship freely. These leaders, such as the Rev. Canon Clement Janda, General Secretary of the All Africa Council of Churches and a native Sudanese Anglican priest, and The Rev. Dr. Joseph Pattiasina, General Secretary of the Communion of Churches in Indonesia, told me in the strongest possible terms that H.R. 2431 would exacerbate tensions between Christians and Muslims in their respective countries.

Christians and clergy working in China, Saudi Arabia and Egypt say that the bill would make their plight worse, not better. For example, the United Church of Christ, which has supported missionary work for decades in many Middle Eastern countries, writes: "By using U.S. power to accuse all Muslim countries of religious persecution . . . radical Muslims will be strengthened in their efforts to associate Christianity with the West." Religious minorities and missionaries who have dedicated their lives to Christian education abroad fear that their work will be undermined because their host governments will blame them for the imposition of sanctions under this bill.

Rev. Billy Graham's son, Nelson Graham, who heads a large, successful Christian missionary program in China, wrote to urge Congress to reconsider this legislation because of the potential harm it could do to both American missionaries and to indigenous religious organizations in China, as well as in other targeted countries. He believes these groups were given no opportunity to participate in the development of H.R. 2431.

The National Council of Churches, which represents 34 Protestant denominations (including the Methodists, Lutherans and Presbyterians) with an aggregate membership of 53 million Americans, also strongly opposes this legislation because it does not take into account the concerns of a broad spectrum of religious leaders who are "on the ground" fighting religious persecution overseas.

Mr. Chairman, unilateral trade sanctions are dangerous because they appeal to an emotional need in all of us to condemn reprehensible behavior in the strongest possible terms. Yet history has shown that unilateral trade sanctions rarely, if ever, succeed in changing rogue behavior.

In my view, the United States has been the most successful in advancing our values of religious freedom and democracy by remaining active in countries where these principles are not well-established. A policy of engagement fosters expanded opportunities to spread the Christian message through direct contacts that would be denied to us if we pursue a policy of isolating countries through punative economic sanctions.

Because there is strong evidence that the sanctions proposed in this bill would do more harm than good to religious minorities and American missionaries working abroad, I am opposed to H.R. 2431.

HONORING BILLIE CARR ON HER 70TH BIRTHDAY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor Billie Carr of Houston for her abiding commitment to making our democracy work for all Americans as she celebrates her 70th birthday on June 1, 1998. Known fondly as "Boss" and "The Godmother" Billie Carr is a political legend. She has been active in local, state, and national politics since 1952, influencing our nation's leaders at all levels and inspiring countless others to become involved in public service.

A native Houstonian, Billie Carr started her political involvement in 1952, working for candidates like Ralph Yarborough and Adlai Stevenson. She has been involved in every political campaign since, helping to elect candidates for every office from precinct chair to president.

Billie was elected in 1954 to the Harris County Democratic Executive Committee from her precinct, a position she has held ever since. She served on the State Democratic Executive Committee from 1964 to 1966 and remains an ex-officio member.

In 1956, Billie started working with Mrs. R.D. "Frankie" Randolph and has offered a unique approach to organizing at the grassroots level ever since. As a thankful student and gracious mentor, Billie perpetuates that experience by presenting Frankie Awards to noted Democratic organizers every year.

In 1972, Billie was elected to serve on the Democratic National Committee, and she was elected to her fifth term in 1992. The Southern Region of the Democratic National Committee elected Billie to represent them on the Executive Committee of the DNC in 1988. She was

reelected in 1993, and continues to serve in that capacity today. She served on the National Resolutions Committee from 1984 to 1988, the National Platform Committee from 1983 to 1984, and the National Fairness Committee from 1984 to 1986.

In all that she has done, Billie Carr has been a leader, organizer, and innovator. Known for her liberal politics, Billie is a charter member and organizer of the Harris County Democrats and the Texas Democrats.

Billie Carr's activism and leadership have won her many well-deserved awards. She received the National New Democratic Committee's prestigious Eleanor Roosevelt Award in 1986. In 1987, she received the Harris County Democrats Lifetime Achievement Award. The Texas Democratic Women presented her with their certificate in 1992, and the National Federation of Democratic Women gave her their Star Award in 1993.

While many have benefited from the two books Billie has published, along with numerous articles and classes, there is no better way to learn about political campaigns than to work with her, as many have been so fortunate to do over the years. In addition to her many successful campaigns and the subsequent successes in public office of those she helped to elect, perhaps Billie Carr's most important legacy is the many campaign workers and volunteers who have been inspired by her to continue in public service.

Mr. Speaker, I am pleased to join Billie Carr's family and friends and all those she has inspired in honoring her on the occasion of her 70th birthday and commending her on a lifetime of achievement. May the coming years bring good health, happiness, and time to enjoy her three sons, their families, and her grandchildren, as well as further political successes.

TRIBUTE TO ANTHONY FIORELLO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Anthony Fiorello of Wayne, New Jersey who is being honored this evening by the Borough of West Paterson for his service as Municipal Court Judge.

Tony was born on May 11, 1940. A resident of Passaic County, he graduated from Passaic Valley High School in 1958 whereupon he entered Seton Hall University as an undergraduate student in Political Science. Tony graduated in 1962 with a B.A. in Political Science and in the top 10 percent of his class with a 3.3 G.P.A.

At Seton Hall, Tony was involved in many campus activities including President of the TKE fraternity, varsity-lettered athlete in fencing (selected to E.C.A.C. Championship tournament, Deputy Brigade Commander—ROTC Brigade, and Distinguished Military Student. He also received the University Cross and Crescent Award for Outstanding Achievement in Academic, Moral, and Extracurricular Accomplishments.

In 1962 Tony entered Seton Hall's School of Law where he was selected as a Centennial Scholar. He was a Charter Member and Secretary of the PAD, a professional legal fraternity and co-authored a study on election laws in states comprising the Third Circuit. During this time, he also served a clerkship for the City Attorney, City of Paterson.

In February 1966, Tony was called to active service during the Vietnam War and was commissioned as a First Lieutenant. He was promoted to Captain in 1967 and served as Assistant Inspector General, U.S.A.T.C., Fort Knox, Kentucky where he later served as a member of the U.S.A.T.C. General Staff. Tony was decorated with the U.S. Army Commendation Medal and the National Defense Medal.

Tony has a wealth of legal experience, with a career spanning 32 years. A trial attorney, he has served many local municipalities as their attorney including the Borough of Wanaque—where he still serves, the Township of Wayne, the Boroughs of Totowa and Haledon, and the Cities of Passaic and Garfield (Board of Education). Tony also served as the Municipal Court Judge for the Borough of West Paterson, from 1995 to 1998. Additionally, he has been appointed by the New Jersey Superior Court as guardian for incompetents and minors, and as a fiscal agent for corporations involved in litigation.

An active member of the community, Tony has given much of his time to many local civic and religious organizations. He is a member of the Wayne Elks, President of the Wayne Jaycees, and a member and coach at the Wayne P.A.L. Tony is also Director for many groups including Citizens Against Drug Abuse and the Greater Wayne Chamber of Commerce, and is Chairperson of the North Jersey Country Club. He is President of the Holy Cross Home School Association as well as the Paterson Diocesan Federation of Home School Associations. Tony has also served as a presenter for the New Jersey Catholic Conference in dialogue with federal and state legislators on issues of importance to New Jersey Bishops.

Tony was married on February 20, 1965 to the former Isabell Gallagher. They have three children—Jackilyn Fiorello Carpinteri, age 31, Kathleen Fiorello, age 29, and Brian Fiorello age 26.

Mr. Speaker, I ask that you join me, our colleagues, Tony's family and friends, and the Borough of West Paterson in recognizing the many outstanding and invaluable contributions Anthony Fiorello has made throughout the years to our community.

CLARIFYING FEDERAL FUNDS FOR MOORHEAD, MINNESOTA

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. PETERSON of Minnesota. Mr. Speaker, the purpose of this statement is to demonstrate the clear legislative intent for federal funding to "Reconstruct SE Main Avenue and Related Improvements, completing 34th St. Corridor Project, Moorhead, Minnesota" contained in H.R. 2400, The Building Efficient Surface Transportation and Equity Act of 1998 or "BESTEA." The intent of this federal allocation is based upon an agreement reached between the City of Moorhead Township.

To clarify the legislative intent of the current federal allocation to the City of Moorhead, Minnesota under H.R. 2400 as understood and agreed to by both the City of Moorhead, and Moorhead Township, the following description applies:

First, no railroad relocation can take place under this project regardless of the source of funding for that relocation unless the Moorhead Township agrees with the City of Moorhead on all aspects of the railroad relocation.

Second, $250,000 of this funding will be used to study the interchange and rail relocation alternatives and will be conducted jointly and with a coequal status between the City of Moorhead and Moorhead Township:

These funds shall be made available for a local commission called The Commission to Study Alternatives of Rail Relocation in the Moorhead Region. This commission shall consist of three members representing the Township of Moorhead and three members representing the City of Moorhead. The commission shall also consist of a seventh member agreed to by both the City of Moorhead and Moorhead Township. No funds for rail relocation can be made available until agreement is reached by this commission for alternative sites or plans.

Intended funding for this project shall be used only for those phases of the 34th Street Corridor Project as outlined in the attached information.

PERSONAL EXPLANATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. GOODLING. Mr. Speaker, I unfortunately was unable to be present on May 19, 20, and 21 for the following recorded votes. Had I been present, I would have voted No on Rollcall Vote 156, No on Rollcall Vote 157, No on Rollcall Vote 158, No on Rollcall Vote 159, No on Rollcall Vote 160, Yes on Rollcall Vote 161, Yes on Rollcall Vote 162, Yes on Rollcall Vote 163, Yes on Rollcall Vote 164, Yes on Rollcall Vote 165, Yes on Rollcall Vote 166, and Yes on Rollcall Vote 183.

