tribes living with HIV and AIDS who use the Indian Health Service for their primary health care;

(4) the internal capacity of each service unit of the Indian Health Service to meet the existing need; and

(5) the resources, including education, needed to meet existing and projected need.

(b) SERVICE PLAN.—The Secretary, acting through the Indian Health Service and in consultation with Indian tribes, shall develop and implement a plan of action for meeting the existing and projected needs, which based on the evaluation conducted pursuant to subsection (a), are determined to be unmet.

Mr. GORTON. Mr. President, each of these amendments is for a study within the Indian Health Service.

We have not had time to deal with them to the point at which we have full confidence in them, though each of them appears to have a degree of merit.

I ask that they be agreed. But we will have to look at them very carefully on both sides during the course of the conference committee and see whether or not they are appropriate or need to be revised. But at this point we are willing to accept them.

Mr. BYRD. Mr. President, the amendments meet with approval on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from New Mexico, en bloc.

The amendments (Nos. 2326 and 2327) were agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the only two matters that remain are a significant number of colloquies and third reading and final passage.

We will ask unanimous consent for the colloquies later. But in order to speed on with this evening, I ask for third reading. There will be no further amendments.

I do not believe there will be any further debate.

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

The amendments were 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?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

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

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 378 Leg.]

YEAS—92

Abraham	Faircloth	Lieberman
Akaka	Feingold	Lott
Ashcroft	Feinstein	Lugar
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Murray
Boxer	Gramm	Nickles
Breaux	Grams	Nunn
Brown	Grassley	Packwood
Bryan	Gregg	Pell
Bumpers	Harkin	Pressler
Burns	Hatch	Pryor
Byrd	Hatfield	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Smith
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Dole	Kyl	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Warner
Exon	Levin	

NAYS—6

Heflin	McCain	Simon
Helms	Moseley-Braun	Wellstone

NOT VOTING—2

Bradley	Mack

So the bill (H.R. 1977), as amended, was passed.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives and that the Chair be authorized to appoint conferees on the part of the Senate.

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

Thereupon, the Presiding Officer (Mr. ABRAHAM) appointed Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. HATFIELD, Mr. BURNS, Mr. BENNETT, Mr. MACK, Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, and Mrs. MURRAY conferees on the part of the Senate.

Mr. GORTON. Mr. President, I want to take this opportunity to state the obvious, but an obvious that is all too often overlooked, and that is that there was no possibility of dealing with this bill either in the timeframe within which we dealt with it, nor the effectiveness, nor efficiency, nor the wisdom with which we have dealt with it without the help of a number of dedicated members of the staff:

Cherie Cooper, who is majority clerk; Sue Masica, the minority clerk; Carole Geagley; Kathleen Wheeler, who has worked on energy, BIA, the geological survey, land and water conservation accounts; Bruce Evans, who was formerly of my personal staff, who dealt with Fish and Wildlife Service, mines; Virginia James with NEH, which was, obviously, very controversial, and the Smithsonian; and Ted Milesnick, a detailee from the Bureau of Land Management to provide support service to all accounts; and my own staff member, Julie Kays, a legislative assistant on my staff who is tireless, fearless, and persuasive in all she does; and, once again, to thank Senator BYRD whose advice, counsel, and wisdom has been of great assistance, for that matter all of the members of my subcommittee, each of whom contributed significantly to this result.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will take a few seconds to express my admiration for Mr. GORTON because of the remarkably superb job that he did in skillfully piloting the appropriations bill for the Department of the Interior through committee and through the Senate. He did an outstanding job, and I am grateful to him and for his fairness, his courtesy, and for his ability in moving this bill.

I also want to thank Sue Masica, my superb staff person, and Cherie Cooper is an equally superb staff person on the other side of the aisle. I think that this has been a preeminently fine display of skill and statesmanship on the part of Mr. GORTON on behalf of the Senate. I express all of our appreciation to him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. 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. DOLE. Mr. President, let me thank my colleague from Washington, Senator GORTON, and also the distinguished Senator from West Virginia, Senator BYRD, for their expeditious action on a very important and a very, in some areas, contentious bill. They have disposed of the amendments, I think, in very good time.

Now we are prepared to move on to the next bill. Let me remind my colleagues, everything is on automatic pilot. The speech you do not make in the next 2 days means you will get out that much earlier. You can make the speech when you get home, and a lot of people have never heard it before and most of us have.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 2002, the transportation appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which had been reported from the Committee on Appropriations with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, **[**$55,011,500**]** *$56,500,000,* of which not to exceed **[**$40,000**]** *$60,000* shall be available as the Secretary may determine for allocation within the Department for official reception and representation expenses: *Provided,* That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received in user fees established to support the electronic tariff filing system: *Provided further,* That none of the funds appropriated in this Act or otherwise made available may be used to maintain **[**duplicate physical copies**]** *custody* of airline tariffs that are already available for public and departmental access at no cost; to secure them against detection, alteration, or tampering; **[**or open them**]** *and open* to inspection by the Department.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, **[**$6,554,000**]** *$12,083,000,* and in addition, $809,000, to be derived from ''Federal-aid Highways'' subject to the ''Limitation on General Operating Expenses''.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, and development activities, to remain available until expended, **[**$3,309,000**]** *$9,710,000.*

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund associated with the provision of services to entities within the Department of Transportation, not to exceed **[**$102,231,000**]** *$104,364,000* shall be paid, in accordance with law, from appropriations made available to the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under subchapter II of chapter 417 of title 49, United States Code, as is payable by the Department of Transportation, **[**$15,000,000**]** *$26,738,536,* to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs in excess of **[**$15,000,000**]** *$26,738,536* for the Payments to Air Carriers program in fiscal year 1996: *Provided further,* That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under subchapter II of chapter 417 of title 49, United States Code, in excess of the appropriation in this Act for liquidation of obligations incurred under the ''Payments to air carriers'' program: *Provided further,* That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision: *Provided further,* That none of the funds in this Act shall be available for service to communities in the forty-eight contiguous States *and Hawaii* that are located fewer than **[**seventy**]** *seventy-five* highway miles from the nearest large or medium *or small* hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than two hundred **[**and ten**]** miles from the nearest large or medium hub airport: *Provided further,* That of funds provided for ''Small Community Air Service'' by Public Law 101–508, **[**$23,600,000**]** *$11,861,464* in fiscal year 1996 is hereby rescinded**[**: *Provided further,* That, notwithstanding any other provision of law, effective January 1, 1996 no point in the 48 contiguous States and Hawaii eligible for compensated transportation in fiscal year 1996 under subchapter II of chapter 417 of title 49, United States Code, including 49 U.S.C. 41734(d), shall receive such transportation unless a State, local government, or other non-Federal entity agrees to pay at least fifty percent of the cost of providing such transportation, as determined by the Secretary of Transportation: *Provided further,* That the Secretary may require the entity or entities agreeing to pay such amounts to make advance payments or provide other security to ensure that timely payments are made: *Provided further,* That, notwithstanding any other provision of law, points covered by the cost-sharing provisions under this head for which no State, local government, or non-Federal entity agrees to pay at least fifty percent of the cost of providing such transportation shall receive a reduced level of service in fiscal year 1996, to be determined by the Secretary as follows: The Secretary shall subtract from the funds made available in this Act so much as is needed to provide compensation to all eligible points for which a State, local government, or other non-Federal entity agrees to pay at least fifty percent of the cost of providing such transportation, and, with remaining funds, allocate to each other point an amount reduced by the ratio of the remainder calculated above to all funds made available in this Act: *Provided further,* That the Secretary shall allocate any funds that become unallocated as the year progresses to those points for which a State, local government, or other non-Federal entity does not agree to pay at least fifty percent of the cost of such transportation**]**.

PAYMENTS TO AIR CARRIERS

(RESCISSION)

Of the budgetary resources remaining available under this heading, $6,786,971 are rescinded.

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space not to exceed 8,580,000 square feet and for related services assessed by the General Services Administration, **[**$130,803,000**]** *$139,689,000*: *Provided,* That of this amount, $1,897,000 shall be derived from the Highway Trust Fund, $41,441,000 shall be derived from the Airport and Airway Trust Fund, $836,000 shall be derived from the Pipeline Safety Fund, and $169,000 shall be derived from the Harbor Maintenance Trust Fund: *Provided further,* That in addition, for assessments by the General Services Administration related to the space needs of the Federal Highway Administration, **[**$17,099,000**]** *$17,685,000,* to be derived from ''Federal-aid Highways'', subject to the ''Limitation on General Operating Expenses''.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $15,000,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of the Minority Business Resource Center outreach activities, **[**$2,900,000**]** *$2,100,000,* of which **[**$2,642,000**]** *$1,842,000* shall remain available until September 30, 1997*: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.*

INTERSTATE COMMERCE COMMISSION SUNSET

For necessary expenses, of the Office of the Secretary, not otherwise provided for, $4,705,000, to transfer residual rail and motor carriers functions from the Interstate Commerce Commission to the Department of Transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; **[**$2,565,607,000**]** *$2,286,000,000,* of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund**[**; and of which $25,000,000 shall be expended from the Boat Safety Account**]***: Provided,* That the number of aircraft on hand at any one time shall not exceed two hundred and eighteen, exclusive of aircraft and parts stored to meet future attrition: *Provided further,* That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further,* That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839**[**: *Provided further,* That of the funds provided for operating expenses for fiscal year 1996, in this or any other Act, not less than $314,200,000 shall be available for drug enforcement activities**]**.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, **[**$375,175,000**]** *$366,800,000,* of which $32,500,000 shall be derived from the Oil Spill

Liability Trust Fund; of which [$191,200,000] *$178,000,000* shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2000; [$16,500,000] *$14,500,000* shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1998; [$42,200,000] *$47,600,000* shall be available for other equipment, to remain available until September 30, 1998; [$82,275,000] *$80,200,000* shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1998; and [$43,000,000] *$46,500,000* shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1996: *Provided*, That funds received from the sale of the VC–11A and HU–25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity[: *Provided further*, That the Secretary may transfer funds between projects under this head, not to exceed $50,000,000 in total for the fiscal year, thirty days after notification to the House and Senate Committees on Appropriations, solely for the purpose of providing funds for facility renovation, construction, exit costs, and other implementation costs associated with Coast Guard streamlining plans]*: Provided further*, That the Commandant shall dispose of surplus real property by sale or lease and the proceeds of such sale or lease shall be credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $21,000,000, to remain available until expended.

PORT SAFETY DEVELOPMENT

For necessary expenses for debt retirement of the Port of Portland, Oregon, $15,000,000 to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, [$16,000,000] *$2,000,000*, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $582,022,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; [$61,859,000] *$62,000,000*.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, [$18,500,000] *$20,000,000*, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92–75, as amended, $20,000,000, to be derived from the Boat Safety Account and to remain available until expended.

EMERGENCY FUND

(LIMITATION ON PERMANENT APPROPRIATION)

(OIL SPILL LIABILITY TRUST FUND)

Except as provided in emergency supplemental appropriations provided in other appropriations Acts for fiscal year 1996, not more than $3,000,000 shall be obligated or expended in fiscal year 1996 pursuant to section 6002(b) of the Oil Pollution Act of 1990 to carry out the provisions of section 1012(a)(4) of that Act.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of subchapter I of chapter 471 of title 49, U.S. Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, [$4,600,000,000] *$4,550,000,000*, of which [$1,871,500,000] *$1,865,000,000* shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of [aviation] *agency* services, including *receipts for* the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms *and in addition $10,000,000, to be credited to this appropriation from fees established and collected to cover the cost of safety and security regulation under the jurisdiction of the Federal Aviation Administration*: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay*: Provided further, That none of the funds appropriated in this or any subsequent Act may be used to pay premium pay under 5 U.S.C. 5546a for any fiscal year beginning after September 30, 1995; except that, (i) for fiscal year 1996, such premium pay may be paid at 50 percent of the rate specified in 5 U.S.C. 5546a; and (ii) for fiscal year 1997, such premium pay may be paid at 25 percent of the rate specified in 5 U.S.C. 5546a: Provided further, That the unexpended balances of the appropriation "Office of Commercial Space Transportation, Operations and Research" shall be transferred to and merged with this appropriation: Provided further, That none of the funds derived from the Airport and Airway Trust Fund may be used to support the operations and activities of the Associate Administrator for Commercial Space Transportation*.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, U.S. Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, [$2,000,000,000] *$1,890,377,000*, of which [$1,784,000,000] *$1,674,377,000* shall remain available until September 30, 1998, [and] of which $216,000,000 shall remain available until September 30, 1996, *and of which $10,000,000, to remain available until expended, is for funding noncompetitive cooperative agreements with air carriers to assist them in acquiring and installing the following advanced security equipment: (1) hardened unit load devices, (2) explosive detection systems certified by the Federal Aviation Administration, and (3) computer-aided screener training and proficiency systems, in order to evaluate such equipment's operational feasibility and effectiveness in improving civil aviation security)*: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, [$60,000,000] *$70,000,000* are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, U.S.C., including construction of experimental facilities and acquisition of necessary sites by lease or grant, [$143,000,000] *$215,886,000*, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1998: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, U.S. Code, and under other law authorizing such obligations, $1,500,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the

obligations for which are in excess of [$1,600,000,000] *$1,250,000,000* in fiscal year 1996 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, U.S. Code*: Provided further, That none of the funds in this Act shall be available for the planning and execution of programs the obligations for which are in excess of $20,000,000 for the ''Military Airports Program'' and $50,000,000 for the ''Reliever Airports Program'': Provided further, That of the available contract authority balances under this account, $5,000,000 are rescinded.*

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, U.S. Code.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of $1,600,000 during fiscal year 1996.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed [$495,381,000] *$548,434,000* shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided,* That [$190,667,000] *$248,909,000* of the amount provided herein shall remain available until September 30, 1998.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, [$10,000,000] *$13,000,000,* to be derived from the Highway Trust Fund: *Provided,* That not to exceed $100,000 of the amount made available herein shall be available for ''Limitation on general operating expenses'': *Provided further,* That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of [$10,000,000] *$13,000,000* in fiscal year 1996 for ''Highway-Related Safety Grants''.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$18,000,000,000] *$17,000,000,000* for Federal-aid highways and highway safety construction programs for fiscal year 1996.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $19,200,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

None of the funds under this head are available for obligations for right-of-way acquisition during fiscal year 1996.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $68,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$79,150,000] *$75,000,000* for ''Motor Carrier Safety Grants''.

SURFACE TRANSPORTATION PROJECTS

For up to 80 percent, or as specified in authorizing legislation, of the expenses necessary for certain highway and surface transportation projects and parking facilities, including feasibility and environmental studies, that advance methods of improving safety, reducing congestion, or otherwise improving surface transportation, $39,500,000, to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under part C of subtitle VI of title 49, United States Code, and chapter 301 of title 49, United States Code, [$73,316,570] *$71,261,000,* of which [$37,825,850] *$36,770,676* shall remain available until September 30, 1998[: *Provided,* That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect].