VIOLATIONS OF THE UNITED STATES-JAPAN INSURANCE AGREEMENT

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. BISHOP. Mr. Speaker, I would like to express my concerns regarding current violations of the United States-Japan Insurance Agreement. Effective enforcement of existing trade agreements must be a fundamental objective of U.S. trade policy. I am sad to report, however, that blatant violations of the United States-Japan Insurance Agreement are now

taking place with barely a word of protest from the United States Government.

The United States-Japan Insurance Agreement is one of the United States' primary market access agreements with Japan. It is supposed to promote liberalization of the Japanese insurance market by maintaining existing safeguards in the third sector, where United States companies have traditionally had success, until the primary first and second sectors have been liberalized by the Japanese Government. Currently, however, this arrangement is under direct attack by Yasuda Fire and Marine Co., Ltd., Japan's second largest non-life insurance company—who has used its affiliate and de facto subsidiary INA Himawari Life Insurance Co., Ltd. to prematurely ramp up its presence in the third sector.

If we allow Yasuda to continue expanding its third sector presence before the life and non-life sectors are substantially deregulated, the Agreement will lose its primary incentive for compliance by Japanese firms (i.e., the promise of access to the third sector). Although it failed to comply with the Agreement's critical third sector provisions, Japan appears ready to start the clock running on the two and one-half year lead up to opening the third sector to large Japanese companies on July 1 of this year. The Government of Japan must not be allowed to take this action until measures are taken to remedy the violations. The future of United States companies in the Japanese market is at stake. The Administration should take immediate action to ensure full and effective enforcement of this agreement.

The current violations also pose a substantial threat to U.S. foreign and trade policy. If the United States is unable to take forceful action in the face of clear violations of the United States-Japan Insurance Agreement, the Administration will be signaling Japan, as well as other countries that would negotiate with us in the future, that the United States is unwilling or unable to enforce commitments made to it.

IT'S OFFICIAL, THE SAFE ACT, (H.R. 695) JEOPARDIZES ISRAEL'S SECURITY!

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. SOLOMON. Mr. Speaker, the Israeli Ministry of Defense has just issued a statement regarding encryption which states that the decontrol of encryption exports, as allowed by the SAFE Act, (H.R. 695) would threaten Israel's national security. Listen carefully to their exact statement: "Israel considers the regulation and control of encryption products and technology to be vital to its national security, the combating of terrorism and effective law enforcement. Engagement of any kind in encryption technology in Israel is controlled by the Government of Israel. Israeli government policy will continue to protect sensitive and essential interests by enforcing strict national security policy in this regard. It is Israel's view that all countries should do their utmost to prevent the acquisition of strong encryption technology and products by terrorist and criminal entities."

And yet, as we all know, H.R. 695 allows for the immediate export of unrestricted encryption technology and allows for the acquisition of strong encryption technology by international terrorists. When questioned about the effects of H.R. 695 (The SAFE Act) 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." Any friend of Israel in the United States Congress who are cosponsoring H.R. 695 should ask for a briefing by the NSA and then remove their names from the bill.

All Americans who care about Israel's security should find out where their Member of Congress stands on this most important issue. The proponents of this bill maintain that Israel's enemies will eventually possess encryption technology. Even if this is true, it fails to explain why we should rush to place this technology in the hands of our enemies.

The Department of Defense, the National Security Council, the National Security Agency and now the Israel Ministry of Defense believe that America and Israel need time to develop countermeasures to address the various threats posed these new technologies and H.R. 695 does not give us this time. The truth is that now that we have the official Israel position on encryption no real friend of Israel should remain a cosponsor of H.R. 695.

ESTABLISH THE ADMINISTRATIVE LAW JUDGE CONFERENCE OF THE UNITED STATES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. GEKAS. Mr. Speaker, today I introduced an important bill, "The Administrative Law Judge Conference of the United States Act", that reforms the administrative judiciary of the United States by establishing an administrative office for the 1400 Federal administrative law judges. The ALJ Conference is modeled upon the Judicial Conference of the United States which provides similar administrative functions for Federal Article III judges.

Currently, there is no uniform administrative office for Federal administrative law judges which promotes the improvement of the administrative law process. The ALJ Conference of the United States would enhance the independence of decisionmaking and the quality of adjudications in the administrative due process hearing. The American public will benefit by the establishment of uniform standards for professional conduct of administrative law judges that will be government wide in applicability with a government wide complaint resolution process for claimants. Public accountability of the administrative judiciary will be additionally insured by the establishment of a complaint resolutions board which has a public member and agency administrative law judges.

Since the Administrative Procedure Act (A.P.A.) was enacted over 50 years ago, there has never been any system for independent review of agency compliance with the A.P.A. and no process for reporting to the Congress on these important public safeguards for fundamental due process and the fair hearing process before administrative agencies. The ALJ Conference of the United States will provide for regular reports to the Congress on agency compliance with the A.P.A. This process will greatly assist the Congress in its oversight of agency compliance with the A.P.A. and will enhance the ability of the Congress to assess the status of individual rights in adjudications before Federal agencies. This reform permits the Congress to maintain oversight on constitutional safeguards such as the right to an impartial and independent decisionmaker, notice and opportunity to appear at a prompt hearing, and the receipt of a timely hearing decision. These protections are to be accorded to every citizen prior to the loss of important rights, property or benefits.

The ALJ Conference of the United States will assume all duties currently performed by the Office of Administrative Law Judges at the Office of Personnel Management (OPM). The budget currently used to operate this office at OPM will be transferred to the ALJ Conference. Agencies will continue to select ALJs but the selection process and ALJ register will be managed by the ALJ Conference. The Administrative Judiciary of the United States is the only merit selected judiciary and the ALJ Conference will maintain the high standards we have come to associate with the Federal ALJ Corps.

Establishment of the ALJ Conference of the United States would significantly increase public trust and confidence in the integrity and independence of decisionmaking by administrative law judges throughout the Federal Government. The current Administration advanced the concept of an ALJ administrative office or conference during negotiations over legislation to place all administrative law judges in a government wide unified corps. Therefore, this effort should be a bipartisan activity of the Congress in the interest of good government, and to that end I invite my fellow colleagues on both sides of the aisle to join me in sponsoring this bill and in making the ALJ Conference a reality this year.

RECOGNIZING JULIAN "BUD" BATLAN ON HIS RETIREMENT AS POST COMMANDER

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. PAPPAS. Mr. Speaker, this weekend, I will be attending the Jewish War Veteran's Manalapan-Marlboro Post 972 installation ceremony for their 1998–1999 post officers. At this brunch, the post will also be honoring the retiring Post Commander, Julian "Bud'Batlan.

Bud is a direct descendant of the first known member of the Jewish faith to settle on the eastern shore of North America, whose extended family has served in our nation's armed services for the past 344 years.

In 1941, Bud volunteered for the Army and went on to earn the Silver Star, Bronze Star

and Purple Heart with Oak Leaf Cluster in World War II. After returning from the war, Bud was the founder and organizer of the very Jewish War Veterans Post that will be honoring him.

It is very fitting that this weekend, in which our nation celebrates Memorial Day and the service of those who have served, that we recognize the service of Bud Baltan for his service to our nation and his Post. I offer my congratulations and best wishes to Bud and the new officers of Post 972.

DEATH TAX REPEAL

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. NETHERCUTT. Mr. Speaker, the death tax is one of the most egregious forms of taxation. Frank A. Blethen, publisher of The Seattle Times, gave a compelling speech on May 14, 1998, on this subject at the Family & Independent Owners Conference in Washington, D.C. I rise today to bring the attention of all Members to Mr. Blethen's remarks, a summary of which follow. After hearing his comments, I urge all Members to support repeal of the death tax.

If repeal of a specific tax would actually decrease the federal budget deficit, wouldn't you think such repeal would be a non-partisan Congressional and White House priority? If repeal that tax would result in saving our country's family-owned businesses, including most minority and female owned businesses, wouldn't you think that such repeal would be the highest priority of every state's Congressional delegation, and every local community's Chamber of Commerce? If Congress had an easy way to create jobs, stimulate the economy and to be the champion of families, wouldn't you think they would jump at the chance? And, if in addition to job growth, the repeal of this tax stimulated other actions that our nation covets like long-term business investment, philanthropy, and saving money, wouldn't you think Congress would jump at the opportunity?

Repeal would turn one of our country's most harmful public policies into a powerful positive public policy overnight. So why isn't Congress jumping at the opportunity? Simply put, too few people understand, or appreciate, the negative economic impact of the Federal Estate Tax. And too few people understand the substantial economic and public benefit, which would come from repeal. Most people, including many family businesses still misperceive the tax as a "benefit for wealthy people" rather than the small and business public policy issue, which it is. Once one examines the facts, it is easy to see that this tax is very poor public policy because it destroys jobs, minority-owned and small businesses.

Once politicians understand the devastating negative impact of the death tax on today's economy and on America's families, their perceptions will change. Smart politicians in both parties will position themselves as champions of families, family businesses and minority businesses. They will stimulate jobs and investment in our local communities while reducing the federal deficit.

We need to create a new, accurate perception, that the death tax is, in fact, a very serious broad-based family and middle class issue as well as an economic and jobs issue. We need to educate people that this tax destroys family businesses, minority owned businesses, jobs, investment, and doesn't even contribute to the federal budget. We need to eliminate the perception that the death tax is a rich person's issue. Everyone has many opportunities to combine education with a grass roots effort.