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240), to be derived from the Highway Trust Fund, [$52,011,930] *$50,344,000,* of which [$32,770,670] *$31,716,720* shall remain available until September 30, 1998.

OPERATIONS AND RESEARCH

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–331, Public Law 102–388, and Public Law 101–516, $4,547,185 are rescinded from the national advanced driving simulator project.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 408, and 410, Chapter 303 of title 49, United States Code, and section 209 of Public Law 95–599, as amended, to remain available until expended, [$153,400,000] *$155,100,000,* to be derived from the Highway Trust Fund: *Provided,* That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1996, are in excess of [$153,400,000] *$155,100,000* for programs authorized under 23 U.S.C. 402 and 410, as amended, of which [$126,000,000] *$128,000,000* shall be for ''State and community highway safety grants'', [$2,400,000] *$2,100,000* shall be for the ''National Driver Register'' [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)] *subject to authorization,* and $25,000,000 shall be for section 410 ''Alcohol-impaired driving countermeasures programs'': *Provided further,* That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further,* That none of these funds shall be used to purchase automobiles or motorcycles for state, local, or private usage: *Provided further,* That not to exceed [$5,153,000] *$5,211,000* of the funds made available for section 402 may be available for administering ''State and community highway safety grants'': *Provided further,* That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-impaired driving counter-measures programs'' [may] *shall* be available for technical assistance to the States: *Provided further,* That not to exceed [$890,000] *$777,000* of the funds made available for the ''National Driver Register'' may be available for administrative expenses.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, [$14,000,000] *$14,018,000,* of which $1,508,000 shall remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further,* That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further,* That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, [$49,940,660] *$49,105,000,* of which $2,687,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, [$21,000,000] *$25,775,000,* to remain available until expended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and 49 U.S.C. 24909, [$100,000,000] *$130,000,000*, to remain available until September 30, 1998.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1996.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

NEXT GENERATION HIGH SPEED RAIL

For necessary expenses for Next Generation High Speed Rail [technology development and demonstrations, $10,000,000, to remain available until expended] *studies, corridor planning, development, demonstration, and implementation, $20,000,000, to remain available until expended: Provided, That funds under this head may be made available for grants to States for high speed rail corridor design, feasibility studies, environmental analyses and track and signal improvements.*

TRUST FUND SHARE OF NEXT GENERATION HIGH SPEED RAIL

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For grants and payment of obligations incurred in carrying out the provisions of the High Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, including planning and environmental analyses, $5,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $5,000,000.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $10,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations.

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

For grants to the National Railroad Passenger Corporation, $25,000,000, to remain available until expended, for engineering, design and construction activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center: Provided, That the Secretary may retain from these funds such amounts as the Secretary shall deem appropriate to undertake the environmental and historic preservation analyses associated with this project.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $2,000,000 to be matched by the State of Rhode Island or its designee on a dollar for dollar basis and to remain available until expended: Provided, That as a condition of accepting such funds, the Providence and Worcester (P&W) Railroad shall enter into an agreement with the Secretary to reimburse Amtrak and/or the Federal Railroad Administration, on a dollar for dollar basis, up to the first $7,000,000 in damages resulting from the legal action initiated by the P&W Railroad under its existing contracts with Amtrak relating to the provision of vertical clearances between Davisville and Central Falls in excess of those required for present freight operations.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 49 U.S.C. 24104, [$628,000,000] *$605,000,000, to remain available until expended*, of which [$336,000,000] *$305,000,000* shall be available for operating losses and for mandatory passenger rail service payments, [$62,000,000] *$100,000,000* shall be for transition costs incurred by the Corporation, and [$230,000,000] *$200,000,000* shall be for capital improvements: *Provided*, That none of the funds under this head shall be made available until significant reforms (including labor reforms) in authorizing legislation are enacted to restructure the National Railroad Passenger Corporation: *Provided further*, That funding under this head for capital improvements shall not be made available before July 1, 1996: *Provided further*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, [$39,260,000] *$42,000,000*.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5310(a)(2), 5311, and 5336, to remain available until expended, [$890,000,000] *$985,000,000*: *Provided*, That no more than [$2,000,000,000] *$2,105,850,000* of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this head for formula grants, no more than $400,000,000 may be used for operating assistance under 49 U.S.C. 5336(d)*: Provided further, That the limitation on operating assistance provided under this heading shall, for urbanized areas of less than 200,000 in population, be no less than eighty percent of the amount of operating assistance such areas are eligible to receive under Public Law 103–331: Provided further, That before apportionment of funds under this heading, $29,325,031 shall be apportioned to areas of 200,000 or greater in population.*

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by 49 U.S.C. 5317(b), to remain available until expended, $6,000,000.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by 49 U.S.C. 5303, 5311, 5313, 5314, and 5315, to remain available until expended, [$82,250,000 of which $39,436,250 shall be for activities under 49 U.S.C. 5303, $4,381,250 for activities under 49 U.S.C. 5311(b)(2), $8,051,250 for activities under 49 U.S.C. 5313(b), $19,480,000 for activities under 49 U.S.C. 5314, $8,051,251 for activities under 49 U.S.C. 5313(a), and $2,850,000 for activities under 49 U.S.C. 5315] *$90,000,000.*

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(a), $1,120,850,000, to remain available until expended and to be derived from the Highway Trust Fund: *Provided*, That [$1,110,000,000] *$1,120,850,000* shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $1,665,000,000 in fiscal year 1996 for grants under the contract authority in 49 U.S.C. 5338(b): *Provided*, That there shall be available for fixed guideway modernization, $666,000,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $333,000,000; and[there shall be available for new fixed guideway systems, $666,000,000, to be available as follows], *notwithstanding any other provision of law, and except for fixed guideway modernization projects, $22,840,000 made available under Public Law 102–388 under ''Federal Transit Administration, Discretionary Grants'' for projects specified in that Act or identified in reports accompanying that Act, not obligated by September 30, 1995, shall be made available for new fixed guideway systems together with the $666,000,000 made available for new fixed guideway systems under this Act, to be available as follows*:

$42,410,000 for the Atlanta-North Springs project;

[$17,500,000] *$22,620,000* for the South Boston Piers (MOS–2) project;

$6,500,000 for the Canton-Akron-Cleveland commuter rail project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$2,000,000 for the Cincinnati Northeast/Northern Kentucky rail line project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$16,941,000 for the Dallas South Oak Cliff LRT project;

[$2,500,000] *$3,500,000* for the DART North Central light rail extension project [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)];

[$5,000,000] *$7,000,000* for the Dallas-Fort Worth RAILTRAN project [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)];

$10,000,000 for the Florida Tri-County commuter rail project [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)];

$22,630,000 for the Houston Regional Bus project;

$12,500,000 for the Jacksonville ASE extension project;

[$125,000,000] *$45,000,000* for the Los Angeles Metro Rail (MOS–3);

[$10,000,000 for the Los Angeles-San Diego commuter rail project;

[$10,000,000] *$15,000,000* for the MARC commuter rail project;

[$3,000,000] *$22,630,000* for the Maryland Central Corridor LRT project;

$2,000,000 for the Miami-North 27th Avenue project [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)];

$2,500,000 for the Memphis, Tennessee Regional Rail Plan (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

[$75,000,000] *$85,500,000* for the New Jersey Urban Core-Secaucus project;

[$10,000,000 for the New Orleans Canal Street Corridor project] [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

[$114,989,000] *$160,000,000* for the New York Queens Connection project;

$5,000,000 for the Orange County Transitway project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$22,630,000 for the Pittsburgh Airport Phase 1 project;

[$85,500,000] *$130,140,000* for the Portland Westside LRT project;

$2,000,000 for the Sacramento LRT extension project;

[$10,000,000] *$13,000,000* for the St. Louis Metro Link LRT project;

[$5,000,000] *$14,519,000* for the Salt Lake City light rail project[: *Provided,* That such funding may be available only for related high-occupancy vehicle lane and intermodal corridor design costs];

[$10,000,000] *$22,620,000* for the San Francisco BART [extension to the San Francisco airport] *extension/tasman corridor* project;

$15,000,000 for the San Juan, Puerto Rico Tren Urbano project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

[$1,000,000 for the Tampa to Lakeland commuter rail project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$5,000,000 for the Whitehall ferry terminal, New York, New York (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein); and

$14,400,000 for the Wisconsin central commuter project [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)];

$11,300,000 for the Burlington-Charlotte, Vermont commuter rail project; and

$5,000,000 for the Chicago central area circulator.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, [$2,000,000,000] *$1,700,000,000* to be derived from the Highway Trust Fund and to remain available until expended.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184 and Public Law 101–551, [$200,000,000] *$170,000,000,* to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year*: Provided, That, notwithstanding any other provision of law, no funds made available to the Saint Lawrence Seaway Development Corporation from the Harbor Maintenance Trust Fund may be obligated for fiscal year 1996, if the Saint Lawrence Seaway Development Corporation expends or obligates funds from the financial reserve fund of the Corporation for the design, development, or procurement of a global position system vessel traffic service system during that fiscal year: Provided further, That no funds made available to the Saint Lawrence Seaway Development Corporation from the Harbor Maintenance Trust Fund pursuant to this Act may be used by the Corporation during fiscal year 1996 for those purposes.*

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, [$10,190,500] *$10,150,000,* to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, [$26,030,000] *$24,281,000,* of which $574,000 shall be derived from the Pipeline Safety Fund, and of which $7,606,000 shall remain available until September 30, 1998: *Provided,* That $2,322,000 shall be transferred to the Bureau of Transportation Statistics for the expenses necessary to conduct activities related to Airline Statistics, and of which $272,000 shall remain available until expended: *Provided further,* That up to $1,000,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107 and the Hazardous Liquid Pipeline Safety Act of 1979, as amended, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, [$29,941,000] *$32,973,000,* of which $2,698,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 1998; and of which [$27,243,000] *$30,275,000* shall be derived from the Pipeline Safety Fund, of which $19,423,000 shall remain available until September 30, 1998: *Provided,* That from amounts made available herein from the Pipeline Safety Fund, not to exceed [$1,000,000] *$1,500,000* shall be available for grants to States for the development and establishment of one-call notification systems.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $400,000 to be derived from the Emergency Preparedness Fund, to remain available until September 30, 1998: *Provided,* That not more than [$8,890,000] *$9,200,000* shall be made available for obligation in fiscal year 1996 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further,* That no such funds shall be made available for obligation by individuals other than the Secretary of Transportation, or his designees.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, [$40,238,000] *$39,891,200.*

BUREAU OF TRANSPORTATION STATISTICS

For expenses necessary to conduct activities related to airline statistics, $2,200,000, of which $272,000 shall remain available until expended.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, [$3,656,000] *$3,500,000*: *Provided,* That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), [$38,774,000] *$37,500,000,* of which not to exceed $1,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), [$160,802] *$360,802* to remain available until expended.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), $13,379,000, of which $4,984,000 shall be for severance and closing costs: *Provided,* That of the fees collected in fiscal year 1996 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701, one-twelfth of $8,300,000 of those fees collected shall be made available for each month the Commission remains in existence during fiscal year 1996.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $50,741,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,500 per vehicle.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by [the Act of September 30, 1950 (20 U.S.C. 236–244)] *title VIII of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 7701, et. seq.*, for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1996 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1995, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 12 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State;

(2) after August 1, 1996, revise a distribution of the funds made available under subsection (a) 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 103(e)(4), 104, and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102–240; and

(3) not distribute amounts authorized for administrative expenses and funded from the administrative takedown authorized by section 104(a), title 23 U.S.C., the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6005, 6006, 6023, and 6024 of Public Law 102–240, and 49 U.S.C. 5316, 5317, and 5338: *Provided*, That amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head ''Federal-Aid Highways'' in this Act.

(d) During the period October 1 through December 31, 1995, the aggregate amount of obligations under section 157 of title 23, United States Code, for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97–424, sections 1061, 1103 through 1108, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102–240, and for projects authorized by Public Law 99–500 and Public Law 100–17, shall not exceed $277,431,840.

(e) During the period August 2 through September 30, 1996, the aggregate amount which may be obligated by all States [pursuant to paragraph (d)] shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102–240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1996 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1996, has the amount distributed to such State under paragraph (a) for fiscal year 1996 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred [and ten] political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation under the discretionary grants program.

SEC. 313. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 314. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 315. Funds received by the Research and Special Programs Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training and for reports' publication and dissemination may be credited to the Research and Special Programs account.

SEC. 316. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 317. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 318. None of the funds in this Act shall be available to award a multiyear contract

for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided,* That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 319. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 320. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102–240.

SEC. 321. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Discretionary grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1998, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 322. Notwithstanding any other provision of law, any funds appropriated before October 1, 1993, under any section of chapter 53 of title 49 U.S.C., that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 323. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 324. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

SEC. 325. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 326. None of the funds in this Act may be used to compensate in excess of 335 technical staff years under the federally-funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1996.

SEC. 327. Funds provided in this Act for the Department of Transportation working capital fund (WCF) shall be reduced by [$10,000,000] *$5,000,000,* which limits fiscal year 1996 WCF obligational authority for elements of the Department of Transportation funded in this Act to no more than [$92,231,000] *$99,364,000*: *Provided,* That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the working capital fund.

SEC. 328. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Limitation on General Operating Expenses'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Railroad Safety'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 329. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 330. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901, et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 331. Notwithstanding 15 U.S.C. 631 et seq. and 10 U.S.C. 2301 et seq. as amended, the United States Coast Guard acquisition of 47-foot Motor Life Boats for fiscal years 1995 through 2000 shall be subject to full and open competition for all U.S. shipyards. Accordingly, the Federal Acquisition Regulations (FAR) (including but not limited to FAR Part 19), shall not apply to the extent they are inconsistent with a full and open competition.

SEC. 332. None of the funds in this Act may be used for planning, engineering, design, or construction of a sixth runway at the new Denver International Airport, Denver, Colorado: *Provided,* That this provision shall not apply in any case where the Administrator of the Federal Aviation Administration determines, in writing, that safety conditions warrant obligation of such funds.

SEC. 333. (a) Section 5302(a)(1) of title 49, United States Code, is amended by striking—

(1) in subparagraph (B), ''that extends the economic life of the bus for at least 5 years''; and

(2) in subparagraph (C), ''that extends the economic life of the bus for at least 8 years''.

(b) The amendments made by this section shall not take effect before March 31, 1996.