Death tax repeal will not negatively impact Federal budget revenue. The estate tax generates only 1% of the Federal budget (approx. $16 billion). 65% of that so-called contribution is spent on compliance and enforcement. Consequently, less than ⅓ of 1% of the Federal budget revenue comes from this tax (approx. $5 billion).

Repeal would dramatically help the economy and would reduce the Federal budget deficit. According to several studies at least 145,000 new jobs would be created in the first year of repeal, personal income would rise $8 billion annually, family businesses would stay in business, job preservation would be enhanced, and long-term investment would be enhanced. Plant and infrastructure investment would be enhanced and the trend in most industries towards consolidation would be reversed. Philanthropic giving would go up, minority-owned business would be preserved, female-owned business would be preserved, business innovation, and creativity would be stimulated, and savings would increase.

Primarily because of the death tax 70% of family business don't survive the first generation, 87% don't survive the second generation, less than 5% survive the third generation, and this misguided tax is the primary reason for the inability of minority owned businesses to perpetuate themselves.

The burden of this public policy now falls on the middle class. When workers are laid-off and family businesses fail, the negative trend towards a two-tier society is accelerated—encouraging corporate takeovers and the consolidation of industries. This leads to workplaces characterized by layoffs, job reduction and disinvestment.

The death tax started early in the 20th century targeted at a few super rich families. Most people still believe this is a "soak the rich" law and that repeal would only benefit the rich. Most Americans are appalled that the death tax rate is 55% and that everything it applies to has already been taxed at least once.

What can you do? Educate yourself. Contact and lobby your Congress person and Senator. Identify and work with key Congressional staffers. Lobby the Senate Finance Committee and the House Ways & Means Committee. work with your local chamber and the U.S. Chamber, as well as any other business association you have a relationship with. Inform other industry groups. Contact and educate other family business owners. Use and promote the use of the free print ads we have developed at the Seattle Times. Use and promote the death tax web site (deathtax.com)

[The Seattle Times was found in 1896 by Alden J. Blethen. The newspaper is currently owned and operated by 4th and 5th generation family members. Six members of the Blethen family are employed full-time, three of whom are long-term members of senior management; another family member is actively involved in governance; and four more are employed during the summer. The Seattle Times is the largest evening newspaper left in the country. It is one of a handful of locally owned, family-owned metropolitan newspapers left in America. The Times and Blethen family are committed to perpetuating local, family ownership in spite of the overwhelming pressures to sell to large, public, foreign owned newspaper chains and despite personal and corporate resources that are drained away from the business and the community to deal with the estate tax. Individual family members have foregone significant personal wealth to continue family, local ownership. Fourth generation deeply involved with estate planning since 1975.]

SOME PROBLEMS WITH CONFERENCE REPORT ON H.R. 2400

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. GEPHARDT. Mr. Speaker, today, the House of Representatives passed landmark legislation to improve our Nation's highways and transit systems. This legislation is an absolutely vital investment in our infrastructure. In my District, Highway 21—the deadliest road in Missouri and possibly the deadliest road in America—stands to see improvements that will save the lives of children and adults who drive on it daily.

But, there's a problem with this legislation. I am outraged that some of these very needed investments in our transportation system are funded on the backs of veterans—just before the day we honor the memories of those who have fallen for our country. It is also regrettable that additional funding was provided at the expense of our kids, who will lose vital child care at a time when we should be increasing our investment in children. The majority of my Democratic colleagues object to these cuts.

It is wrong that we have been forced to choose between safe roads and veterans health care, child welfare and other vital investments. The Administration proposed other ways to fund this bill, but Republican leaders refused to consider them.

I voted for the Democratic instruction to the negotiators of this agreement that we not use veterans health care as an offset for highway spending. The Republican leaders ignored this motion. Our veterans deserve better treatment than this.

I will support this legislation because of Highway 21 and the memory of those who have lost their lives on this road—dubbed Blood Alley. Action on a multi-year highway bill has already been delayed for months, and further delays could have serious adverse consequences on vital road and transit repairs across the country. But I believe we could have done much better than we have done

today—and that we have simply created new problems that will have to be addressed in the future.

PRESIDENT CLINTON'S REMARKS AT THE SIGNING OF THE NATO ENLARGEMENT RATIFICATION DOCUMENTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. LANTOS. Mr. Speaker, yesterday, President Clinton signed the documents completing United States ratification of the accession protocols for Poland, Hungary and the Czech Republic to become full-members of the NATO alliance. This is a historic occasion, Mr. Speaker, and one that places the United States firmly on the side of fostering democracy, security in Central Europe, and the creation of viable civil societies.

Mr. Speaker, I want to pay tribute to President Clinton for playing a critical role in negotiating the agreements and winning the support of our other NATO allies for the admission of these three new countries to the alliance. His strong leadership at the Madrid Summit less than one year ago was crucial for this great victory.

I also want to acknowledge, Mr. Speaker, the leadership of Secretary of State Madeleine K. Albright, who was responsible for carefully shepherding through the process of negotiating the admission of these three countries to NATO. She has also personally taken the lead in convincing the American people of the vital interest that the United States has in the admission of these countries.

Mr. Speaker, I ask that the remarks of President Clinton yesterday at the White House ceremony marking United Ratification of the accession protocols for Poland, Hungary, and the Czech Repbulic.

REMARKS BY THE PRESIDENT ON RATIFICATION OF NATO ENLARGEMENT

The PRESIDENT. Thank you very much. I suppose I should begin with an apology for having to dash off and pick up the paper, but I would hate to lose this document after all the effort we put into getting to this point. (Laughter.)

Mr. Vice President, thank you for your leadership on this issue. Senator Roth, Senator Biden, Secretary Albright, Secretary Cohen, General Ralston, Mr. Berger, to the ambassadors of Poland, Hungary, the Czech Republic, and the other members of the diplomatic corps who are here, to Senators Levin and Lieberman and Lugar, Mikulski, and Smith, I thank all of you so much.

Let me say notwithstanding my good friend Senator Biden's overly generous remarks, we are here today because of the efforts of a lot of people who supported this effort: members of Congress and former members of Congress, present and former national security officials, present and former military leaders, representatives of our veterans, business unions, religious groups, ethnic communities. I especially thank Senators Lott and Daschle, Senators Helms and Biden, and you, Senator Roth, the chairman of our NATO observer group.

You behaved in the great tradition of Truman and Marshall and Vandenberg, uniting our country across party for common values, common interests, and a common future.

It's really amazing, isn't it, that Bill Roth and Joe Biden come from Delaware. I want you to know there is no truth to the rumor that I agreed to move the NATO headquarters to Wilmington in return for this vote. (Laughter.) However, it does say a lot for those small states that these two remarkable men have made such an indispensable contribution to this effort. I thank the other senators who are here for their passionate commitments.

I'd also like to mention one other person, my advisor on NATO enlargement who managed the ratification process for the White House, Jeremy Rosner. Thank you, Jeremy. You did a great job, too, and we thank you. (Applause.)

I see so many people here that—and I don't want to get into calling names, but I thank Mr. Brzezinski, Ambassador Kirkpatrick, General Joulwan and so many others who are here who have been a part of America's effort over the last 50 years to make sure that after World War II freedom triumphs.

We learned at great cost in this century that if we wanted America to be secure at home we had to stand up for our interests, our ideals, and four friends around the world. Because of the alliances we've built and the work that our people have been able to do here, we near the end of this great century at a remarkable pinnacle of peace, with prosperity and declining social problems at home, and for the very first time ever a majority of the world's people living under governments of their own choosing.

Since World War II, no alliance for freedom has been more important or enduring than NATO. And as we look ahead to the next 50 years, we have to imagine what the world will be like and what it is we expect to do and, in particular in this case, what about NATO. Today we welcome Hungary, Poland, the Czech Republic, finally erasing the boundary line the Cold War artificially imposed on the continent of Europe, strengthening an alliance that now, clearly, is better preserved to keep the peace and preserve our security into the 21st century.

For the 16 of us already in NATO, enlarging our alliance will create three new allies ready to contribute troops and technology and ingenuity to protecting our territory, defending our security and pursuing our vital interest. The 60 million people who live in Hungary, Poland, and the Czech Republic, they now know that what they build in peace they will be able to keep in security. And America now knows that we have new allies to help us meet the new security challenges of the 21st century—something that our partnership in Bosnia so clearly demonstrates.

I would say also to the nations who have joined with us in the Partnership for Peace, and others who have considered doing so, and those who hope still someday to become NATO members, we are in the process of adapting this organization to the security challenges of the 21st century, and those who are with us in the Partnership for Peace, those who have been part of our endeavors in Bosnia, we appreciate you as well. We respect your aspirations for security; we share your devotion to your freedom; and we hope this is a day which you can celebrate as well.

We come to this day, thanks to many acts of courage—courage that toppled the Berlin Wall, ended the Cold War; the sacrifices by those who raised freedom's banner in Budapest in 1956, in Prague in 1968, in Gdansk in 1980; people like Lech Walesa, Vaclav Havel, Arpad Goncz, so many others. The selfless investment of blood and treasure the American people made in freedom in the 20th century is also something we ought to stop and remember here today. There are so many people whose families gave so much in two world wars and the Cold War who should feel a personal sense of satisfaction and triumph because of this day. And I hope they do.

As we look ahead to the 21st century, again I say, we have to see what we're doing in NATO in the larger context of preparing for a different era. Our goal is to help to build a Europe that is undivided, free, democratic, at peace, and secure; a Europe in which Russia, Ukraine, and other states of the former Soviet Union join with us to make common cause; a dynamic new Europe with partnership for commerce and cooperation.