SEC. 334. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to the provisions of section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided,* That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 335. Of the budgetary resources provided to the Department of Transportation [(excluding the Maritime Administration)] during fiscal year 1996, $25,000,000 are permanently canceled: *Provided,* That the Secretary of Transportation shall reduce the existing field office structure, and to the extent practicable [collocate] *consolidate* the Department's [surface transportation field offices] *administrative activities*: *Provided further,* That the Secretary may for the purpose of consolidation of offices and facilities other than those at Headquarters, after notification to and approval of the House and Senate Committees on Appropriations, transfer the funds made available by this Act for civilian and military personnel compensation and benefits and other administrative expenses to other appropriations made available to the Department of Transportation as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further,* That no appropriation shall be increased or decreased by more than ten per centum by all such transfers*: Provided further, That, notwithstanding 5 U.S.C. 905(b), the President may prepare and transmit to Congress not later than the date for transmittal to Congress of the Budget Request for Fiscal Year 1997, a reorganization plan pursuant to chapter 9 of title 5, United States Code, for the reorganization of the surface transportation activities of the Department of Transportation and the relationship of the Saint Lawrence Seaway Development Corporation to the Department.*

SEC. 336. The Secretary of Transportation is authorized to transfer funds appropriated [for any office of the Office of the Secretary] *in this Act* to ''Rental payments'' for any expense authorized by that appropriation in excess of the amounts provided in this Act: *Provided,* That prior to any such transfer, notification shall be provided to the House and Senate Committees on Appropriations.

SEC. 337. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 337. None of the funds appropriated by this Act shall be made available for employee training unless such training is consistent with the provisions of 5 U.S.C. 4101 et seq., as amended.

SEC. 338. None of the funds in this Act may be used to enforce the requirement that airport charges make the as airport self-sustaining as possible or the prohibition against revenue diversion in the Airport and Airway Improvement Act of 1982 (49 U.S.C. 47107) against Hot Springs Memorial Field in Hot Springs, Arkansas, on the grounds of such airport's failure to collect fair market rental value for the facilities known as Kimery Park and Family Park: *Provided,* That any fees collected by any person for the use of such parks above those required for the operation and maintenance of such parks shall be remitted to such airport: *Provided further,* That the Federal Aviation Administration

does not find that any use of, or structures on, Kimery Park and Family Park are incompatible with the safe and efficient use of the airport.

SEC. 339. (a) Except as provided in subsection (b) of this section, 180 days after attaining eligibility for an immediate retirement annuity under 5 U.S.C. 8336 or 5 U.S.C. 8412, an individual shall not be eligible to receive compensation under 5 U.S.C. 8105–8106 resulting from work injuries associated with employment with the Department of Transportation (excluding the Maritime Administration).

(b) An individual who, on the date of enactment of this Act, is eligible to receive an immediate annuity described in subsection (a) may continue to receive such compensation under 5 U.S.C. 8105–8106 until March 31, 1996.

(c) For the purposes of section (a), the time an individual has spent on the worker's compensation rolls shall be counted as regular employment time.

SEC. 340. None of the funds in this Act shall be available to pay the salaries and expenses of any individual to arrange tours of scientists or engineers employed by or working for the People's Republic of China, to hire citizens of the People's Republic of China to participate in research fellowships sponsored by the Federal Highway Administration or other modal administrations of the Department of Transportation, or to provide training or any form of technology transfer to scientists or engineers employed by or working for the People's Republic of China.

SEC. 341. None of the funds in this Act may be used to support Federal Transit Administration's field operations and oversight of the Washington Metropolitan Area Transit Authority in any location other than from the Washington, D.C. metropolitan area.

SEC. 342. In addition to the sums made available to the Department of Transportation, $8,421,000 shall be available on the effective date of legislation transferring certain rail and motor carrier functions from the Interstate Commerce Commission to the Department of Transportation: *Provided,* That such amount shall be available only to the extent authorized by law: *Provided further,* That of the fees collected pursuant to 31 U.S.C. 9701 in fiscal year 1996 by the successors of the Interstate Commerce Commission, one-twelfth of $8,300,000 of those fees shall be made available for each month during fiscal year 1996 that the successors of the Interstate Commerce Commission carry out the transferred rail and motor carrier functions.

SEC. 343. Notwithstanding any other law, the funds available for obligation to carry out the project in West Calcasieu Parish, Louisiana, authorized by section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 101–17; 101 Stat. 194) shall be made available for obligation to carry out the project for Lake Charles, Louisiana, authorized by item 17 of the table in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2038).

SEC. 344. Improvements identified as highest priority by section 1069(t) of Public Law 102–240 and funded pursuant to section 118(c)(2) of title 23, United States Code, shall not be treated as an allocation for Interstate maintenance for such fiscal year under section 157(a)(4) of title 23, United States Code, and sections 1013(c), 1015(a)(1), and 1015(b)(1) of Public Law 102–240: Provided further, any discretionary grant made pursuant to Public Law 99–663 shall not be subject to Section 1015 of Public Law 102–240.

SEC. 345. The Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency shall, within three months of the date of enactment of this Act, carry out research to identify successful telecommuting programs in the public and private sectors and provide for the dissemination to the public of information regarding the establishment of successful telecommuting programs and the benefits and costs of telecommuting. Within one year of the date of enactment of this Act, the Secretary shall report to Congress its findings, conclusions, and recommendations regarding telecommuting developed under this section.

SEC. 346. Notwithstanding section 1003(c) of Public Law 102–240, authorizations for the Indian Reservation Roads under Section 1003(a)(6)(A) of Public Law 102–240 shall be exempt from any reduction in authorizations for budget compliance.

SEC. 347. Notwithstanding any other provision of law, for fiscal year 1996, the Secretary shall allocate to a State an additional amount of funding for its Federal-aid highway programs on a dollar for dollar basis to the extent that prior year unobligated balances are withdrawn and canceled. Such funds are subject to the obligation ceiling for Federal-aid Highways set by annual appropriations Acts.

SEC. 348. Notwithstanding any other provision of law, for fiscal year 1996, a State may, at its option, transfer those funds authorized or appropriated for highway demonstration projects under Public Law 102–240, Public Law 100–17, Public Law 97–424, or under an applicable appropriations act for the Department of Transportation, to its apportionment under section 104(b)(1), (2), (3), (5), and 144 of title 23, United States Code: Provided, That demonstration projects upon which such funds are drawn have not gone to construction (although obligations may have been incurred for preliminary engineering or environmental studies). Funds transferred under this section shall be subject to the laws, regulations, policies, and procedures, relating to the apportionment to which they are transferred and shall be subject to the obligation ceiling for Federal-aid highways set by annual appropriations Acts.

SEC. 349. INTERSTATE COMPACT INFRASTRUCTURE BANKS.—Chapter 3 of title 49, United States Code, is amended by the addition of the following new section 334:

''SEC. 334. INTERSTATE COMPACT INFRASTRUCTURE BANKS.—(a) CONSENT TO INTERSTATE COMPACTS.—In order to increase public investment, attract needed private investment, and promote an intermodal transportation network, Congress grants consent to the States to enter into interstate compacts establishing transportation infrastructure banks to promote regional or multi-State investment in transportation infrastructure and thereby improve economic productivity.

''(b) ASSISTANCE FOR TRANSPORTATION PROJECTS, PROGRAMS, AND ACTIVITIES.—An Interstate Compact Transportation Infrastructure Bank (Infrastructure Bank) established under this section may make loans, issue debt under the authority of the Infrastructure Bank's State jurisdictions either jointly or separately as the Infrastructure Bank and its jurisdictions determine, and provide other assistance to public or private entities constructing, or proposing to construct or initiate, transportation projects, programs, or activities that are eligible to receive financial assistance under—

''(1) title 23, United States Code, and the Intermodal Surface Transportation Efficiency Act of 1991; and

''(2) chapters 53 and 221 and subtitle VII, part B, of this title.

''(c) FORMS OF ASSISTANCE.—An Infrastructure Bank may loan or provide other assistance to a public or private entity in an amount equal to all or part of the cost of construction or capital cost of a qualifying project. The amount of any loan or other assistance received for a qualifying project under this section may be subordinated to any other debt financing for the project. For purposes of this subsection, the term 'other assistance' includes any use of funds for the purpose of credit enhancements, use as a capital reserve for bond or debt instrument financing, bond or debt instrument financing issuance costs, bond or debt issuance financing insurance, subsidizing of interest rates, letters of credit, credit instruments, bond or debt financing instrument security, other forms of debt financing that relate to the qualifying project, and other leveraging tools approved by the Secretary.

''(d) INTERSTATE COMPACT TRANSPORTATION INFRASTRUCTURE BANK REQUIREMENTS.—In order to qualify an Interstate Compact Transportation Infrastructure Bank for capitalization grants under this section, each participating State shall—

''(1) deposit into the Infrastructure Bank, from non-Federal or Federal sources other than this title or title 23, United States Code, an amount equal to 25 percent of each capitalization grant or, if lower because of the proportion of Federal lands in the State, the proportional non-Federal share that a State would otherwise pay on the basis of section 120(b) of title 23;

''(2) ensure that the Infrastructure Bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the fund;

''(3) ensure that investment income generated by the funds deposited into an Infrastructure Bank shall be—

''(A) credited to the Infrastructure Bank;

''(B) available for use in providing loans and other assistance to qualifying projects, programs, or activities from the Infrastructure Bank; and

''(C) invested in U.S. Treasury securities, bank deposits, or such other financing instruments as the Secretary may provide to earn interest to enhance the leveraging of qualifying transportation activities;

''(4) provide that the repayment of a loan or other assistance to a State from any loan under this section may be credited to the Infrastructure Bank or obligated for any purpose for which the loaned funds were available under this title or title 23;

''(5) ensure that any loan from an Infrastructure Bank shall bear any positive interest the Bank determines appropriate to make the qualifying project feasible;

''(6) ensure that repayment of any loan from an Infrastructure Bank shall commence not later than five years after the facility has opened to traffic or the project, activity or facility has been completed;

''(7) ensure that the term for repaying any loan shall not exceed 30 years from the date of obligation of the loan;

''(8) limit any assignment, transfer, or loan to an Infrastructure Bank to not more than the amount which a State is entitled to under subsection (f) of this section; and

''(9) require the Infrastructure Bank to make an annual report to the Secretary on its status no later than September 30 of each year.

''(e) SECRETARIAL REQUIREMENTS.—In administering this section, the Secretary shall—

''(1) ensure that federal disbursements for capital reserves shall be at a rate consistent with historic rates for the Federal-aid highway program; and

''(2) specify procedures and guidelines for establishing, operating, and making loans from an Infrastructure Bank.

''(f) AUTHORIZATION OF APPROPRIATIONS; CONTRIBUTIONS FROM TITLE 23 APPORTIONMENTS.—(1) There are authorized to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to carry out this section not more than $250,000,000 in Fiscal Year 1996.

''(2) Notwithstanding the provisions of title 23, United States Code, and Public Law 102–240 (Intermodal Surface Transportation Efficiency Act of 1991), a State may contribute to an Infrastructure Bank up to 10 percent of federal funds

apportioned under section 104(b) of title 23 that are subject to the annual Federal-aid Highways obligation limitation, except for interstate construction.

''(3) A state may disburse funds appropriated under paragraph (f)(1) of this subsection or contributed under (f)(2) of this subsection to an Infrastructure Bank at a rate that does not exceed the traditional rate of disbursement for the Airport Improvement Program or the Federal-aid Highway program, respectively.

''(g) STATE ALLOCATION.—The Secretary shall apportion to the chief executive of each State choosing to participate in an Infrastructure Bank the percentage allocation of the amount available under paragraph (e)(1) of this section on the first day of the fiscal year, as follows:

''State	Percentage
''Alabama	1.26
''Alaska	5.64
''Arizona	2.20
''Arkansas	0.74
''California	8.57
''Colorado	2.31
''Connecticut	0.74
''Delaware	0.04
''District of Columbia	0.01
''Florida	6.49
''Georgia	3.08
''Hawaii	2.54
''Idaho	0.75
''Illinois	3.92
''Indiana	1.46
''Iowa	0.95
''Kansas	0.68
''Kentucky	1.80
''Louisiana	1.34
''Maine	0.66
''Maryland	0.84
''Massachusetts	1.72
''Michigan	2.68
''Minnesota	1.59
''Mississippi	0.76
''Missouri	1.92
''Montana	1.10
''Nebraska	0.87
''Nevada	1.46
''New Hampshire	0.28
''New Jersey	1.16
''New Mexico	0.98
''New York	5.82
''North Carolina	2.92
''North Dakota	0.61
''Ohio	2.32
''Oklahoma	0.97
''Oregon	1.15
''Pennsylvania	3.29
''Rhode Island	0.39
''South Carolina	1.05
''South Dakota	0.55
''Tennessee	2.13
''Texas	7.64
''Utah	1.04
''Vermont	0.22
''Virginia	2.91
''Washington	1.78
''West Virginia	0.58
''Wisconsin	1.41
''Wyoming	0.74
''Puerto Rico	0.99

''(g) UNITED STATES NOT OBLIGATED.—The deposit of Federal apportionments into an Infrastructure Bank shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States for payment solely by virtue of the deposit. Furthermore, any security or debt financing instrument issued by an Infrastructure Bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

''(h) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, United States Code, shall not apply to funds used as a capital reserve under this section.

''(i) PROGRAM ADMINISTRATION.—For each fiscal year, a State may contribute to an Infrastructure Bank an amount not to exceed two percent of the Federal funds deposited into that Infrastructure Bank by the State to provide for the reasonable costs of administering the fund.''.

(b) RESCISSION OF CONTRACT AUTHORIZATION.—Of the available contract authority balances under the account entitled ''Grants-In-Aid for Airports'' in this Act, $250,000,000 are rescinded.

SEC. 350. (a) In consultation with the employees of the Federal Aviation Administration and such nongovernmental experts in personnel management systems as he may employ, and notwithstanding the provisions of title 5, United States Code, and other Federal personnel laws, the Secretary of Transportation shall develop and implement, not later than January 1, 1996, a personnel management system for the Federal Aviation Administration that addresses the unique demands on the agency's workforce. Such new system shall, at a minimum, provide for greater flexibility in the hiring, training, compensation, and location of personnel.

(b) The provisions of title 5, United States Code, shall not apply to the new personnel management system developed and implemented pursuant to subsection (a), with the exception of:

(1) Section 2302(b), relating to whistleblower protection;

(2) Section 7118(b)(7), relating to limitations on the right to strike;

(3) Section 7204, relating to antidiscrimination;

(4) Chapter 73, relating to suitability, security, and conduct;

(5) Chapter 81, relating to compensation for work injury; and

(6) Chapters 83–85, 87, and 89, relating to retirement and insurance coverage.

SEC. 351. (a) In consultation with such nongovernmental experts in acquisition management systems as he may employ, and notwithstanding provisions of Federal acquisition law, the Secretary of Transportation shall develop and implement, not later than January 1, 1996, an acquisition management system for the Federal Aviation Administration that addresses the unique needs of the agency and, at a minimum, provides for more timely and cost-effective acquisitions of equipment and materials.

(b) The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to subsection (a):

(1) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252–266);

(2) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.);

(3) The Federal Acquisition Streamlining Act of 1994 (Public Law 103–355);

(4) The Small Business Act (15 U.S.C. 631 et seq.), except that all reasonable opportunities to be awarded contracts shall be provided to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals;

(5) The Competition in Contracting Act;

(6) Subchapter V of Chapter 35 of title 31, relating to the procurement protest system;

(7) The Brooks Automatic Data Processing Act (40 U.S.C. 759); and

(8) The Federal Acquisition Regulation and any laws not listed in (a) through (e) of this section providing authority to promulgate regulations in the Federal Acquisition Regulation.

SEC. 352. Section 40118(h)(2) of title 49, United States Code, is amended by striking the second sentence in that paragraph and inserting in lieu thereof the following: ''After review and a public hearing, the Secretary may end any part of the authority of the agency to impose a passenger facility fee, except for that portion necessary to make payments for debt service due by the agency on indebtedness incurred to carry out an eligible airport-related project.''

SEC. 353. Funds provided in this Act for bonuses and cash awards for employees of the Department of Transportation shall be reduced by $752,852, which limits fiscal year 1995 obligation authority to no more than $25,875,075: Provided, That this provision shall be applied to funds for Senior Executive Service bonuses, merit pay, and other bonuses and cash awards.

SEC. 354. Not to exceed $850,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 355. Notwithstanding any other provision of law, the Secretary may use funds appropriated under this Act, or any subsequent Act, to administer and implement the exemption provisions of 49 CFR 580.6 and to adopt or amend exemptions from the disclosure requirements of 49 CFR Part 580 for any class or category of vehicles that the Secretary deems appropriate.

SEC. 356. (a) The Federal Aviation Administration Technical Center located at the Atlantic City International Airport in Pomona, New Jersey, shall be known and designated as the ''William J. Hughes Technical Center''.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal Aviation Administration Technical Center referred to in section (a) shall be deemed to be a reference to the ''William J. Hughes Technical Center''.

SEC. 357. None of the funds in this Act may be used to close any multi-mission small boat stations or subunits: Provided, That the Secretary may implement any management efficiencies within the small boat unit system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide, provided that no stations or subunits may be closed.

SEC. 358. Notwithstanding any other provision of law, of the $29,596,000 available for obligation authorized by item 21 of the table in section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2038), $6,000,000 shall be made available for obligation to carry out surface transportation projects in Louisiana. Of this amount, $5,000,000 shall be made available for completion of the I–10 and I–610 project in New Orleans, Louisiana and $1,000,000 shall be made available for three highway studies of which $250,000 is provided for a study to widen US 84/LA 6 traversing north Louisiana, $250,000 is provided for a study to widen La. Hwy 42 from US Hwy. 61 to La. Hwy. 44 and extend to I–10 in East Ascension Parish and $500,000 is provided for a study to connect Interstate 20 on both sides of the Ouachita River.

SEC. 359. TRANSFER OF CERTAIN FEDERAL PROPERTY IN NEW JERSEY.—The first section of the Act entitled ''An Act transferring certain Federal property to the city of Hoboken, New Jersey'', approved September 27, 1982 (Public Law 97–268, 96 Stat. 1140), is amended—

(1) in subsection (a), by adding ''and'' at the end, and

(2) by striking ''Stat. 220), and'' in subsection (b) and all that follows through ''New Jersey; concurrent with'' and inserting the following: ''Stat. 220);

concurrent with''.

TITLE IV—PROVIDING FOR THE ADOPTION OF MANDATORY STANDARDS AND PROCEDURES GOVERNING THE ACTIONS OF ARBITRATORS IN THE ARBITRATION OF LABOR DISPUTES INVOLVING TRANSIT AGENCIES OPERATING IN THE NATIONAL CAPITAL AREA

SECTION 401. SHORT TITLE.

This title may be cited as the ''National Capital Area Interest Arbitration Standards Act of 1995''.

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) affordable public transportation is essential to the economic vitality of the national capital area and is an essential component of regional efforts to improve air quality to meet environmental requirements and to improve the health of both residents of and visitors to the national capital area as well as to preserve the beauty and dignity of the Nation's capital;

(2) use of mass transit by both residents of and visitors to the national capital area is substantially affected by the prices charged for such mass transit services, prices that are substantially affected by labor costs, since more than ⅔ of operating costs are attributable to labor costs;

(3) labor costs incurred in providing mass transit in the national capital area have increased at an alarming rate and wages and benefits of operators and mechanics currently are among the highest in the Nation;

(4) higher operating costs incurred for public transit in the national capital area cannot be offset by increasing costs to patrons, since this often discourages ridership and thus undermines the public interest in promoting the use of public transit;

(5) spiraling labor costs cannot be offset by the governmental entities that are responsible for subsidy payments for public transit services since local governments generally, and the District of Columbia government in particular, are operating under severe fiscal constraints;

(6) imposition of mandatory standards applicable to arbitrators resolving arbitration disputes involving interstate compact agencies operating in the national capital area will ensure that wage increases are justified and do not exceed the ability of transit patrons and taxpayers to fund the increase; and

(7) Federal legislation is necessary under Article I of section 8 of the United States Constitution to balance the need to moderate and lower labor costs while maintaining industrial peace.

(b) PURPOSE.—It is therefore the purpose of this Act to adopt standards governing arbitration which must be applied by arbitrators resolving disputes involving interstate compact agencies operating in the national capital area in order to lower operating costs for public transportation in the Washington metropolitan area.

SEC. 403. DEFINITIONS.

As used in this Title—

(1) the term ''arbitration'' means—

(A) the arbitration of disputes, regarding the terms and conditions of employment, that is required under an interstate compact governing an interstate compact agency operating in the national capital area; and

(B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement;

(2) the term ''arbitrator'' refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures;

(3) an interstate compact agency's ''funding ability'' is the ability of the interstate compact agency, or of any governmental jurisdiction which provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency;

(4) the term ''interstate compact agency operating in the national capital area'' means any interstate compact agency which provides public transit services;

(5) the term ''interstate compact agency'' means any agency established by an interstate compact to which the District of Columbia is a signatory; and

(6) the term ''public welfare'' includes, with respect to arbitration under an interstate compact—

(A) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and

(B) the average per capita tax burden, during the term of the collective bargaining agreement to which the arbitration relates, of the residents of the Washington, D.C. metropolitan area, and the effect of an arbitration award rendered pursuant to such arbitration on the respective income or property tax rates of the jurisdictions which provide subsidy payments to the interstate compact agency established under the compact.

SEC. 404. STANDARDS FOR ARBITRATORS.

(a) FACTORS IN MAKING ARBITRATION AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not make a finding or a decision for inclusion in a collective bargaining agreement governing conditions of employment without considering the following factors:

(1) The existing terms and conditions of employment of the employees in the bargaining unit.

(2) All available financial resources of the interstate compact agency.

(3) The annual increase or decrease in consumer prices for goods and services as reflected in the most recent consumer price index for the Washington, D.C. metropolitan area, published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) The wages, benefits, and terms and conditions of the employment of other employees who perform, in other jurisdictions in the Washington, D.C. standard metropolitan statistical area, services similar to those in the bargaining unit.

(5) The special nature of the work performed by the employees in the bargaining unit, including any hazards or the relative ease of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands placed upon the employees as compared to other employees of the interstate compact agency.

(6) The interests and welfare of the employees in the bargaining unit, including—

(A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for time not worked, including vacations, holidays, and other excused absences;

(B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and

(C) the continuity and stability of employment.

(7) The public welfare.

(b) COMPACT AGENCY'S FUNDING ABILITY.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the interstate compact agency's funding ability.

(c) REQUIREMENTS FOR FINAL AWARD.—In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (a) and (b) have been considered and applied. An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare. The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.

SEC. 405. PROCEDURES FOR ENFORCEMENT OF AWARDS.

(a) MODIFICATIONS AND FINALITY OF AWARD.—In the case of an arbitration award to which section 404 applies, the interstate compact agency and the employees in the bargaining unit, through their representative, may agree in writing upon any modifications to the award within 10 days after the award is received by the parties. After the end of that 10-day period, the award, with any such modifications, shall become binding upon the interstate compact agency, the employees in the bargaining unit, and the employees' representative.

(b) IMPLEMENTATION.—Each party to an award that becomes binding under subsection (a) shall take all actions necessary to implement the award.

(c) JUDICIAL REVIEW.—Within 60 days after an award becomes binding under subsection (a), the interstate compact agency or the exclusive representative of the employees concerned may file a civil action in a court which has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—

(1) the award is in violation of applicable law;

(2) the arbitrator exceeded the arbitrator's powers;

(3) the decision by the arbitrator is arbitrary or capricious;

(4) the arbitrator conducted the hearing contrary to the provisions of this title or other statutes or rules that apply to the arbitration so as to substantially prejudice the rights of a party;

(5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;

(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or

(7) the arbitrator did not comply with the provisions of section 404.

[TITLE V

[ADDITIONAL GENERAL PROVISIONS

[SEC. 501. None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, New York.]

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 1996''.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD. 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. HATFIELD. 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. HATFIELD. Mr. President, we are here today to discuss H.R. 2002, the fiscal year 1996 Department of Transportation and related agencies appropriations bill.

This bill has been a challenge—a challenge to meet the over arching goal of deficit reduction while at the

same time providing the resources necessary to address the Nation's infrastructure needs. The 602(b) allocation for this bill is $12.4 billion in budget authority and $36.561 billion in outlays—$200 million less in budget authority and $386 million less in outlays than the House allocation. My colleagues should know that the bill as reported from the committee is right at its 602(b) allocation for both budget authority and outlays. So any amendment that affects either budget authority or outlays needs to be budget neutral.

A number of my colleagues are unhappy that we could not do more either for individual projects or for transportation in general.

I too wish that more could have been done.

The allocation was very restrictive; but, I want to make this very clear to the Members. The allocation for the subcommittee was higher than what was implied by the budget resolution that many have endorsed. If the committee had strictly adhered to the budget resolution's assumptions for Transportation, both budget authority and outlays would have been reduced even further. The budget resolution assumed approximately $20 million less in budget authority and $350 million less in outlays. The outlay assumption in the budget resolution would have been particularly difficult to satisfy. To accommodate the outlay assumptions of the resolution, the bill would have had to totally eliminate transit operating assistance, or to put it in perspective, reduce the Federal aid highway obligation ceiling by 13 percent.

I should point out to my colleagues, the Transportation Subcommittee has limited control over outlays in a given year. Over 69 percent of the total outlays are from prior years' commitments and on top of that another $330 million is outside the subcommittee's control because highway authorizing legislation has made the minimum allocation program and the highway demonstration projects exempt from any spending controls. The net effect is that over 70 percent of the bill's outlays occur regardless of what we do in the current year—and next year we will be further restricted in funding new programs.

Transportation is unique in another way because it pays for itself. This fiscal year, 1995, almost 76 percent of the budget is financed through the various trust funds. The bill before you maintains the user fee concept. However, in order to address the fiscal year 1996 constraints and to be in a better position for fiscal year 1997 there are a number of provisions included that deal with the financial operations of the Department and the need for capital and continued investment in the Nation's infrastructure, such as highway trust fund receipts are not increasing, yet demand for surface transportation is increasing, therefore, I am recommending the creation of State infrastructure banks; in order to assist the FAA better manage its personnel and equipment purchases, bill language on reforming those areas is included; to help States avoid a 20-percent reduction in new contract authority for highways in 1996, bill language is proposed to give States greater flexibility over the use of their highway dollars. And, finally there is direction to the FAA to recover fully the costs for providing services and for administrating various programs.

These proposals have a direct effect on the Department's financial wherewithal, which should be of great concern to all of us.

These proposals are not about jurisdiction They are about providing the tools and the resources that the Department of Transportation needs now and more importantly for the future. We cannot idly sit by.

I hope that the financial and management proposals in this bill are supported by the full Senate. I welcome the debate that these proposals have generated. Because they are so important and affect all the modes of transportation, I thought that they needed consideration and input by the full Senate. As a colleague said, many of these are not new—some of the reforms proposed were first requested by former Secretary of Transportation, Elizabeth Dole.

Some of the committee's recommendations have already had the desired effect, and that is immediate consideration. I hope that the outcome will be that the authorizing committees in concert with the Appropriations Committee will propose legislation that makes changes in the way that the Department of Transportation currently does business.

I have been very encouraged by the time and energy that members of the Commerce Committee immediately gave to the proposals in the aviation area; and, I am hopeful that we can reach some agreement in that area. Some form of aviation financing legislation must be enacted this session. On the other provisions, which are offered in response to transportation's overall fiscal situation, I ask for your support.

I have also heard concerns expressed about the funding level for the ICC. The bill before you contains funding to pay for ICC functions that will transfer to DOT, $4.7 million; and funding to pay for ICC termination costs, $13.4 million. These funds were included without judgment as to what may succeed the present commission, which will be determined by authorizing legislation.

I want to say that, Mr. President, that we have worked concurrently and in close harmony with the authorizing committees, both the Commerce Committee and Environment and Public Works Committee. We worked most particularly with Senator CHAFEE, chairman of the Environment and Public Works Committee and with Senator MCCAIN, the subcommittee chairman, on aviation in the Committee on Commerce. We are hopeful that these matters will move speedily to a conclusion.

Again, I emphasize that we are not attempting to usurp jurisdiction, because it is not a jurisdictional question, it is a survival question, in many instances, and a question of what our future infrastructure is going to be.

Mr. President, I would like to yield to my close associate and former chairman of this subcommittee, Senator LAUTENBERG of New Jersey, for any opening statements he wishes to make relating to this bill. Then I will ask that the next moment be reserved for adopting the committee amendments, en bloc, and with a tabling motion followed on one of the committee amendments.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, before I discuss my view of the bill that is before the Senate, I want to take a moment to thank Chairman HATFIELD for the considerable work he has put into this bill.

This was tough. The entire Transportation Subcommittee recognizes that we are fortunate to have Senator HATFIELD as our new subcommittee chairman. Over the last several months, he has demonstrated a unique ability to provide balance to the discussion and to arrive at a consensus.

I am not totally satisfied with the outcome of the bill, and I believe that the chairman shares my views. Our concern raises principally because the resources are lacking to confirm our belief of what ought to be invested in the transportation infrastructure in this country.

We had several hearings, a thorough and complete set. The legislation before the Senate clearly demonstrates Senator HATFIELD's leadership in putting this delicately balanced bill together. It probably fails to satisfy almost everyone, and the reason that the bill will fail to please is due to the inadequacy of resources. That is a pure and simple fact.

I support H.R. 2002, the fiscal year 1996 Transportation appropriations bill. I do it, however, with obvious reluctance. My reluctance has nothing to do with the chairman's product or any single provision in the bill. Again, I cannot emphasize it too often, it is attributable entirely to the shrinking size of the bill itself. It contains $1 billion less than we spent in 1995.