Therefore, we have supported the expansion of NATO and the Partnership for Peace. We have also supported all efforts at European integration and the expansion of European institutions to welcome new democracies. And we will continue to do so.

We want to imagine a future in which our children will be much less likely to cross the Atlantic to fight and die in a war, but much more likely to find partners in security, in cultural and commercial and educational endeavors. The expansion of NATO and the Partnership for Peace make the positive outcome much more probable.

This is a day for celebration, but also a day for looking ahead. Our work to adapt all our institutions to the challenges of the new century is far from done. On Monday I had the opportunity to go to Geneva to lay out a seven-point plan for the changes I believe the world trading system must embrace in order to fully and faithfully serve free people in the 21st century.

And just very briefly before I close, let me mention the things that I believe we still have to do with NATO. We have to build closer ties with the Partnership for Peace members. We have to reinforce the practical cooperation between NATO and Russia, and NATO and Ukraine. We have to see through our efforts to secure a lasting peace in the Balkans, and we cannot walk away until the job is done. (Applause.) We must achieve deeper reductions in our nuclear forces and lower the limits on conventional arms across the European continent.

Yes, we have more work to do, but for today, we remind the people of Europe that in the efforts that lie ahead, they can continue to count on the United States. And we remind the world that tomorrow, as yesterday, America will defend its values, protect its interests, and stand by its friends. So that years from now another generation may gather in this place and bask in the warm glow of liberty's light, because in our time we fulfilled America's eternal mission: to deepen the meaning of freedom, to widen the circle of opportunity, to strengthen the bonds of our union among ourselves and with others who believe in the primary importance of liberty and human dignity.

Thank you and God bless you all.

IN HONOR OF STAND FOR CHILDREN

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. FROST. Mr. Speaker, I rise today to recognize June 1, 1998, as Stand for Children

Day. On this day, Americans of all backgrounds will come together in their communities to take a Stand for Children, and to renew their community's commitment to improving the quality of our children's lives.

On Stand for Children Day, families, citizens, members of religious congregations, schools, community based organizations, businesses, and political and cultural groups will join together as a national community to recognize and address our children's unmet needs.

Caring for our children must be our families', communities', and Nation's first priority. This commitment must begin at the local level, and be carried to Washington by the Members of this body.

My fellow colleagues, please join me in recognizing June 1, 1998, as Stand for Children Day.

IN PRAISE OF THE SANTA BARBARA BOTANICAL GARDENS

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mrs. CAPPS. Mr. Speaker, I rise to honor the Santa Barbara Botanical Garden. In particular I would like to praise the work of six extraordinary third grade teachers from my district: Ms. Kelly McCarthy, Ms. Kathy Hines-Knight, Mrs. Christine Benedict, Ms. Connie Warner, Mr. Mark Stucky, and Ms. Janice Ulloa-Brown.

The Santa Barbara Botanical Garden seeks to promote scientific literacy and appreciation of the natural world through living displays, classes, interpretive materials, and discovery-based activities. Also, the Santa Barbara Botanical Garden provides relevant materials and educational programs, as well as exploration-based outdoor educational experiences, in order to augment the science curriculum of local teachers.

Kelly McCarthy, Kathy Hines-Knight, Christine Benedict, Connie Warner, Mark Stucky, and Janice Ulloa-Brown, third grade teachers at Cleveland School in Santa Barbara, epitomize the dedicated, intellectually curious elementary school teacher and make science enjoyable for all students, with considerable attention given to helping children with different learning styles and languages of origin grasp the concepts and develop enthusiasm for science through hands-on learning experiences.

The Santa Barbara Botanical Garden has named these third grade teachers to the Association of Science and Technologies Center's Honor Roll of Teachers for 1998.

I commend these teachers for their exemplary role in teaching the plant sciences and successfully providing an atmosphere which fosters a love of learning and an appreciation of nature in their students.

PEACE AND ECONOMIC DEVELOPMENT IN NORTHERN IRELAND

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, today marks a truly significant milestone in the long and difficult quest for peace, reconciliation and the economic reconstruction of Northern Ireland.

On this day, men and women throughout the island of Ireland, both in the North and the Republic, will be given the opportunity for the first time in history to vote on a plan designed to end sectarian strife, armed aggression and political turmoil, and move the island of Ireland into a new peaceful and prosperous era for all people there. I know they will seize that opportunity.

Recently, I visited the Republic of Ireland and the North with a group of my constituents, including business, labor and community leaders, state legislators and my good friend Paul S. Quinn, a native Rhode Islander and prominent Washington attorney. I came away greatly encouraged by that visit, but persuaded that while we, in the United States with President Clinton's dynamic leadership, have done much to move the peace process ahead, much remains to be done, particularly in economic terms if the peace process is to succeed. I am therefore pleased to introduce into the RECORD at this time an excellent article by Mr. Quinn from today's Journal of Commerce that lays out a blueprint showing how that economic progress can be achieved. I urge all of my colleagues and friends of Ireland everywhere to read this carefully and to continue to commit themselves to the cause of peace, reconciliation, and economic reconstruction of the island of Ireland, during the critical months and years ahead.

REBUILDING IRELAND'S ECONOMY

(By Paul S. Quinn)

The people of Northern Ireland and the republic of Ireland face a historic choice today when they vote on the peace agreement worked out among the various factions involved in the struggle in the North.

A yes vote is the key to the next steps in the region, but it is only a beginning. Economic growth and stability, shared by Catholic and Protestant alike, is essential to the continued progress of peace in Northern Ireland and the border areas with the republic.

In the 15 years I have traveled there, the North has changed from a place fraught with distrust and violence to one where peace is beginning to take root.

In my recent travels there, I have been struck by two things. The first is the tremendous appreciation that people have for the commitment that President Clinton and his foreign policy team, the U.S. Congress and, of course, former Maine Sen. George Mitchell have made to the search for peace.

But just as striking as their gratitude is their fervent desire to have us remain engaged in the region. They believe, rightly, that in order for the North to truly become a new place, the United States, both our government and our private sector, will have to be part of making that happen.

Since 1986, the United States has put its money where its mouth is in the effort to turn Northern Ireland's economy around. We have done this primarily through our support for the International Fund for Ireland, which has been a tremendous success. Indeed, it is a story that has never really been told. The fund has helped to increase dramatically investment in the region, and more than 28,000 jobs have been created.

There also has been substantial support from the private sector in this country, primarily through the American Ireland Fund, in the areas of direct economic help and sponsorship of educational and training projects.

Unfortunately, more is required to cement the great achievement of the peace agreement. Additional economic commitment is necessary, and much if not most of that has to come from the private sector.

The business community and the governments directly and indirectly involved with the peace process must pick up the challenge made by President Clinton and British Prime Minister Tony Blair, reiterated on May 18 to the people of Northern Ireland: There will be increased investment if the peace process continues, and all on the island of Ireland will benefit.

There are some specific steps that can be taken to help achieve this goal of creating jobs and economic opportunity.

There must be continued support for the International Fund for Ireland by our government, as well as the European Union, Canada, Australia, New Zealand and perhaps other concerned governments. The peace agreement does not mean the fund can close up shop.

Hard questions need to be asked sooner rather than later on how to best make use of the $500 million stimulus package the British government has put together for the North. Clearly, the British government will have its own ideas. But the private sector and others familiar with the region should offer their good offices to help ensure that this money is well spent and does not get lost in the bureaucracy.

Commerce Secretary William Daley is going to the region in early June with an impressive group of U.S. business executives. This visit is very timely and important, and an assessment by Mr. Daley and his team can provide a blueprint for the kind of private investment that is both needed and achievable during the critical days ahead.

There should be an economic conference in the region soon. The 1996 White House conference in Washington on Ireland laid a foundation for what could be done to help Northern Ireland. Using the results of that conference as a starting point, a regionally based conference could help move ideas to action. A comprehensive plan needs to be developed and implemented without delay.

For its part, the U.S. government may want to see if there is more it can do to help strengthen the economy of the region by spurring private-sector involvement.

It is clear that, regardless of the nature and extent of government assistance provided to Northern Ireland, at the end of the day it is the ability to attract and retain private investment that will matter most.

Men and women of goodwill have worked very hard to get the various factions in Northern Ireland to the point where peace is possible. This effort should now be matched by the efforts of the private sector.

IN HONOR OF NATIONAL MISSING CHILDREN'S DAY

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to honor National Missing Children's Day on Monday, May 25, to remember the girls and boys for whom we search, and to pay my respect to the mothers and fathers across Northeast Wisconsin—parents like Phyllis Makowski of Marinette, Wisconsin—and across the country who know the suffering that comes with a missing child.

Before I was elected to Congress, I reported the news every night to the people of Northeast Wisconsin. We reported on every story imaginable, but it was the stories of families who were searching for loved ones that I will never forget. Whether it was 12-year-old Cora Jones from Appleton, or Lauri Depies of Menasha, the emotions were heart-wrenching and the events were tragic. I had the opportunity many times to speak with the mothers and fathers as they searched for their missing children—I will always remember the trauma and the despair they were subjected to.

That is why Jay Breyer and Kim Maas from "Youth Educated in Safety,"or "Y.E.S.," came to visit with me in Washington to tell me about a loophole in the law that was hindering the search for missing children, they had my immediate attention. Because I know the pain dealt to the families and the entire community, when a child is missing and there are no answers, only questions.

That meeting led to the introduction of new legislation by the gentleman from Texas (Mr. LAMPSON), the gentleman from California (Mr. LANTOS), and myself. We call the bill, "Jennifer's Law,"named in honor of Jennifer Wilmer, who has been missing since 1993, and whose mother, Susan, has fought so hard to help other families in this terrible situation. "Jennifer's Law"is aimed at helping the families of missing persons bring closure to their search, and giving the police more information to solve crimes.

Right now, we have a national crime information center (NCIC) database of missing persons. We also have a separate list of unidentified persons. But, tragically, these lists cannot be adequately cross-referenced.

We believe there are thousands of unidentified persons found every year, deceased or living (perhaps with amnesia), who are not reported in a way that will help us close cases where people are missing.

It is reported that New York City alone buries as many as 3,000 unclaimed bodies every year. But these aren't just bodies. They are real lives.

But imagine that for every body found is a family hoping for clues . . . searching . . . waiting for an answer. Also imagine that for every unclaimed, unidentified body may be clues about a criminal who may never be caught.

Our bill, "Jennifer's Law,"would enhance the reporting of information about unidentified persons. It would require states to report to the missing persons file any information on unidentified persons they find in their jurisdiction. The legislation also requires the FBI to modernize the missing persons file and the unidentified persons file to make these lists compatible for cross-referencing.

By improving the ability of the FBI to cross-reference the national missing persons file with an enhanced unidentified persons file, many families will find the closure they need as they search for missing children, husbands, wives, and other family members. Also, we expect that better information about these unidentified bodies—dental records, fingerprints, and x-rays—would bring many clues to help track down predators and criminals.

A logical and complete cross-referencing of the missing persons file and the unidentified persons file simply does not exist right now. But it will.

Families who are searching for loved ones deserve our best effort and the right answers. We should use every resource at our disposal to help these families and track down criminals. On National Missing Children's Day, I want to encourage my colleagues to lend their support to this worthy legislation for families of missing children who need our help.

IN HONOR OF NATIONAL MISSING CHILDREN DAY

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. LAMPSON. Mr. Speaker, May 25th is National Missing Children's Day. As Chairman of the Congressional Missing and Exploited Children's Caucus, I'd like to speak for a moment about HR 2850, "The Jennifer's Law Act of 1997," which would help ensure that parents are able to bring closure to their search for missing children. I introduced this bill in November with my colleagues, Congressman JAY JOHNSON and Congressman TOM LANTOS.

Under current law, states are required to report information on missing children to the FBI so that data can be entered into the National Crime Information Center's (NCIC) Missing Person File. However, states are not required to report information to the NCIC's Unidentified Person File when they recover an unidentified body. Unfortunately, a logical and complete cross-referencing of the Missing Person File and the Unidentified Person File simply does not exist.***STRPGFIT***

Every week, unidentified deceased children are found, yet their families may never know and may never stop their difficult search. The families are denied the sense of closure to their tragic loss, at least knowing that their child was no longer missing. In late December, the body of GiGi Arnett Harris was found in a morgue, where it had lain unidentified for two years. Stories like that of Ms. Harris would not occur if Jennifer's Law is enacted.

Jennifer's Law would correct this problem by requiring that states report to the NCIC information on unidentified persons that they find in their jurisdiction. It would also require that the FBI modernize the Missing Persons File and the Unidentified Persons File to make the lists compatible for cross-referencing.

Its time to bring comfort to families of missing children in their suffering. I urge all of my colleagues to join me in cosponsoring this very important legislation.

IN HONOR OF NATIONAL MISSING CHILDREN'S DAY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. KLECZKA. Mr. Speaker, I would like to take this opportunity to speak out in favor of an extremely worthwhile and important piece of legislation—H.R. 2850, the Jennifer's Law Act.***STRPGFIT***

This bill would require states to report missing children information to the National Crime Information Center so that it can be entered into a missing person database. Missing person files are already sent to the FBI and, as we all know, two heads, or two agencies in this case, are better than one when it comes to finding missing and abducted kids.

In my congressional district alone, 68 missing children have been reported since 1994. Typically, these children are illegally abducted by a family member or a stranger, run away from home, or became lost. Thankfully, the vast majority of the children in my area were found, according to the National Center for Missing and Exploited Children. However, 5 children are still missing, and that is 5 kids too many.

Congress needs to do everything possible to find these five youngsters, as well as thousands of others from around the country. I urge my colleagues to support Jennifer's Law Act to enhance federal and state authorities access to data that may reunite families with their missing children.

STARK RELEASES MEMO FROM MEDICARE ACTUARIES, SHOWS WE CAN SAVE MEDICARE WITHOUT RADICAL SURGERY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. STARK. Mr. Speaker, in response to a number of questions I submitted last fall, I have received the following memo from the Office of the Chief Actuary of the Medicare agency.***STRPGFIT***

I asked what effect various options for spending restraints or increased revenues would have on the long-term outlook for the Medicare Trust Fund. The Actuary's memo makes it clear that we can solve Medicare's long-term problems without radical change.

A lot of politicians and editorial writers cry that the sky is falling because of the coming retirement of the Baby Boom generation. The Actuaries show that with a variety of reasonable changes, Medicare will be there for our children and grandchildren.

The memo shows that with reasonable controls on hospitals and doctor inflation and very

small tax changes, we can easily solve Medicare's financial problems between now and 2022, and solve more than half the 1998—2072 problem. For example, a three year freeze on hospital payment inflation would cut the short-term problem in half and the 75 year budget shortfall by one-quarter. A freeze is doable, because the Medicare Payment Advisory Committee (MedPAC) reports that at current rates, in 2003 hospital Medicare payment profits are likely to be about 15%—far more than we should be paying.

As another alternative, if we donated half the tobacco settlement to the Medicare Trust Fund and saved the next decade's budget surpluses for Medicare, we would keep the Hospital Trust Fund solvent way past 2020.

We don't need tax increases. If we just save the pending surpluses for Medicare, instead of dribbling them away, we can solve Medicare's problems over the next twenty years.

A proposal to hold Hospital Trust Fund spending to the growth in the Medicare population plus the per capita growth in Gross Domestic Product, would solve half the long-term financial problems of the Trust Fund. Holding health inflation to this level will be tough, unless private sector health inflation is held to similar levels—but we should try. The fat and waste in the health care system is extraordinary, and we should make this our goal.

The Office of Actuary estimates also show that the Stark-Moynihan Medicare Early Access bill (H.R. 3470, 3471) allowing people to buy into Medicare as early as age 55 would be revenue neutral over the next 25 years and then actually improve the Trust Fund because of the bill's anti-fraud provisions.

People who want to abolish Medicare and privatize all government programs are trying to scare Americans into believing Medicare can't be saved. Take a look at these budget estimates: these are reasonable changes that we can and should make. With additional savings we should even be able to improve the existing program to provide a pharmaceutical benefit.

MEMORANDUM,
May 15, 1998.

From: Sol Mussey, Director, Medicare and Medicaid Cost Estimates Group, Office of the Actuary, HCFA

Subject: Estimated Long-Range Financial Impact of Selected HI Proposals

The attached table provides estimates for several proposals designed to help reduce the Hospital Insurance (HI) program's long-range actuarial deficit. The attached table provides the 25-year, 50-year, and 75-year impacts on the actuarial balance, together with the resulting balances themselves.

The attached is based on the 1998 Trustees Report, intermediate assumptions, and consequently include the effects of the Balanced Budget Act of 1997. Each line of the table represents the actuarial balances under current law modified for that particular proposed only. No request was made at this time for any combination of proposals. In practice, the financial impact of a legislative package made up of several of these proposals would not necessarily equal the sum of the individual impacts, due to potential interactions among provisions.

The estimates shown for the age 62 buy-in proposal are based on the proposal in the President's 1999 Budget. Since the proposal in the short run is to be financed by other savings proposals in the budget, we included the effects of these other proposals. Hence, the 25-year effect on the actuarial balance is zero. However, the buy-in proposal becomes self-financing after about 20 years and the savings from the other proposals in the budget are assumed to continue. Therefore, there is some positive effect on the actuarial balance for the 50- and 75-year projection periods. The center of excellence proposal is also included in the President's 1999 Budget.

As is always the case with long-range financial estimates, the impacts shown for the attached proposals are subject to considerable uncertainty. Actual future effects could differ substantially from these estimates.

SOL MUSSEY, ASA,
Director, Medicare and Medicaid Cost Estimates Group.

ESTIMATED LONG-RANGE FINANCIAL IMPACTS OF SELECTED HI PROPOSALS

(Expressed as a percent of HI taxable payroll)

	Change in actuarial balance [1]			Actuarial balance of HI trust fund		
	25-yr period (1998–2022)	50-yr period (1998–2047)	75-yr period (1998–2072)	25-yr period (1998–2022)	50-yr period (1998–2047)	75-yr period (1998–2072)
Current law				−0.73	−1.61	−2.10
Proposal:						
Hold HI growth to increase in enrollment +GOP/capita	0.31	0.77	1.06	−0.42	−0.84	−1.04
Reinstitute and expand Center of Excellence programs eff. 1/1/00 [2]	0.00	0.00	0.00	−0.73	−1.61	−2.10
Hospital PPS freeze 2000–2002	0.35	0.48	0.55	−0.38	−1.13	−1.55
Buy-in at 62	0.00	0.01	0.01	−0.73	−1.60	−2.09
Increase HI tax rate to 3.2% from 2.9%	0.25	0.28	0.28	−0.48	−1.33	−1.82
Donate half tobacco settlement to HI fund [3]	0.10	0.10	0.10	−0.63	−1.51	−2.00

[1] Positive figures represent an improvement in the actuarial balance, reflecting either a reduction in expenditures or an increase in revenues. [2] Included in the President's 1999 Budget. [3] We used 10-year estimates provided by the Joint Committee on Taxation and extrapolated them in the long-range.