Madam President, for the last 8 years, I stood before the Senate as chairman of the Transportation Subcommittee, and though I miss that

role, I am nevertheless pleased to continue as the ranking member on the Transportation Subcommittee. I stood here and argued for an increase in balanced spending for transportation, and I make no apologies, none, for supporting spending that invests in our Nation's infrastructure, spending that boosts our efficiency, our competitiveness, and our productivity.

My view is no different than that of dozens of economists across the philosophical spectrum. While many things have changed here in Washington over the years, my views on transportation spending have not; neither have those of the dozens of economists that I refer to, who believe that investments in infrastructure pay off in so many areas in our society.

Infrastructure investment promotes efficiency. It can promote a better quality of life as we travel from work to home, home to recreation, or home to shopping or vacation. It affects us, obviously, in those ways. The amenities of life are considerably improved.

It also affects very directly our environmental condition. Nothing fouls the air more than the proliferation of automobiles, trucks, and machines that produce toxic chemicals into our air.

We ought not to have to deal with this in an advanced society like ours. By providing a balanced transportation network, we could avoid much of that grief and much of those problems.

We are short of resources. The bill before the Senate cuts our national investment in transportation by $1 billion. I continue to believe that cuts of this magnitude undermine our prosperity ultimately and harm the traveling public.

When I spoke in opposition to the budget resolution that passed the Senate, I did so as a member of the Budget Committee. What I had in mind when I voted in opposition were moments like these. We all support spending cuts that are prudent and well reasoned and in the national economic interest. But the budget resolution does not allow selectivity. It requires us to adopt slash-and-destroy tactics. A $1 billion cut in transportation demonstrates that fact.

Look at the questions raised by this bill, at the needs it does not address, at the problems it will cause. While air traffic continues to rise, we find ourselves required to cut the FAA's operating budget more than $150 million below the President's request. While our Nation's cities are struggling to clean the air, minimize congestion, we slash mass transit operating subsidies, cuts that will increase fares, decrease service, and push more commuters out on the highways in their cars.

After Amtrak has already gone through a painful series of service cuts and has reluctantly accepted a 23-percent cut in operating subsidies, we are now required to cut them even deeper and trigger yet another round of service reductions. I think that is ridiculous, for the United States, the leading economic power in the world, to have a railroad system that frankly compares to that in some of the developing countries. This Nation of ours is about 50th in per capita spending on infrastructure investments, and we rank way behind the countries that have the leading transportation systems, like France, like Germany, like Japan.

I find it an intolerable condition. By the way, so do most, if not all, of our colleagues in this Chamber and I believe on the other side of the Capitol as well. And, we see it by the requests that come in—to me, and I know to Chairman HATFIELD—by the dozens, from Members of the Senate who had specific projects that they wanted to be either initiated or continue. These were not in the tradition of what is commonly called bacon, or pork—whatever piece of the pig one chooses. The fact of the matter is, these requests were often very, very significant in terms of development of easier traffic routes and a more efficient economy in the region.

There again, I hear it from almost all the Senators here—perhaps Senator HATFIELD has heard more because he is now the chairman. But when I was chairman, I would get requests from virtually every State in this country, certainly every region.

Here we have this incredible aviation system of ours. It handles millions of passenger miles each day. It works superbly. It is safe. But it is late, often. It is insufficient to meet the demands. As a consequence, we see the kind of pricing that I think could be lowered if we could expand the system to accommodate the growth.

When our Nation's air traffic controllers are working under incredibly stressful conditions, we are going to penalize them further. We are going to require a reduction in their annual take-home pay by 2.5 percent. It does not sound like a good idea, but we are forced into that position because of the inability to fund the needs for FAA.

We are making these cuts not because they represent solid policy choices; we are making them because the budget resolution gives us no choice. Certainly, the Appropriations Committee is not to blame for these cuts. The chairman has done the best that he could, and I consider it a privilege and a honor to work with him. It is the best he could do. We are from different parties and different regions of the country, but we share a common interest in investments in transportation infrastructure. The chairman has done the best he could under the insufficient funding that is available to us.

As chairman of this subcommittee for the last 8 years, even when times were better and more funding was available, I decried the budgets at those times because they were insufficient to keep up with the growth and demands of our Nation. Now, as the resources are reduced substantially—and, yes, I would like to see us balance the budget, but I would not like to see it at a pace that is perilous to the economic well-being of this country, nor would I like to see it in such a way that it deprives us of the opportunity to be the competitive nation that we ought to be.

I fought for larger investments in transportation infrastructure. It pained me to see the list of obsolete bridges that exist all over the country—a lot in my own State of New Jersey, the most densely populated State in the country, with very dense traffic. It pained me to see the inadequate roadways being ever more worn down by excessive traffic. I found it very difficult to accept the kind of intercity rail service and transit service that we see around our country when, again, we are the most prosperous nation in the world.

We have made mistakes, yes. But the fact is, we have the ability to finance these things. We have an aviation system straining to meet schedules and service requirements because we, once again, are not making adequate investments. Be that as it may, we are guided, as I said earlier, by the budget resolution, not by our desires nor our beliefs in what ought to be taking place.

This bill, as passed by the House of Representatives, included some substantial increases, especially in the areas of highway and airport grants and paid for those increases with severe cuts in mass transit and Amtrak. The Senate bill before us, however, is almost $400 million in outlays below the House bill. As a result, those programs that are treated most generously in the Senate are often frozen. Everything else has been cut.

It is my hope that when this bill reaches conference, our subcommittee allocation will rise to the level that is approved by the House and we will have more money to work with. At that time I hope we can address some of the most severe funding cuts in the bill.

Some of the most problematic provisions that I find in our bill include this provision I discussed, to cut the pay of our air traffic controllers. I know the incentive pay program, which is cut in this bill, was initially designed as a one-time initiative to bring the structure back. It was just after the illegal strike that took place, and it was designed to strengthen and fill the personnel requirements that we needed. But now, this is many years later, it is a basic element in every air traffic controller's compensation plan.

So it is my hope, when we get to conference and can add more funding to the FAA operations, we will be able to avoid a pay cut for our air traffic controllers. They work hard; they earn their money. We want their nerves to be good and calm, and we want them to be able focus on their job.

I am equally concerned with language in the bill which exempts the FAA system from many civil service

rules and the language requiring workers on workers' comp to retire, saying to them, ''You have to quit now because you are deriving benefits from workers' compensation.'' It is without, I think, an understanding that these people may be able to get back to work in the not-too-distant future and would probably like to have their positions back if they are able.

There is no question, no question in my mind at all, that we need serious reform at the FAA. But true reform has to be comprehensive.

I hope and I know that the chairman of the Commerce Committee, with me, will move forward with appropriate comprehensive reform legislation so that we do not need to take this kind of action in the final appropriations bill. I know that, if Senator HATFIELD was in a better position to provide more funding in the FAA's budget request, he would not be proposing some of these ideas in the appropriations bill. But he was forced to take an action, as they say, to balance the books.

Finally, I am concerned with the formula change in transit operating assistance. Simply put, the Federal Government has been the partner in the transit systems around the country and has provided some measure of funding. We find it in New Jersey, and I know we find it in States around the country. But this program is being cut now by 44 percent, which means that unless the States can come up with, or the local communities, or the metropolitan trading area authorities can come up with more money, fares are going to go up significantly.

This program is being cut 44 percent, the largest single cut of any major formula program in the bill. And make no mistake about it, the cuts will mean transit service reductions. People are going to have to pay more to get to work, to get to shopping, and to get around the community. So this is going to be painful when these increases finally arrive at home.

The formula has been changed, so that larger urban systems will have disproportionately larger cuts than the more rural, smaller systems. And it makes the problem even worse in many of the cities, including the cities in my State.

I know many people view this provision as a way to spare some of these transit agencies that are most dependent on Federal assistance. However, this provision can also be viewed as rewarding the very municipalities that have made the least local funding commitment to transit. I hope that this formula change will be reviewed or done away with during the conference committee action on the bill.

Despite all these reservations, Madam President, I once again commend my colleague and friend and chairman for his hard work on this bill. He has done an extraordinary job with the resources available. I thank him for the cooperative spirit and fair-mindedness that he has always maintained throughout the process.

I also want to thank the staff people who have been so helpful—on the chairman's side Pat McCann, Anne Miano, and Joyce Rose, people who were part of my staff when I was chairman. They have continued to do the work just as faithfully and just as expertly without any glitches as a result of the party change there, people who are committed to the assignment of transportation appropriations. And they do it well.

And I thank my own staff person, Peter Rogoff, for his continued assistance and his personal growth on the job; he has taken over more responsibility and has done more than well.

As the chairman has already noted, the bill before us is at its ceiling both in budget authority and outlays. So any amendments that are offered will have to be fully offset in both budget authority and outlays.

I want to join the chairman in our hope that any of those who have amendments will come to the floor as soon as possible so that we can continue progress on the bill.

PRIVILEGE OF THE FLOOR

Madam President, I ask unanimous consent that Joanne Horne, a congressional fellow with the Transportation Subcommittee, be granted privileges of the floor during the debate on this legislation.

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

Mr. LAUTENBERG. With that, Madam President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, I thank the ranking member, Senator LAUTENBERG of New Jersey, who served ably as the former chairman of this subcommittee—and I had the privilege of working with him over a number of years—for his eloquent description of the bill and for his wonderful support and cooperation in bringing this bill to the floor. I made comments about that previously in my opening remarks. But he was at that time unable to be here on the floor present, and I wanted him to hear it directly from me.

COMMITTEE AMENDMENTS

Madam President, I have some unanimous consent requests that have been cleared on both sides.

First of all, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, except for section 352 of the bill, page 74, lines 1 through 8.

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

Mr. HATFIELD. I ask unanimous consent that they be considered as original text for the purpose of further amendment and that no points of order be waived thereon.

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

Mr. HATFIELD. Madam President, I move to table the committee amendment, section 352 on page 74, lines 1 through 8 at this time. And I might just briefly state this committee amendment that was to give authority to the airport agencies; that is, the local airport authorities, to raise the passenger fees from $3 to $5. We got a lot of response from those effected carriers and other interested parties. We think we have their attention.

So I now move to table.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. HATFIELD. Madam President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Madam President, I am happy at this time to yield to the Senator from Colorado, who I understand has some matters to bring before the body.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Madam President, I thank the Senator for yielding.

I want to express my thanks to the distinguished chairman and the ranking member for their efforts.

I rise to inquire about a concern I have with regard to the appropriations that are described on page 179 of the committee report under the title of ''New Systems.''

Madam President, my concern is specifically and my understanding is that our Federal statutes outline the process for the Department of Transportation to allocate funding for these new systems on, if you will, a merit basis; that is, after consideration in depth of the project, looking at the benefit it will have, and the cost it will have and the local participation it will have. Our Federal statutes anticipate that money would be allocated by the Department of Transportation on the merit basis.

Yet, in looking at the committee report and reviewing the bill, it appears to me that what has been done here is the committee has earmarked all of the money in that category, and virtually nothing would be left for the Transportation Department to allocate to projects based on their merit.

I raise that as a question, and ask the chairman if I have interpreted that correctly or if there are factors that I have not seen in reviewing it.

Mr. HATFIELD. Let me put this in context, if I might. A few years ago when we adopted the ISTEA legislation, before that time we had designated these various projects in report language. At that time, the authorizing committee identified those projects within the bill language legislating them into law. They identified a total of $666 million to be expended annually for those designated programs in locations, descriptions, and costs, full-funding agreements and so forth.

The President sends up his budget by which the Department of Transportation expresses its views as to those projects most able to undertake the construction, all of the preliminaries being completed, and agreements having been signed by the Department of Transportation with those local entities. When you get to a cap on a figure in any account, you obviously then are in a position to have to make selections and priorities.

We also find that when that legislative authorization has taken place, events tend to change those projects as you get down the road into them. As an example, Los Angeles has been having some recent difficulty in its project relating to its contractor, and as I understand that is under investigation. Therefore, things are kind of on hold.

If we did not have this earmarking, as the Senator calls it, which really more precisely to try to distinguish it from other kinds of earmarks, we set these priorities within that $660 million, we would not have $688 million this year. We were able to take some unobligated funds to add to that to do a little bit more.

By the way, we had $1.1 billion in requests from Members within this category of the $660 million cap. So what we have to do then is to identify those in dollars concurrent to those changing roles or changing rates of action and progress, and so forth. And that is why these are listed by certain number of dollars.

Let me take as another example both New York and Portland. In Portland, OR, my home State, there was a shortfall in the next to the last increment to complete the light rail system in my city of Portland. There were a couple of years of shortfalls in terms of the moneys appropriated by the House and Senate, and so forth, which put a time lag into that project that had full funding and contracting already established. And so by being able to add a little over the President's request of $106 million, this catches both Portland and New York City up to date, which means we can complete the Portland project with one last increment in 1997. Otherwise, we might be forced into 1998, which expands the costs, of course, because of the time extension.

So those are the kinds of judgments we are called upon as a committee to make to maximize the dollars for these programs that we are committed to by contract, authorized and designated in the ISTEA legislation.

Mr. BROWN. I understand the projects listed under fixed guideway modernization on 178 do total, or do involve the ISTEA presentation.

Mr. HATFIELD. Yes.

Mr. BROWN. Am I to understand that the ISTEA priority affects those in the new systems as well?

Mr. HATFIELD. Yes. Yes, that is correct. And there is a formula that you will find on the guideway modernization, fixed guideway modernization on page 178. Those are allocated on the basis of formula set by the Department and in the legislation, ISTEA legislation.

Mr. BROWN. I guess the concern I bring is the difficulty of falling into a circumstance where allocation of these funds is based on designation by legislative acts instead of what should be a merit focused formula that I understand section 5309 of our Federal law lays out. I am wondering if that objective criteria is what guides Congress in its selection here or if this involves simply an overriding objective criteria?

Mr. HATFIELD. I can assure you that the basis the committee has used is purely merit. I believe that we have similar capacity to executive agencies to establish priorities by merit within the body of the Congress. I do not assume that only the executive branch can set those standards by merit. You will also find that there is a great correlation between what has been determined as merit in the committee and what the administration has also declared on the basis of merit. In other words, our merit basis tends to affirm, one affirm the other.

Mr. BROWN. I understand the process that we have in the statute. I think the Senator can see my concern. The statute, as I understand, has with legislative authority laid out some fairly detailed guidelines as to how you would evaluate projects, and yet at least from the outside it appears that we use a different system in coming up with it.

What the Senator is telling me is the statute is used by the administration in what they recommend to the Congress, and that the committee presumably looks at those ratings in making their decision, although they are not bound by them.

Mr. HATFIELD. I am saying basically, yes, that the administration sends up its recommendations. Take my city of Portland, for instance—one of the highest because we are moving toward that completion offered by the administration. The addition between what the administration's level is and what we made on a basis of merit and maximizing the dollars and trying to complete the project within the existing contract was to add for the shortfalls of 2 previous years, and certainly I think that is within the prerogative of the congressional body and I think it is based on merit.