Note: Estimates are based on the intermediate set of assumptions from the 1998 Trustees Report. Office of the Actuary, Health Care Financing Administration, 15-May-98.

CONGRATULATIONS TO SENIOR AIRMAN ANDRE L. WALKER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. SKELTON. Mr. Speaker, it is an honor for me to bring to the attention of the House of Representatives and the American public the distinguished honor of a fellow Missourian. Senior Airman Andre L. Walker, of St. Louis, was recently chosen as the Air National Guard Airman of the Year.

Senior Airman Andre L. Walker is a Satcom/Wideband Communications Specialist assigned to the 239th Combat Communications Squadron as a TRC–170 tactical communications terminal crew member, Missouri Air National Guard Base, Lambert Field, St. Louis, Missouri. He is 31 years old and was born in St. Louis, Missouri. He attended McCluer Senior High School and was a member of the school football team and the Future Business Leaders of America (FBLA).

After graduation from high school, Airman Walker was locally employed while attending S. Louis Community College's Florissant Valley and Forest Park campuses. He graduated with honors from Forest Park Community College with an Associate of Arts degree in Business Administration. He then went on to continue his education at the University of Missouri, St. Louis campus.

In July 1995 Airman Walker enlisted in the Missouri Air National Guard, and was sent to Basic Military Training in September of the same year. He was selected as flight leader (Dorm Chief) and his flight had the overall highest score in intrasquadron competition. After completing BMT, Airman Walker attended Satcom/Wideband Specialist Training at Keesler AFB, Mississippi, where he was a student leader and member of the drill team in his squadron.

After graduating from technical school, he volunteered to assist a Civil Engineering squadron install fiber optics lines on Spangdahlem Air Base, Spangdahlem, Germany. Airman Walker was recognized as an outstanding performer for his efforts during the project. In August 1996 Airman Walker volunteered to serve in Riyadh, Saudi Arabia, in support of Operation Southern Watch. He received an Air Force Commendation Medal for his performance there.

Airman Walker returned home in January 1997 and assisted the 131st Fighter Wing in its' Mobility Warehouse Reorganization Project in which he and his team completed the task in eighty percent of its estimated time. His team received recognition for its Superior Performance. He subsequently served as an augmentee for the 107th Air Control Squadron during their Operational Readiness Exercise, and afterward he returned to the Middle East for a second tour. Upon his return home in June 1997 he assisted his squadron in preparing for their upcoming Operational Readiness Exercise until August 1997. After the August Operational Readiness Exercise, he was recognized as a Superior Performer by his squadron for his efforts during the Operational Readiness Exercise. Airman Walker subsequently returned to Phoenix, Arizona, in September to assist the 107th Air Control Squadron in their Operational Readiness Inspection. While there, he and two others discovered and extinguished a brush fire on the Fort Huachuca Army Base, preventing potential injury to military personnel and equipment. Airman Walker was again recommended for the

Air Force Commendation medal for his efforts there, confirmation of his decoration is pending.

His military awards include the Air Force Commendation Medal, National Defense Service Medal, Joint Forces Expeditionary Medal, and Air Force Overseas Short Ribbon.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating Andre L. Walker as the Air National Guard's Airman of the Year.

FLOOR STATEMENT ON THE INTRODUCTION OF THE METROPOLITAN WASHINGTON REGIONAL TRANSPORTATION ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. MORAN of Virginia. Mr. Speaker, today I am introducing the "Metropolitan Washington Regional Transportation Act" with my colleague, Senator CHUCK ROBB, to address the traffic congestion problems within the metropolitan Washington D.C. region. We now have the second longest average commuting time in the nation.

According to the Greater Washington Board of Trade, this increased commuting time and congestion costs each man, woman, and child in the region more than $800 per year in lost time, wasted fuel, and environmental damage. Long commutes and traffic congestion have also become quality of life issues to area residents, robbing many families of the one commodity Washingtonians never seem to have enough of—time. Some drivers facing a longer commute have even become a safety hazard as they race recklessly to cut a precious few minutes form their daily commute. Last year's tragedies on I–95 and the George Washington Parkway are still fresh on everyone's mind. For those who lack cars, the distance between employment opportunities and affordable housing has grown more and more difficult to traverse. Our economic prosperity and quality of life hinge on improving our congestion problem.

Unfortunately, as we look to the future the traffic situation only grows worse. Even with increase in federal funds Virginia will receive under legislation reauthorizing federal surface transportation programs, this region will still fall seriously short of meeting the growing demand for transportation improvements. For the period of 1990 through 2020, this region can expect both a 43 percent increase in population and 43 percent increase in employment. This growth and increased dependency on the automobile is expected to increase by 79 percent the number of vehicle miles traveled in the region by 2020.

The Board of Trade estimates that transportation spending is expected to fall short of the region's transportation needs by more than $500 million annually. Any solution to current and future congestion demands strategic investment in both our road and mass transit system. It demands better land use and planning decisions and better interjurisdictional cooperation. And it also demands that this region come together and raise additional revenue to finance priority transportation projects that will provide immediate congestion relief.

It may not be a popular idea, but we have to do more, and we have to do it ourselves. Federal and state taxes levied on our citizens will always take a "haircut" on before spending any of the balance back in this region. It seems to me, that the only way to ensure that we get 100 percent of funds we need is to raise more ourselves and spend them locally. It is also a process that ensures that the money gets spent where we determine it is needed most. I think the key to public support is identifying a list of priority projects that could be completed on a fast track providing the public with the assurances that their additional tax dollars will buy specific congestion relief. A large number of urban communities have already established a dedicated funding source for their transit systems.

In the past, leaders from this region have shared a vision and worked successfully together to address important transportation needs, through such institutions as the Metropolitan Washington Airports Authority, the Washington Metropolitan Area Transit Authority, and the National Capital Region Transportation Planning Board at the Metropolitan Washington Council of Governments. We need a similar vision to carry us forward another 30 years.

The Metropolitan Washington Regional Transportation Act will help us craft this vision. The legislation we are introducing has five key elements: (1) It provides a new option to help the metropolitan Washington region more effectively address its transportation needs; (2) it empowers the National Capital Region Transportation Planning Board to consult with the metropolitan Washington region jurisdictions and the public to achieve consensus on a list of critical transportation projects and a funding mechanism that are needed to address the growing congestion crisis in the region but cannot be funded within the current and forecasted federal, state and local funding levels for such projects; (3) it establishes a Corporation with the power to accept revenue and issue debt to provide short-term funding for projects that have been agreed to by the region; (4) it grants consent to the metropolitan Washington region jurisdictions to enter into an interstate compact or agreement that would help meet the region's long-term transportation needs; and (5) it provides $60 million in matching federal grants as an incentive to encourage the creation of the federal corporation.

This legislation provides a framework under which a regional transportation needs could be addressed. It requires consultation with state and local officials at every level and in an effort to win state support, the legislation preciously guards state control of both the corporation and the authority through veto power. It does not raise anyone's taxes, but it does provide a mechanism or a "vessel" through which the local jurisdictions could coordinate and commit future revenues to finance the construction of specific transportation projects that otherwise will not get built or built anytime soon.

The "Metropolitan Washington Regional Transportation Act" gives us a choice and helps start a debate on how we should take control and improve our future transportation system and improve our quality of life. Our failure to act and meet our transportation needs will have a much higher cost. The Board of Trade places the cumulative regional economic losses from the failure to meet our transportation needs in the year 2020 at between $70.2 billion to $182 billion.

That economic loss includes: a 350 percent or $345 million increase in shipping costs; $1.3 billion to $2.6 billion in higher warehousing and inventory costs; $1,365 per household per year higher consumer costs; and more than $1,000 per household per year in higher personal travel costs.

Mr. Speaker, this region has a choice. I am optimistic that when given the facts and the various options our citizens and elected officials will take control of our emerging transportation crisis and make the right choice.

I am including with my statement a copy of a letter supporting this legislation that was received from the county chairs and mayors of all eight Northern Virginia jurisdictions. This letter reflects a commitment local leaders have made to let this debate go forward and make some tough decisions. I applaud their leadership.

I would also like to express my appreciation to Fairfax City Mayor John Mason and the Metropolitan Washington Council of Government for generating critical local support and throughtful counsel on crafting this proposal.

Hon. CHARLES C. ROBB,
U.S. Senate, Washington, DC.
Hon. JAMES P. MORAN,
U.S. House of Representatives, Washington, DC.

DEAR SENATOR ROBB AND MR. MORAN: We, the mayors and chairs of the Northern Virginia cities and counties, appreciate and support legislation you are preparing to introduce that is designed to help meet this region's critical transportation needs through improved coordination, cooperation and additional funding. We believe the approach outlined in the *Metropolitan Washington Regional Transportation Act* will provide a mechanism to address the serious shortfall in funding for transportation infrastructure needs in the metropolitan Washington region.

The Washington region is unique. We are the only metropolitan area in which multiple states and a Federal district are engaged in addressing transportation issues. As noted in your discussion draft for the proposed Act, it is in the Nation's interest that the region have a transportation system that is supportive of the Federal interest in having an efficient and effective regional transportation system, as well as our role in being an international tourist attraction (some 20,000,000 visitors today; anticipated to be 40,000,000 in 20 years).

Your proposed legislation touches on the two key elements that are needed to stimulate additional funding in the Washington region—a "mechanism" that can receive and distribute funds as well as upfront funding from the Congress that will "prime the pump." We are clear that the proposed "mechanism" does not have independent taxing authority.

We, the elected leaders of Northern Virginia's cities and counties, appreciate your efforts on the region's behalf. We encourage and strongly support your initiative.

With warm personal regards,

Yours sincerely,

Mayor, City of Alexandria, Mayor, City of Fairfax, Mayor, City of Falls

Church, Mayor, City of Manassas, Chairman, Arlington County Board, Chairman, Fairfax County Board of Supervisors, Chairman, Loudoun County Board of Supervisors, Chairman, Prince William Board of County Supervisors.

U.S. SHOULD INVESTIGATE GEN. PINOCHET'S ROLE IN U.S. ASSASSINATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. MILLER of California. Mr. Speaker, I commend to my colleagues the attached op-ed printed in the Los Angeles Times on May 17, 1998, concerning U.S.-Chile relations.

One of the worst acts of state sponsored terrorism took place right here in Washington, D.C. on September 21, 1976. A bomb was placed under the car of Orlando Letelier, a Chilean exile and former Chilean chancellor under the democratically elected government of Slavador Allende. While driving to work that morning, the bomb was detonated as the car wound around Sheridan Circle, killing Letelier and his American assistant, Ronnie Karpen Moffitt and seriously wounding her husband, Michael Moffitt.

With the help of the FBI, several people were brought to trial for the crime, but it was always believed that Gen. Augusto Pinochet, who seized power in Chile in a bloody coup in 1973 and is—incredulously—now a sitting member of the Chilean Senate, had directed the assassination. There was not enough evidence at the time, however, to directly link him to the crime.

More evidence has come to light since then, and other nations have launched investigations of state-sponsored killings directed by the Chilean secret police. Argentina, Spain and Italy for example are investigating past crimes, and Spain in particular is looking into whether Pinochet was directly involved in the Letelier assassination and other killings.

Spain has asked the United States for cooperation in this investigation, and regrettably that assistance has not always been forthcoming. Along with my colleague Mr. CONYERS of Michigan, I have written the Administration urging their complete and total cooperation with the Spanish investigation.

As the following article points out, there is mounting evidence that Pinochet was directly involved in the killing of Orlando Letelier and Ronnie Karpan Moffitt.

I urge the Administration to strongly consider reopening its own investigation of those murders as well as fully cooperate with the Spanish investigation.

Neither Congress nor the Administration should forego the opportunity to send a strong and clear message that we will not tolerate terrorism on our soil. And our developing relationship with the new government of Chile should not shield Pinochet from responsibility if it is proven that he was responsible for the assassination of innocent civilians.

IS A TERRORIST HIDING IN CHILE'S SENATE?

(By Scott Armstrong and Saul Landau)

When Bill Clinton addressed the Chilean legislature last month, he did not see the face of Augusto Pinochet. Nor did he mention the name of the recently retired army commander and former president-dictator of Chile. But the unresolved issue of Pinochet's involvement in the worst act of international terrorism in Washington in the past 50 years still hangs over U.S.-Chilean relations.

Pinochet figures in problems Chile has with Spain, Italy and Argentina. In each of these countries, official investigations are underway that could link Pinochet directly to overseas assassinations and unsuccessful plots to silence his critics during his 17-year military reign.

An Argentine judge is investigating Pinochet on charges brought by the daughter of Gen. Carlos Prats, a former Chilean chief of staff, and his wife. The two were living as exiles in Buenos Aires in September 1974, when a car bomb blew them nine stories high. Argentine authorities arrested a former officer of DINA, the Chilean secret police, who has implicated other senior Chilean secret-police officials.

An Italian court is probing Pinochet's responsibility in the September 1975 shooting in Rome, of an exiled Chilean Christian Democrat legislator. Bernardo Leighton, and his wife. A gunman put bullets in the backs of their heads, but both survived. One month later, Pinochet met an Italian fascist leader in Madrid, who was subsequently charged with the shooting.

One piece of evidence caught the attention of the Italian magistrate: A Sept. 16, 1975, memo to Pinochet from Col. Manuel Contreras, chief of DINA, Chile's intelligence and secret-police agency. In it, Contreras requests for DINA an additional $600,000 for "reasons that I consider indispensable," one of which is "the neutralization of the [Chilean] government junta's principle adversaries abroad, especially in Mexico, Argentina, Costa Rica, the U.S.A. and Italy." These countries were all hosts to DINA assassination attempts or to aborted DINA assassination plots.

Spanish judges have studied this document, too. In July 1996, the Union of Progressive Spanish prosecutors and lawyers, representing the families of victims of Pinochet's reign of terror, accused Pinochet of international terrorism, genocide and crimes against humanity. In 1978, Pinochet granted an amnesty for himself and his military subordinates who, according to the 1997 official Chilean government record, killed more than 3,190 people and tortured thousands more. Later, Pinochet arranged to retire from the military as a "senator for life," a status that, when combined with the amnesty, amounted to impunity from prosecution in Chile. Recently, a Chilean judge accepted the complaint of Gladys Marin, a Chilean communist, who has accused Pinochet of kidnapping her husband and other leaders, torturing them and making them "disappear." But few hold out hope of an investigation, a prosecution and conviction in Chile.

Spanish Judge Garcia Castellon certified Spanish jurisdiction in a similar case. More than a dozen Spanish citizens, including priests, fell victim to the excesses of Chile's military dictatorship. The judge also cast his investigative net for evidence to Washington, where DINA had struck on Sept. 21, 1976.

On that day, Orlando Letelier, former Chilean chancellor under President Salvador Allende, and Ronni Karpen Moffitt, a U.S. citizen and colleague of his at the Institute for Policy Studies, were killed by a bomb planted under the seat of their car. FBI agents tracked the murders back to DINA's Contreras. A 1978 Washington grand jury indicted him and eight other named conspirators and several unindicted co-conspirators. Two former U.S. prosecutors and two of the FBI agents who worked the Letelier-Moffitt case have declared they believe Pinochet was responsible for the murders.

The U.S. government also learned some details about Chile's overseas terrorism from Michael Townley, a U.S. citizen working for the Chilean secret police, who confessed to organizing the Letelier assassination. In 1980, Townley told a U.S. court that he had received orders from Contreras to assassinate Letelier. Townley flew to the United States under a false name, recruited a gang of anti-Castro Cubans to help him do the job, then made the bomb and detonator and placed the explosives under Letelier's car seat. Two Cuban exiles, who later pleaded guilty, detonated the bomb.

After plea-bargaining for a reduced sentence and testifying against his fellow conspirators, Townley gradually disclosed to the FBI other information about DINA. After the September 1973 Pinochet-led coup that overthrew the Allende government, Townley had ingratiated himself to DINA by demonstrating his electronic expertise. He also showed an aptitude for more exotic tasks and, by 1974, he had received an assignment to kill abroad.

Townley, according to bureau agents, began to think of himself as DINA's jackal, referring to the 1960s French killer who almost assassinated President Charles DeGaulle. FBI Special Agent Robert Scherrer slowly developed a father-confessor relationship with Townley, who told him how he and other elite Chilean agents organized the killing of Gen. Prats. The FBI learned of "Operation Condor," an agreement among six Latin American secret-police agencies to spy on their enemies abroad and even eliminate them. In the Prats case, for example, Townley recruited Argentine agents to detonate the bomb he had built.

Scherrer also extracted from Townley details about the Leighton hit in Rome, in which an Italian fascist leader pulled the trigger and a Cuban exile group in Miami took the public credit. In 1997, the Italian court condemned (in absentia) Contreras and Townley for attempted murder of the Leightons in Rome.

Townley's stores have been reinforced by other evidence to the point that the Letelier case may be reopened. All nine conspirators listed in the 1978 indictment have been tried. The unindicted co-conspirators could include Pinochet himself. Yet, prosecutors lacked direct evidence that would warrant an indictment of the former Chilean president.

Then, last December 23, Contreras, now serving a seven-year sentence in Chile for his role in the Letelier-Moffitt murders, declared that he was following Pinochet's orders in every action that he undertook. Since his statement was offered as part of an effort to get his sentence reduced, it's self-serving. But it appears to corroborate the conclusions of the U.S. officials involved in the case.

Pinochet has escaped prosecution in Chile because of the amnesty he granted himself and his cronies. But there is one exception: U.S. pressure could compel his prosecution in the Letelier-Moffitt case in Chile. But there is little likelihood justice will be done there unless it is pursued here in the United States.

Although he failed to confront Pinochet while visiting Chile, Clinton still can ask

Atty. Gen. Janet Reno to reopen the Letelier-Moffitt investigation into Pinochet's role as its alleged author. Such a request would signal a formal end of official impunity under which Pinochet has hidden for more than two decades. It would send a message to state terrorists everywhere.

THE INDONESIA CRISIS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 22, 1998

Mr. PAUL. Mr. Speaker, the Soviet system, along with the Berlin Wall, came crashing down in 1989, the same year the new, never-to-end, era came to a screeching halt in Japan. The Japanese economic miracle of the 1970's and the 1980's, with its "guaranteed" safeguards, turned out to be a lot more vulnerable than any investor wanted to believe. Today the Nikkei (Tokyo) stock average is still down 57% from 1989, and the Japanese banking system remains vulnerable to its debt burden, a weakening domestic economy and a growing East Asian crisis spreading like a wild fire. That which started in 1989 in Japan—and possibly was hinted at even in the 1987 stocke market "crash" here—is now sweeping the Asian markets. The possibility of what is happening in Asia spreading next to Europe, and then to America, should not be summarily dismissed.