Mr. BROWN. I appreciate the Senator taking the time to go through this with me. I yield the floor.

Mr. HATFIELD. I thank the Senator.

AMENDMENT NO. 2328

(Purpose: To transfer additional funds for mass transit operating assistance)

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I send an amendment to the desk on behalf of Senator Santorum and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. SANTORUM, proposes an amendment numbered 2328.

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

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

The amendment is as follows:

On page 30, line 16 ''$985,000,000'' and insert $1,025,000,000''.

On page 30, line 17, strike ''$2,105,850,000'' and insert $2,145,850,000''.

On page 30, line 20, strike ''$400,000,000'' and insert ''$440,000,000''.

On page 2, line 6, strike ''$56,500,000'' and insert ''$55,400,000''.

On page 3, line 6, strike ''$9,710,000'' and insert ''$6,336,667''.

On page 6, line 13, strike ''$139,689,000'' and insert ''$134,689,000''.

On page 16, line 22, strike ''$215,886,000'' and insert ''$205,886,000''.

On page 16, line 14, strike ''$70,000,000'' and insert ''$86,000,000''.

On page 30 line 12, strike ''$42,000,000'' and insert ''$39,260,000''.

On page 54, line 5, strike ''$5,000,000'' and insert ''$10,000,000''.

On page 54, line 8, strike ''99,364,000'' and insert ''94,364,000''.

Mr. SPECTER. Madam President, at the outset, I add my words of commendation to those already articulated for the distinguished chairman of the full committee and the chairman of the subcommittee and the distinguished ranking member for an outstanding job which they have done and acknowledge the very grave difficulties in stretching a limited number of dollars to a great many important aspects of transportation.

I serve on the Transportation Subcommittee and advised the distinguished chairman at the markup on the subcommittee of a number of concerns I had, one of which was the mass transit operating expenditures, which have been reduced very materially from $710 million in Federal operating assistance to $400 million. These Federal funds are used to keep transit fares down and to maintain service.

The amendment which I have offered on behalf of Senator SANTORUM and myself would increase the funding by $40 million in budget authority and $24 million in outlays with a series of offsets which total $43.2 million in budget authority and $24 million in outlays.

This amendment is being offered to make some adjustment in operating assistance which is relatively minimal—a 10-percent increase but at least some effort to ameliorate and improve the tremendous losses which will be suffered across the country. These offsets have been very carefully calibrated to do the minimum amount of harm to the areas where the offsets are obtained.

For example, on GSA rental payments, there is a $5 million offset in both budget authority and outlays which still leaves the Senate at $134.6 million which is above the House figure; a $10 million reduction in budget

authority and $6 million in outlays from FAA research and development, which still leaves the Senate $205.9 million ahead of the House figure of $143 million; DOT working capital fund, a $5 million offset in budget authority and $3 million in outlays, which leaves the Senate at $95.4 million compared to $92.2 million for the House; the Federal Transit Administration, administration expenses, a reduction in budget authority of $2.74 million and outlays of $2.47 million, which leaves the Senate at $39.2 million equal to the House $39.2 million; an offset of $1.1 million in budget authority and $1 million in outlays from the Secretary of Transportation salaries and expenses, noting a very small reduction; and $3.37 million in budget authority and $2.53 million in outlays from Transportation planning, research and development, which leaves the Senate still ahead of the House $6.3 million to $3.3 million.

I omitted the figure of the Secretary of Transportation salaries and expenses, which still leaves the Senate figure $55.4 million, ahead of the House figure of $55 million. This has been a very, very carefully calibrated reduction in a number of accounts which I think can be accommodated without any undue problems.

The information which has been provided to me from my Pennsylvania constituent group, the Pennsylvania Association of Municipal Transportation Authorities, and also provided to my distinguished colleague, Senator SANTORUM, shows the impact on transit authorities across the State which are very, very substantial.

For example, in Wilkes-Barre there would be a loss of $409,000, which would require an increase in fares of 104 percent, from $1.10 to $2.25 on fares, or a reduction of service of 39 percent, which would result in a customer loss of 680,000 riders.

In Indiana, PA, for example, an operating loss of $28,260 would cause a fare increase of 80 percent, from $1 to $1.80, or reduction in service of some 25 percent.

There would be losses across the board of a very substantial nature—Allentown, Altoona, Harrisburg, Lancaster, Scranton, State College. In addition to the ones already referred to, a loss to Pittsburgh of some $3.75 million, and Philadelphia, $11.5 million.

Now, this is minimal, as I say, Madam President. And I offer this modification with some fine-tuning to an excellent job already done by Senator HATFIELD and Senator LAUTENBERG, looking across the entire spectrum of expenses in the transportation account. But this is being offered in an effort to try to bring some help to the mass transit riders. There has been a reduction in the fares for urban areas of 43.7 percent, in rural transportation of 19.4 percent, which we had considered making it a modification and did not do so. But this I would consider minimal and necessary.

The point has already been made about mass transit being necessary for the elderly and for the working poor. And at a time when we are considering the changes in the welfare laws, we really need to keep people on the move in the Philadelphia area, for example. Keep people moving from center city to suburban areas and moving in all the towns across Pennsylvania. I am sure these figures are duplicated, really, across the country.

That states the essence of the position. And I would be delighted to yield at this time to my distinguished colleague, Senator SANTORUM.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Madam President. I will join my colleague from Pennsylvania in congratulating the chairman of the committee and the ranking member for their outstanding work on this bill. And I know how difficult it is.

The chairman of the committee is often in our meetings talking about how the discretionary funds continue to get cut, and to try to reallocate those resources is a brutal task and one that is a thankless job, and you have to make tough decisions and you are not going to make a lot of people happy in that case. And I also say no one fights to make sure that discretionary spending gets a fair allocation out of the budget process more than the Senator from Oregon.

I rise to join my colleague from Pennsylvania in what I agree with him is a modest amendment. If you look at what has happened over the last many years to mass transit funding in past Congresses, mass transit funding has suffered a disproportionate share in the cuts of the transportation budget for quite some time and continues in this round to suffer again a disproportionate share of the funding cuts.

I understand we have priorities, and this was an attempt by the committee to try to order those priorities. What we are trying to do with this amendment is to try to in some way give back or create a higher priority for mass transit.

I think the reason I am so enthusiastic in supporting this is because I strongly believe in mass transit and its role, not as just providing transportation to seniors who want to get to the store, which is obviously important, but the majority of riders on mass transit systems in this country use it to get to work.

When you look at what is happening with the reductions in Federal funding and the increase in fares and what that means to particularly low-income families who rely on mass transit to get to work. When I served in the Congress, I represented an area called the Mon Valley, an old steel valley outside Pittsburgh. There are communities there that are now almost ghost towns, unfortunately. But these communities had incredibly high unemployment rates, virtually no jobs. Most all of the mills that were in these towns have closed down years ago. And the only way they could get to work, because most of them could not afford a car, was to get on the port authority bus, PAT bus in Pittsburgh, and go into town or some other job center.

Well, because of cutbacks and the like, they had to discontinue services to a lot of these communities. So these people had absolutely no way to get to work. They could not afford a car. Unfortunately, in those areas crime was very high. Insurance rates were very high. Even if you could afford a car, in many cases you did not keep a car very long.

So it was a difficult task, and I became very sensitized to the importance of mass transit as a link to a lot of urban areas; in small towns, for that matter, the link for the people who live in these poor communities where the jobs do not exist anymore.

There are no jobs in North Philadelphia. They do not have many. If you want to get to work, you have got to somehow get into center city or out up into northeast or out in the suburbs. Those are the realities of living in urban areas today. And mass transit provides that very vital link.

I find it ironic we are discussing this the day after we were talking about welfare reform. I have been on the floor here the last couple days talking about welfare reform. And I was in Philadelphia a couple months ago. We talked with a group of welfare recipients as well as advocates. And one of the things that they highlighted most to me was the need to continue mass transit funding.

The response was, ''Why so?'' And it came back with, ''Well, if you are expecting these people to go to work, they have to have some way to get to work.''

Obviously, most welfare recipients do not own cars. They do not have the resources to get a car. Many of them do not have friends who have cars or relatives, and they have to use mass transit. As we continue to cut back or increase fares, which is going to be the result of the action here, we are going to affect the ability for these people to hold jobs, and in fact if we are going to make them have jobs on welfare, to get those jobs and collect those benefits.

So, that is why I rise in very strong support of this, I think, very minor reallocation of resources to recognize the importance of mass transportation for so many Americans who are trying to do what we want them to do, which is get to work, hold a job, and be responsible citizens, tax-paying citizens of our country.

I wanted to mention one place in particular just so you do not think this is a problem of the big cities. This bill is, in fact, kinder to populations of under 200,000 people. So the big cities get a little bigger hit in this bill than the smaller areas. Maybe that should be the case, because a lot of the smaller

areas are more dependent upon the Federal subsidy because they do not have the base of support that a lot of the larger urban areas have.

But I wanted to pick up on what my colleague from Pennsylvania talked about. He talked about Indiana, PA. Indiana, PA, is famous—probably not famous to many people, a lot of people here—but it is famous because it is the birthplace of Jimmy Stewart. In fact, the Jimmy Stewart Airport—they just had a big commemoration of naming the airport after Jimmy Stewart. They opened up a museum there. Indiana, PA, is a town in western Pennsylvania that has just a tremendously tough time.

Indiana County has the highest unemployment rate in the State. It is over 20 percent. With these cuts, as was reported by my colleague from Pennsylvania, it would go from $1 to $1.80; either that or have a 25 percent reduction in service. That is going to be a big hardship on this community.

So what we are trying to do is just ease the pain a little bit by adding some money to this account. I hope that we can get the support of our colleagues and stand up in conference and look at the House numbers and try to do a little bit more in recognition of the importance of mass transit for the employment of so many people in our urban settings who need to get to work.

I want to congratulate my colleague from Pennsylvania for his amendment and his willingness to stand up and fight for what I believe is a very just cause. I am pleased to sponsor him and support him in his effort.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

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

AIRLINE FARES

Mr. DORGAN. Madam President, I will just take a moment to describe an amendment I have discussed with the chairman and the ranking member on this appropriations bill. I intend to offer an amendment that I hope they will accept this evening which calls for a study by the Department of Transportation on the subject of airline fares.

I come from North Dakota, which is not a heavily populated partof the country. All of us have understood, I suppose, from our own unique perspective what has happened with respect to airlines under deregulation. I can tell you what has happened to airlines under deregulation for some parts of the country. If you live in Chicago and fly to Los Angeles, it has been a wonderful, wonderful thing. You have multiple opportunities to call a number of carriers. You find robust competition and low prices.

If you live, however, in a smaller community, in a rural State, you call the airline and find out that you are paying more. I can get on an airplane and fly from here to London and it costs less than it costs to fly from here to Bismarck, ND. Let me say that again so people understand.

I can fly from here to London to see Big Ben for less money than it costs me to fly from here to see Salem Sue the Cow, the biggest cow in the world sitting on a hill near New Salem, ND, 30 miles from Bismarck airport.

Why should it cost me less to fly from here to London than from here to Bismarck? Because that is the way deregulation has worked. If you happen to live in areas where there are a lot of folks, you get a heck of a deal on airline fares, plenty of opportunities for different carriers and different flights and lower prices. If you live in a rural area, you are going to have less opportunity, fewer carriers, less competition, and higher prices.

I am going to bring some charts to the floor one of these days that will entertain the Senator from New Jersey, I hope. They will make a simple point about who pays what for airline travel in this country. The fact is, people who live in rural areas pay through the nose, and the folks who happen to live in New York, Chicago, Los Angeles get a wonderful deal from airline deregulation.

I want a definitive study done that demonstrates that is the case. I know it is the case, and most folks who live where I do know it is the case. I would like to see a DOT study done, and when that is done, I would like to talk with the folks in the Senate and the House about deregulation and what ought to be done to address some of these issues.

I want to mention one additional thing to the Senator from New Jersey, who is obviously now intently listening to this discussion. If you try in today's circumstance to start a new regional airline carrier to provide jet service in Maine or North Dakota or some State with a more rural population, what will happen is, you are going to get squashed like a little bug. In the old days, if you had a regional jet carrier, the major carriers were required to do code-sharing and offer joint fares. These days, of course, there is no such requirement. So a new jet carrier service begins to provide regional carrier service, and quickly finds the service they can provide is from one city to another and that is their only opportunity, because no big carrier is going to join with them for joint fares and code-sharing.

So very soon they will discover, for example, if you are providing service from Bismarck, ND, to Denver, which happens to be the case with the new regional jet carrier, you cannot if you are traveling from Bismarck to Los Angeles. The most direct route would be a jet from Bismarck to Denver and then on another jet from Denver to Los Angeles. You cannot do that, because the major carrier flying from Denver to Los Angeles says, ''We don't offer joints fares. That is our judgment. We just don't do it.''

What is the result of deregulation policy, a policy which would not have existed 20 or 30 years ago? We would not have allowed that to happen. What is the result? The result is, we will not see the emergence of robust, energetic, new jet service from regional carriers in this country until we decide to change the rules or maybe change the law and decide that deregulation must be adjusted in those certain circumstances.

The first step is to demonstrate with a definitive study about who gets the benefits and who bears the cost of airline deregulation, and then to take that study and use it to try to find some sensible solutions to it.

So I intend to offer an amendment that simply requires such a study. I hope that it will be acceptable to the Senators who are managing this legislation.

Mr. LAUTENBERG. I would like to respond to our distinguished colleague from North Dakota.

First of all, I was struck by a speech we heard the other day, one of the most illuminating and interesting speeches on the floor when the distinguished Senator from West Virginia, Senator BYRD, stood up and talked about his 14,000th vote, about two votes that he regretted. One of major magnitude was a vote that he made against the civil rights legislation in 1964. And he is a man whose knowledge is unchallengeable here. And the other was when he voted for airline deregulation.

Frankly, if I was here at the time, I would not have voted to deregulate, and I am very interested in all forms of transportation, particularly aviation. In a State like New Jersey, a critical part of our structure, our culture, our economy is the airport we have at Newark.

That does not mean that we have cheap fares, I say to my friend from North Dakota. As a matter of fact, if you want to fly from New Jersey to Washington, you often will pay more than you might to fly to Chicago or some further place. So we wound up with higher fares and worse service. At the same time airlines reduced their costs because they do not pay the wages they used to pay, and they do not have the services available that they used to. Now everybody crowds their luggage onto the airplanes, and if you ever traveled with a bunch of high school students and get hit in the head with backpacks as they walk up the aisle like a ball down bowling alley, you realize that is not something you are really fond of. I would not be surprised if somebody tried to bring a pet elephant or a donkey. But the crowding

that you get on airplanes is almost insufferable.

I share the Senator's interests in having a study done. But, I think a study ought to be committed that would be a little more comprehensive. It should be the jurisdiction of the Commerce Committee and have a full review of what happened with airfares and with service. And some of the more rural places are just not going to get a lot of jet service because of the fact that it is so expensive to offer. But I believe that service to communities is an essential part of their survival. We had this debate over essential air service. For a lot of communities, if you get rid of the airline availability, you almost destroy the economic well-being of those communities. So I would like to share with the Senator from North Dakota the request for getting a study done. But I hope that we can do it with another committee, a committee that has authorizing jurisdiction and so forth. I will defer to my chairman here to see what his views are.

Mr. HATFIELD. Madam President, I would associate myself with the remarks of the Senator from New Jersey in responding to the Senator from North Dakota.

AMENDMENT NO. 2328

Mr. HATFIELD. Madam President, I would like to now respond to the amendment offered by the Senators from Pennsylvania, Mr. SPECTER and Mr. SANTORUM.

Madam President, first of all, I want to commend the Senators from Pennsylvania for the careful crafting of an amendment in which they took full responsibility to have reductions to offset the increase they are seeking for the transit operating fund. I wish that I could accept their amendment because I know they speak not only for their State of Pennsylvania, but for all States that have a system which depends so much an transit operating aid. I have one in my own State of Oregon, in the city of Portland.

Madam President, I have to say, in looking at the total picture as to what is happening to this fund, not only this year but in the previous year, 1995, it would be, in my view, offering less than full support, it would be raising false hope that we somehow are going to reverse the trend.

In 1995, that fund was reduced by 12 percent. In 1996, the President reduced it from $710 million down to $500 million. He suggested an across-the-board reduction which would turn out to be about a 30-percent reduction in transit operating aid to all systems. The House reduced it down to $400 million, which translates into about a 44-percent reduction across the board to all systems, large and small. The Senate suggested the same figure of $400 million that the House did. But we try to draw a distinction between small and large operations.

In small operations, on the average, their budget is supported by transit operational aid from 12 to 20 percent in their total budget. You take a large operation and, on the average, it is 4 percent of their total budget, supported by transit aid. So we took a figure of 200,000 population and said that under 200,000, it would be reduced by 20 percent. The lowest percentage of reduction between the President's suggested 30 and the House's suggested 44. We increased the reduction, of course, to offset that 20 percent consideration to the small operations by increasing the larger ones up to a 48-percent reduction.

Let me also add that the budget resolution we passed in this body has made very clear that we are phasing out that fund entirely over the life of the budget resolution. So when you look at all of those trend lines as it relates specifically to that particular account we are dealing with in this amendment, as much as I would like to be helpful and accommodate Pennsylvania and all the others that would be involved and affected, I really feel that I cannot do so.

Let me also say that all of those deductions that were taken in this amendment identified as offsets, those accounts have already taken heavy reductions in light of the total budget caps that we are working on. And I again say, almost apologetically, but within the context of my duty and responsibility to keep this appropriation bill and all 12 other appropriation bills within the caps, and to indicate a strong determination moving toward a balanced budget by the year 2002, we just have to come to grips with the fact that we have too little money for the demands and needs and for the justified requirements that are being asked here.

So I do not want to stop the discussion necessarily, but I will soon move to table the Specter-Santorum amendment.

Mr. SPECTER. If the Senator would allow me, I wanted to offer some documents.

I ask unanimous consent that a letter dated July 25 to me from James J. Lutz, from the Pennsylvania Association of Municipal Transit Authorities be printed in the RECORD, together with a survey of losses to cities in Pennsylvania, together with a document showing the offsets needed to increase mass transit.

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

PENNSYLVANIA ASSOCIATION OF MUNICIPAL TRANSPORTATION AUTHORITIES,

Harrisburg, PA, July 25, 1995.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR SPECTER: The Pennsylvania Association of Municipal Transportation Authorities (PAMTA) urges your support to fund the federal transit program including operating assistance at the highest possible levels.

The funding levels included in the FY 1996 House Appropriations Bill includes a 43.7% reduction in urban area operating assistance and a 19.4% reduction in rural transportation funding amount other reductions.

Pennsylvania's transit systems rely heavily on the federal program for both capital and operating needs. A recent survey of a cross section of medium and small urban systems and rural systems in Pennsylvania shows that fares would have to be increased 64% to make up for the operating assistance reductions in the House bill. Fare increases of this level would likely result in unprecedented losses in ridership forcing fares to go even higher. As an alternative to solving the problem through fare increases, these same systems would have to eliminate 26% of their services.

The public transit systems of Pennsylvania have a proud tradition of providing some of the most efficient services in the nation and a proud tradition of quality services to the citizens of the Commonwealth. Affordable fares and reasonable levels of service cannot be sustained to continue that proud tradition with the funding levels included in the House bill (H.R. 2002). For that reason, PAMTA urges your support for a Senate Appropriations bill that improves the levels of funding included in the House bill and provides increased operating assistance and greater flexibility to use formula funds for operating needs.

Thank you for continued support. Please contact me at (717) 397–5613 if you have questions or require additional information.

Sincerely,

JAMES J. LUTZ,
Vice President for Legislative Affairs.

Enclosure.

PAMTA SURVEY, AUGUST 1995—EFFECTS OF FISCAL YEAR 1996 SENATE APPROPRIATIONS BILL

[Actions required to cover loss]

Systems	Operating loss	Fare increases (in percent)	(Current—required)	Or service reductions (in percent)	Customer loss	Population group [1]
Allentown (LANTA)	$1,238,000	48	($1.25–$1.85)	20	700,000	M
Altoona (AMTRAN)	144,746	73	(.73–1.00)	20	70,000	S
Harrisburg (CAT)	483,000	32	(1.10–1.45)	([2])	320,000	M
Indiana (ICTA)	28,260	80	(1.00–1.80)	25	([2])	R
Lancaster (RRTA)	502,810	48	(1.05–1.55)	16	250,000	S
Monesson (MMVTA)	138,233	51	(1.95–2.95)	50	54,000	L
Reading (BARTA)	487,145	32	(1.10–1.35)	15	400,000	S
Scranton (COLTS)	352,879	25	[3] (1.00–1.25)	[3] 20	425,000	M
State College (CATA)	66,927	18	(.85–1.00)	2	([2])	S
Wilkes-Barre (LCTA)	409,000	104	(1.10–2.25)	39	680,000	M

PAMTA SURVEY, AUGUST 1995—EFFECTS OF FISCAL YEAR 1996 SENATE APPROPRIATIONS BILL—Continued

[Actions required to cover loss]

Systems	Operating loss	Fare increases (in percent)	(Current—required)	Or service reductions (in percent)	Customer loss	Population group [1]
Averages	385,100	51.1		23	362,375	
Pittsburgh—$3.75 million						
Philadelphia—$11.5 million						

[1] Large—Over 1 million; Medium—200,000–1 Million; Small—50,000–200,000; Rural—Under 50,000.
[2] Estimate not available.
[3] Fare increases and service combined.

Note.—PAT and SEPTA have not determined the specific actions that would be taken to make up for the significant loss of Federal operating funds included in the Senate Appropriations Bill.

OFFSETS NEEDED TO INCREASE MASS TRANSIT (OPERATING) BY $40 MILLION

To increase mass transit operating assistance by $40 million ($24 million in outlays), the following offsets are possible:

[In millions of dollars]

Account	House	Senate	Proposed reductions (Budget authority)	Proposed reductions (Outlays)
GSA Rental Payments (Covers)	130.8	139.6	−5	−5
FAA Research & Development	143	215.9	−10	−6
FAA Facilities and Equipment—(Rescission of unobligated balances from prior years)	[1](60)	[1](70)	[1](16)	4
DOT Working Capital Fund	92.2	99.4	−5.0	−3
Federal Transit Administration—Administrative Expenses	39.2	42	−2.74	−2.47
Secretary of Transportation—Salaries and Expenses	55.0	56.5	−1.1	−1
Transportation Planning Research and Development	3.3	9.7	−3.37	−2.53
Totals			43.2	24

[1] Rescission.

Mr. SPECTER. By final comment, this increase in operating mass transit is necessary for the working poor, disabled, and the elderly.

I urge my colleagues to defeat the motion to table.

Mr. HATFIELD. Madam President, I move to table the amendment.

Mr. SPECTER. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER (Mr. DEWINE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2328.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

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

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 379 Leg.]

YEAS—68

Akaka	Byrd	Exon
Ashcroft	Campbell	Faircloth
Baucus	Coats	Feinstein
Bennett	Cochran	Ford
Bingaman	Conrad	Frist
Bond	Coverdell	Glenn
Boxer	Craig	Gorton
Breaux	Daschle	Graham
Brown	Dole	Gramm
Bryan	Domenici	Grams
Bumpers	Dorgan	Grassley
Gregg	Kempthorne	Pryor
Hatch	Kerrey	Reid
Hatfield	Kyl	Rockefeller
Heflin	Leahy	Roth
Helms	Lott	Shelby
Hollings	McCain	Simpson
Hutchison	Murkowski	Smith
Inhofe	Murray	Snowe
Inouye	Nickles	Stevens
Jeffords	Nunn	Thomas
Johnston	Packwood	Thurmond
Kassebaum	Pressler	

NAYS—30

Abraham	Kennedy	Moynihan
Biden	Kerry	Pell
Burns	Kohl	Robb
Chafee	Lautenberg	Santorum
Cohen	Levin	Sarbanes
D'Amato	Lieberman	Simon
DeWine	Lugar	Specter
Dodd	McConnell	Thompson
Feingold	Mikulski	Warner
Harkin	Moseley-Braun	Wellstone

NOT VOTING—2

Bradley	Mack

So the motion to table the amendment (No. 2328) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, if I could have the attention of the body, Mr. President, we are attempting at this time—the manager, Senator LAUTENBERG, and myself—to ascertain what amendments are being expected for the Transportation appropriations bill. I am told by the majority leader that we will expect to finish this appropriations bill tonight.

If we can now get the cooperation of our colleagues to indicate if they are expecting to offer an amendment, and if they are expecting to ask for a rollcall on such amendment, at this point in time I have five amendments that may be offered on our side of the aisle. Senator ROTH has two amendments listed.

I would estimate we may have rollcall votes tonight on completing some of these amendments. Senator LAUTENBERG and I have indicated that we want to move on those which we do not expect to have rollcall votes and take up time to complete those amendments. I am not saying there is a window because I do not have authority to establish the window. But, nevertheless, we will try to complete those first for which we do not expect and do not ask for a rollcall vote.

We are making inquiry of the majority leader if he could consider stacking votes for tomorrow, and we could offer a number of amendments yet to be offered and complete those amendments tonight. We do not have that information at this point.

So, Mr. President, I hope that Senator PRESSLER, Senator ROTH, Senator BYRD, and Senator CHAFEE might be willing to offer amendments now.

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. HATFIELD. 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. HATFIELD. Mr. President, I ask unanimous consent that there be a time agreement of 20 minutes equally divided in consideration of the Harkin amendment, equally divided between Senator HARKIN and myself.

The PRESIDING OFFICER. Without objection——

Mr. PRYOR. Reserving the right to object, Mr. President, will the distinguished chairman please repeat the request.

Mr. HATFIELD. Senator HARKIN is going to offer an amendment now, and he said he would be willing to enter into a time agreement of 20 minutes equally divided.

Mr. PRYOR. Mr. President, I have no problems with that, and I do thank the chairman.

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

AMENDMENT NO. 2329

(Purpose: To amend the Railway Labor Act regarding overseas domiciles regarding airline flight crews)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2329.

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

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

The amendment is as follows:

At an appropriate place in the bill, add the following new section:

SEC. . Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended by adding at

the end the following: ''As used in this title, the term 'foreign commerce' includes flight operations (excluding ground operations performed by persons other than flight crew members) conducted in whole or in part outside the United States (as defined by section 40102(a)(41) of title 49, United States Code) by an air carrier (as defined by section 40102(a)(2) of such title).''.

EMPLOYEE

Section 202 of such Act (45 U.S.C. 182) is amended by adding at the end the following ''As used in this title, the term 'employee' also includes flight crew members employed by an air carrier (as defined by section 40102(a)(2) of title 49, United States Code) while such flight crew members perform work in whole or in part outside the United States (as defined by section 40102(a)(41) of such title).''.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. I thank the Chair.

Mr. President, this provision is intended to clarify the intent of Congress that title II of the Railway Labor Act, which governs airline labor/management relations, applies to flight crews employed by U.S. air carriers engaged in international operations.

In 1993, this same provision was included in the transportation bill for fiscal year 1994 and passed by the Senate. The House bill contained no provision on the subject. The Senate receded to the House but included the following language in the conference report:

The conferees urge the authorizing committees with proper jurisdiction to report legislation during fiscal year 1994 clarifying that the Railway Labor Act extends to flight crew personnel employed by U.S. air carriers who are domiciled overseas and covered by a collective bargaining agreement.

No action was taken in response to the conferees in 1994 other than the House committee formerly known as the Public Works and Transportation Committee held a hearing in October 1994. The Senate Labor and Human Resources Committee has taken no action, nor do I know of any plans to consider this provision in the future.

I believe this is important to make certain that Congress intends that the basic statute which governs collective bargaining involving U.S. airline flight crews, namely the Railway Labor Act, applies equally to those flight personnel who are engaged in international as well as domestic flying. This provision would ensure that the long-established principle of maritime laws that applies to workers on board U.S. flagships, namely that the law follows the flag of the vessel, is also applied to those flight crew members who work aboard U.S. flag air carriers when operating in and out of foreign ports.

As our U.S. airlines expand their operations internationally, it is necessary, in my view, in the interest of uninterrupted air service and the stability of collective bargaining relationships, that the flight crews who are engaged in these international operations have the protection of U.S. law as it relates to their conditions of employment to the same extent as their counterparts in domestic operations.

Mr. President, let me very clearly state what this does not apply to. This does not apply to ground crew personnel. There was some mistake on that. It applies only to flight crews.

In over 50 years of international aviation, there has not been a single case of a foreign government attempting to assert jurisdiction over U.S. airline flight crews.

Let me state that again. In over 50 years, not one foreign government has attempted to assert jurisdiction over U.S. airline flight crews, nor has the United States ever attempted to assert jurisdiction over flight crews of foreign airlines transiting through the United States to other foreign points such as Canada, Mexico, or South America. Bilateral aviation treaties do not reference flight crews, only ground employees. The amendment does not apply to ground employees, only to flight crews. That is the pilots and the flight attendants.

Furthermore, if there is a remote chance that a foreign country desired to exercise some authority that could easily be negotiated by the U.S. pilots or the flight attendants' union and the airline for whom they work.

Again, this amendment tracks the same policy as maritime law for maritime employees. The law follows the flag of the vessel. There is absolutely no conflict-of-laws problem with this. It is simply to clarify the intent of the Railway Labor Act.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be deducted equally from each side.

Mr. HARKIN. Mr. President, if there is no opposition and no one wants to speak, in the interest of time I would be willing to yield back my time—if no one else wants to speak.