ECONOMIC FALLACY

Belief that an artificial boom, brought about by Central Bank credit creation, can last forever is equivalent to finding the philosopher's stone. Wealth cannot be created out of thin air. New money and credit, although it can on the short-term give an illusion of wealth creation, is destructive of wealth on the long run. This is what we are witnessing in Indonesia—the long run—and it's a much more destructive scenario than the currently collapsing financial system in Japan. All monetary inflation, something nearly all countries of the world are now participating in, must by their very nature lead to an economic slump.

The crisis in Indonesia is the predictable consequence of decades of monetary inflation. Timing, severity, and duration of a correction, is unpredictable. These depend on political perceptions, realities, subsequent economic policies, and the citizen's subjective reaction to the ongoing events. The issue of trust in the future and concerns for personal liberties greatly influence the outcome. Even a false trust, or an ill-founded sense of security from an authoritarian leader, can alter the immediate consequences of the economic corrections, but it cannot prevent the inevitable contraction of wealth as is occurring slowly in the more peaceful Japan and rapidly and violently in Indonesia.

The illusion of prosperity created by inflation, and artificially high currency values, encourage over-expansion, excessive borrowing and delusions that prosperity will last forever. This attitude was certainly present in Indonesia prior to the onset of the economic crisis in mid 1997. Even military spending by the Indonesian government was enjoying hefty increases during the 1990's. All that has quickly ended as the country now struggles for survival.

But what we cannot lose sight of is that the Indonesia economic bubble was caused by a flawed monetary policy which led to all the other problems. Monetary inflation is the mother of all "crony capitalism."

CHARACTERISTICS OF THE CORRECTION

One important characteristic of an economic correction, after a period of inflation (credit expansion), is its unpredictable nature because subjective reactions of all individuals concerned influence both political and economic events. Therefore, it's virtually impossible to predict when and how the bubble will burst. Its duration likewise is not scientifically ascertainable.

A correction can be either deflationary or inflationary or have characteristics of both. Today, in Indonesia, the financial instruments and real estate are deflating in price, while consumer prices are escalating at the most rapid rate in 30 years due to the depreciation of the rupiah. Indonesia is in the early stages of an inflationary depression—a not unheard of result of sustained Central Bank inflationary policy. Many believe price inflation only occurs with rapid growth. This is not so.

Blame is misplace. Rarely is the Central Bank and irredeemable paper money blamed—unless a currency value goes toward zero. In Indonesia the most vulnerable scapegoat has been the Chinese businessmen who are now in threat of their lives and fleeing the country.

A much more justifiable "scapegoat" is the International Monetary Fund (IMF) and the American influence on the stringent reforms demanded in order to receive the $43 billion IMF-led bailout. IMF policy only aggravates and prolongs the agony while helping the special interest rich at the expense of the poor. The IMF involvement should not be a distraction from the fundamental cause of the financial problem, monetary inflation, even if it did allow three decades of sustained growth.

"Crony capitalism" was not the cause of Indonesia's trouble. Inflationism and political corruption allow crony capitalism to exist. It would be better to call it economic interventionism for the benefit of special interests—a mild form of fascism—than to abuse the free market term of capitalism.

Any serious economic crisis eventually generates political turmoil, especially if political dissent has been held in check by force for any significant period of time. There should be no surprise to see the discontent, with blood in the streets of Jakarta, soon spread and build. Political events serve to aggravate and magnify the logical but subjectively-sensitive declining currency values and the faltering economy. The snowballing effect makes the political crisis much more serious than the economic crisis since it distracts from the sound reforms that could restore economic growth. These circumstances, instead of leading to more freedom, invite marshal law for the purpose of restoring stability and the dangers that go with marshal law.

Errors in economic thinking prompt demands from the masses for more government programs to take care of the rapidly growing number of poor. Demands for more socialism and price controls result whether it's in education, medical care, unemployment benefits or whatever—all programs that Indonesia cannot afford even if they tried to appease the rioting populous.

SOLUTIONS ATTEMPTED

The IMF's $43 billion bailout promise has done nothing to quell the panic in the streets of Jakarta. If anything, conditions have worsened. The Indonesians deeply resent the austere conditions demanded by the IMF. Since the United States is the biggest contributor to the IMF and the world financial and military cop, resentment toward the United States is equal to that of the IMF. The Indonesian people know they won't be helped by the bailout. They already see their jobs disappearing and prices soaring. The political and economic future, just a few months ago looking rosy, is now bleak beyond all description. Indonesians know what the American taxpayers know: the IMF bailout helps the rich lenders who for decades made millions but now want their losses covered by weak victims. Is there any wonder resentment and rage prevail in Indonesia?

The United States has just sent a military delegation to study and obviously advise the Indonesian Government regarding the law and order crisis now in process. Our officials say that we're there to watch that the Indonesian military does not abuse the rights of Indonesian citizens. Even if true, and well motivated, where did this authority come from for us to run to the scene of the crime—on the other side of the world—and pretend we have all the answers? Putting aside the question of whether there is proper authority or not, the Indonesian people perceive even a few U.S. military advisors as a further threat to them. The IMF is seen as an extension of the United States and is expected to more likely side with the Indonesian military than with the demonstrators. No government, even the questionable ones, likes to see any dissolution of governmental power. It might encourage others unhappy with their own government. And it is not as if the U.S. Government is innocent and benign, considering our recent history at Kent State, Waco, and Ruby Ridge and the hundreds of no-knock entries made in error, causing loss of life, multiple injuries and destruction of property. Let us make sure our own government acts responsibly in all matters of law and order here at home before we pretend we can save the world—a responsibility not achievable even if motivated with the best of intentions.

Effort to prop up an ailing economy after the financial bubble has been popped, prolongs the agony and increases the severity of the correction. Japan's bubble burst in 1989, and there is not yet any sign of the cleansing of the system of bad debt and mal-investment which is necessary before sound growth will resume. And Indonesia is embarking on the same predictable course. Restoration of free markets, including the establishment of a sound monetary policy, has not yet been considered. The people of Indonesia and the rest of the world should prepare for the worst as this crisis spreads. For Congress, the most important thing is to forget the notion that further taxing American workers to finance a bail-out will work. It won't work—it is the worst policy of all for us to pursue.

The Indonesian Government had one idea worth considering under these very difficult circumstances. They wanted to replace their central bank with a currency board. It's not as good as gold standard, but it would have been a wise choice under current conditions. But the United States and the IMF insisted that in order to qualify for IMF funding this idea had to be rejected outright and the new central bank for Indonesia had to be patterned after the Federal Reserve with, I'm sure, ties to it for directions from Federal Reserve Board Governor Alan Greenspan and company. A currency board would allow a close linkage of the rupiah to the dollar, with its value controlled by market forces, and would have prevented domestic Indonesia monetary inflation—the principle cause of the economic bubble now collapsed. The shortcoming of a currency board tied to the U.S. dollar is that the Indonesian currency and economy would be dependent on dollar stability which is far from guaranteed.

REFUSAL

In the approximately eight months since the crisis hit Indonesia, there has been no serious look at the underlying cause: monetary inflation brought about by a central bank. Nor has any serious thought gone into the internationalization of credit as United States exports of billions of dollars, and thus our own inflation, to most nations of the world which hold these dollars in reserve and use them to further inflate their own currencies. Our huge negative trade balance and foreign debt is not considered by conventional wisdom to be relevant to the Asian currency problems, yet undoubtedly it is. True reform to deal with the growing worldwide crisis can only be accomplished by us first recognizing the underlying economic errors that caused the current crisis.

The philosophy of the free market holds a lot of answers—yet the difference between free market capitalism and interventionist political cronyism has not been considered by any of the world banking and political leaders currently addressing the exploding East Asian crisis.

Concern for personal liberty is not a subject associated with the crisis and is an ongoing casualty of past and current policy. A greater concern for individual liberty will be required if a positive outcome is to be expected from the fall-out of the Indonesian crisis. Let's hope we can get our priorities straight. Congress has an obligation not to worsen the crisis by capitulating to more bail-outs and to remain vigilant enough to keep the administration from accomplishing a similar bail-out through Executive orders outside the law.

MESSAGE

What should the message be to the Congress and the American people regarding this sudden and major change in the economic climate in Indonesia? First and foremost is that since we operate with a fiat currency, as do almost all the countries of the world. We are not immune from a sudden and serious economic adjustment—at any time. Dollar strength and our ability to spend dollars overseas, without penalty, will not last forever. Confidence in the U.S. economy, and the dollar, will one day be challenged. The severity of the repercussion is not predictable but it could be enormous. Our obligation, as Members of Congress, is to protect the value of the dollar, not to destroy it deliberately, in an attempt to prop up investors, foreign governments or foreign currencies. That policy will only lead to a greater crisis for all Americans.

As the Asian crisis spreads, I would expect Europe to feel the crunch next. Unemployment is already at or approaching 12% in Germany and France. The events can be made worse and accelerated by outside events like a Middle Eastern crisis or a war between India and Pakistan both now rattling their nuclear sabers. Eventually though, our system of "crony capitalism" and fiat money system will come under attack. Our system of favoring industries is different than the family-oriented favoritism of Suharto, but none-the-less is built on a system of corporate welfare that prompts constant lobbying of Congress and the Administration for each corporation's special interests. We have little room to talk as we preach austerity, balanced budgets and sound money to the current victims. Our day will come when we will humble ourselves before world opinion as our house of cards comes crashing down.

We will all know we are on the right track when the people and our leaders are talking of restoring liberty to all equally, and establishing a sound money system that prevents the Federal Reserve from manufacturing money and credit out of thin air for the benefit of politicians, corporations and bankers who directly profit.