Mr. President, I suggest the absence of a quorum with the time divided equally——

Mr. PRYOR addressed the Chair.

Mr. HARKIN. I withhold that.

Mr. PRYOR. If the distinguished Senator would please withhold that, I have a question I wish to propose to the distinguished Senator, my good friend from Iowa.

Mr. HARKIN. Who yields time?

The PRESIDING OFFICER. The Senator from Iowa controls the time.

Does the Senator from Iowa wish to yield time to the Senator from Arkansas?

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 4 minutes and 45 seconds. The Senator from Oregon has 10 minutes.

Mr. HATFIELD. I would be happy to yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. HARKIN. If he needs a couple more minutes, I will give it to him.

Mr. PRYOR. I thank the Chair and the distinguished chairman, Mr. President.

Mr. President, this amendment is a very, very complex and far-reaching amendment. It has just come to our attention it was going to be offered just a very few moments ago. This amendment is going to be one that basically, to the best of my understanding after a cursory look, is going to affect and impinge upon 28 commercial treaties that airlines now have with respect to countries.

Mr. President, further it is my understanding that in the Senate—perhaps in the House, I do not even know this—there has never been a hearing on the particular issue that our friend, the distinguished Senator from Iowa, is bringing before the Senate tonight. We are about, if this amendment passes, to extend our own labor laws to other foreign countries. And I do not know how we would react if other countries tried to extend their labor laws to this country.

So, Mr. President, I think the better part of discretion, I say respectfully, is to turn down this amendment at this moment and to try to see if we cannot work something out eventually. In September when we come back, we will have time to study this matter more thoroughly. And I urge, Mr. President, the defeat of the amendment offered by my good friend from Iowa, Senator HARKIN.

Mr. President, I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield myself 2 minutes in response.

Mr. President, I say to my friend from Arkansas, if I could have his attention. I listened to his comments. Mr. President, it is my understanding, from having worked with this over 3 years now on these commercial treaties, that these treaties only impact ground crews. My amendment does not touch ground crews; only flight crews, not ground crews. Those commercial treaties only involve ground crews. My amendment does not even touch that.

Secondly, in response to your assertion that maybe this extends our labor laws to foreign countries, no, it does not. It does the same thing as our maritime law. If one of our ships is in a foreign port, for example, our maritime laws cover the people on that ship, not the laws of the foreign country.

This is well recognized in international law and always has been. As I said in my opening comments, in the 50 years of international aviation, there has not been a single case of a foreign government attempting to assert jurisdiction over U.S. flight crews, nor have we tried to assert jurisdiction over foreign flight crews.

All this amendment says is: If you are a pilot or flight attendant and you work for a U.S. airline and you are based in Tokyo or someplace like that, if you are a part of that bargaining

unit with that airline, then you come under the same laws as your counterparts flying out of Los Angeles or Chicago or New York. If you are not a part of the bargaining unit, of course, then it does not apply to you. It applies only if you are part of that bargaining unit covered by the Railway Labor Act.

Mr. PRYOR. If I might ask my friend a question, has this been looked at and have hearings been held in the Labor Committee?

Mr. HARKIN. As I said earlier, the only hearing that was held was held by the House Public Works Committee in October of 1994.

Mr. PRYOR. Well, I do not have any additional time, but I really hope we could reconsider this issue at a later time.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes twenty one seconds.

The Senator from Oregon has 8 minutes 14 seconds.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time is reserved.

Who yields time?

Mr. HARKIN. I have how much time?

The PRESIDING OFFICER. Two minutes twenty one seconds.

Mr. HARKIN. I yield 1½ minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Thank you. Mr. President, I appreciate the time. I want to support the Harkin amendment. This amendment has been passed by the Senate in the past. Its provision was included in the original subcommittee bill because the language had been cleared by the majority and the minority leadership of the Labor, Health and Human Resources Committee.

There was an objection raised. An objection was raised by other Senators on the provision. And then it was dropped by the full committee. So, Mr. President, simply, this provision provides for fairness for pilots that fly for U.S. carriers but does so between points that are outside the United States. The amendment extends the same collective bargaining rights that apply to the pilots that fly for U.S. carriers between domestic and foreign airports to pilots that fly for U.S. carriers from point to point outside the United States. They ought to be included. I support the Senator's amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time do I have left?

The PRESIDING OFFICER. The Senator from Iowa has 1 minute 5 seconds.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon has 8 minutes 14 seconds.

Mr. HATFIELD. Mr. President, at the appropriate time, when the discussion has been exhausted, I will move to table the Harkin amendment.

I think the Senator from Iowa realizes very clearly that it was included in the subcommittee chairman's mark. And the full committee took action to strike it following communications from the authorizers on that issue. This had been put in the bill 2 years ago, as I recall, and then under a threatened veto by President Bush, it was withdrawn. So, consequently, I think it is one of those matters that we ought to not try to incorporate in the bill at this point.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. I will use the remainder of my time. I yield myself the remainder of my time.

I just say that I do not know why this is such a problem. It only clarifies the intent of the Railway Labor Act and only covers flight crews and only covers those flight crews that are part of the bargaining unit in foreign ports. It does not cover ground crews. It does not disturb the treaties. It passed the Senate 2 years ago. There was not any objection raised at the time. Regarding President Bush, if he objected to it, it was probably part of eight items in a bill that President Bush at that time said he would veto.

But it seems to me now is the time to go ahead and move on on this issue and put it behind us and clarify the intent of the Railway Labor Act. That is all we are trying to do.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Iowa is expired.

The Senator from Oregon had 7 minutes 40 seconds.

Mr. HATFIELD. Does anyone wish to be heard on this?

If not, Mr. President, I move to table the Harkin amendment.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. HATFIELD. I yield back.

The PRESIDING OFFICER. All time has expired.

Mr. HATFIELD. I move to table the Harkin amendment, and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FRIST). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. COVERDELL when his name was called. Present.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

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

The result was announced—yeas 63, nays 33, as follows:

[Rollcall Vote No. 380 Leg.]

YEAS—63

Abraham	Faircloth	Lott
Ashcroft	Ford	Lugar
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Bingaman	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Nunn
Brown	Gregg	Packwood
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Roth
Byrd	Helms	Santorum
Chafee	Hollings	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Cohen	Jeffords	Snowe
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lieberman	Warner

NAYS—33

Akaka	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Boxer	Harkin	Murray
Campbell	Inouye	Pell
Conrad	Kennedy	Reid
Daschle	Kerry	Robb
Dodd	Kohl	Rockefeller
Dorgan	Lautenberg	Sarbanes
Exon	Leahy	Simon
Feingold	Levin	Specter
Feinstein	Mikulski	Wellstone

ANSWERED ''PRESENT''—1

Coverdell

NOT VOTING—3

Bradley	Kerrey	Mack

So the motion to table the amendment (No. 2329) was agreed to.

Mr. HATFIELD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent that Senator BINGAMAN be added as a cosponsor to the Domenici amendment regarding the Petroglyph National Monument during the consideration of the Interior bill and as adopted by the Senate.

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

UNANIMOUS CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the following amendments be the only first-degree amendments in order to H.R. 2002 and that they be subject to relevant second degrees; that all amendments must be offered and debated tonight; and that any votes ordered with respect to these amendments be stacked to occur at 9:15 a.m. Thursday morning, with 4 minutes for debate to be equally divided between each succeeding rollcall vote, and all votes in the stacked sequence after the first vote to be limited to 10 minutes each, and any vote after the third vote, that there may be 10 minutes for debate.

I have a list of such amendments that have been given to the managers on both sides of the aisle.

The PRESIDING OFFICER. Is there objection to the request?

Mr. EXON. Reserving the right to object, may I ask my friend and colleague, I was trying to get to my friend the last 2 or 3 hours, but for some unexplained reason there has been such a crowd down there I was unable to break through.

I have an amendment that has been cleared, I believe, on all sides that I have not had a chance to talk to the Senator about. I think it will be agreed to by voice vote, but I will agree to just put my name down for an amendment, 10 minutes a side.

Mr. HATFIELD. If the Senator would yield, I have listed here an Exon amendment relating to the Rail Institute. Is that the amendment? One million for the Rail Institute?

Mr. EXON. That is right. I thank you.

I withdraw my reservation.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, could I inquire if a Bingaman amendment is reserved?

Mr. HATFIELD. I have a Bingaman amendment relating to DOT on energy savings.

Mr. BINGAMAN. Thank you, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Reserving the right to object, Mr. President, are there one or two amendments for me?

Mr. HATFIELD. I have two amendments for the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. Reserving the right to object, am I on the list?

Mr. HATFIELD. I have two amendments for the Senator from Delaware, [Mr. ROTH].

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list of amendments is as follows:

POSSIBLE AMENDMENTS TO H.R. 2002
TRANSPORTATION APPROPRIATIONS

Bumpers: essential air service; essential air service.

Dorgan: FAA study on airfares.

Ford: relevant.

Levin: relevant.

Simon: FAA.

Lautenberg: relevant.

Byrd: relevant.

Boxer: relevant.

Daschle: essential air service.

Burns: ICC; relevant.

Roth: strike committee amendment on FAA personnel reform; strike committee amendment on FAA procurement reform.

Jeffords: relevant.

Pressler: Sense of the Senate regarding the Government of Japan's violations against United States/Japan bilateral aviation agreements.

Warner: relevant.

Harkin: airline labor protection.

Chafee: technical amendment on the committee's section 1003 flexibility provisions.

Gregg: essential air service.

Coverdell: Georgia bridge.

MANAGERS' AMENDMENT

Technical: page 71, line 9, strike ''(b)'' insert.

Bingaman: on DOT energy savings.

Abraham: striking 3 advisory committees.

Inouye: striking in Hawaii under EAS Program.

Feinstein: on Orange County Toll Authority.

Exon: out of available funds $1 million for rail institution.

Mr. DOLE. Mr. President, let me indicate that we do have the agreement. All amendments must be debated tonight. The votes will start at 9:15 tomorrow morning. The first votes, if they are ordered, will occur at 9:15. Votes after that will be 10 minutes each. There will be 4 minutes between the stacked votes.

As I understand, after the third vote you can have up to 10 minutes, which I trust you would not use. We are on automatic pilot. As soon as everybody finishes making speeches, we can go home for the recess.

Mr. LEAHY. Did I understand the distinguished majority leader to say after the transportation bill is over?

Mr. DOLE. After two more.

AMENDMENT NO. 2330

(Purpose: To reduce the energy costs of Federal facilities for which funds are made available under this Act)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2330.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

Mr. BINGAMAN. Mr. President, this is a very straightforward amendment, and I do not believe it is controversial. It calls for the head of each agency for which funds are made available under the act to take action to try and reduce by 5 percent the energy costs of the facilities used by that agency in the next fiscal year.

It is an amendment that is essentially identical to the amendment that we have offered to each of the appropriations bills this year.

I do not believe there is any objection to it on either the Republican or Democratic side. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HATFIELD. The amendment is clear on this side.

Mr. LAUTENBERG. It is also clear on this side. We commend the Senator from New Mexico for offering it.

Mr. HATFIELD. Mr. President, I urge adoption.

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

The amendment (No. 2330) was agreed to.

Mr. HATFIELD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, although the Bingaman amendment was accepted by voice vote, I would like to be recorded in opposition to the amendment. I believe that this amendment could open a large loophole for the National Endowment for the Arts (NEA) to continue making grants to individuals that raise the ire of the American public.

The appropriations bill includes language from the authorization bill reported by the Committee on Labor and Human Resources which eliminates all direct NEA grants to individuals except literature fellowships. This amendment would add two more exceptions for awards honoring those who have excelled in American art forms and jazz music.

The issue of NEA grants to individuals has resurfaced as recent controversies have drawn new attention to the NEA's practice of awarding grants to individuals whose ''art'' offends so many of us. While the Labor Committee bill's increased oversight of the NEA's grant-making process and Chairman Alexander's administrative changes will be of some help in restoring public confidence in the Endowment, I believe that the time has come

to a draw the line on grants to individuals. Both the authorization and appropriations legislation provide that the only individuals eligible for direct NEA grants would be those applying for literature fellowships. I believe that the literature fellowships are the only worthwhile exception. Furthermore, during consideration of the authorization bill the Labor Committee defeated, by a vote of 7 to 9, an amendment to exempt 7 additional categories of grants to individuals.

While the preservation of Heritage Fellows and Jazz Masters grants would weaken the Labor Committee's strong stance on this issue, I admit that the grants the Senator from New Mexico seeks to protect are not necessarily part of the problem I have cited. I can understand the Senator's interest in maintaining these programs, which honor artists and musicians for their past achievements. However, I wonder why these awards need to provide grants at all. The cash awarded is a ''thanks for a job well done,'' rather than a subsidy for an artist's first works. I would think that being honored by the NEA for past achievements would be sufficient, and would not require a cash payment. If the NEA had taken that route, there would be no need for this amendment.

AMENDMENT NO. 2331

(Purpose: To require the Secretary of Transportation to conduct a study of air fares)

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Mr. HATFIELD. Mr. President, on behalf of Senator DORGAN I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. DORGAN, for himself, Ms. SNOWE, Mr. DOLE, and Mr. CONRAD proposes an amendment numbered 2331.

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . STUDY OF AIR FARES.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ADJUSTED AIR FARE.—The term ''adjusted air fare'' means an actual air fare that is adjusted for distance traveled by a passenger.

(2) AIR CARRIER.—The term—

(A) ''air carrier'' has the same meaning as in section 40102(a)(2) of title 49, United States Code; and

(B) the terms ''regional commuter air carrier'', and ''major air carrier'' shall have the meanings provided those terms by the Secretary.

(3) AIRPORT.—The term ''airport'' has the same meaning as in section 40102(9) of title 49, United States Code.

(4) COMMERCIAL AIR CARRIER.—The term ''commercial air carrier'' means an air carrier that provides air transportation for commercial purposes (as determined by the Secretary).

(5) HUB AIRPORT.—The term ''hub airport'' has the same meaning as in section 41731(a)(2) of title 49, United States Code.

(6) LARGE HUB AIRPORT.—The term ''large hub airport''—

(A) shall have the meaning provided that term by the Secretary; and

(B) does not include a small hub airport (as such term is defined in section 41731(a)(5) of title 49, United States Code).

(7) NONHUB AIRPORT.—The term ''nonhub airport'' has the same meaning as in section 41731(a)(4) of title 49, United States Code.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(b) STUDY OF AIR FARES.—

(1) IN GENERAL.—The Secretary shall conduct a study to—

(A) compare air fares paid (calculated as both actual and adjusted air fares) for air transportation on flights conducted by commercial air carriers—

(i) between—

(I) nonhub airports located in small communities; and

(II) large hub airports; and

(ii) between large hub airports; and

(B) analyze—

(i) the extent to which passenger service that is provided from nonhub airports is provided on—

(I) regional commuter commercial air carriers; or

(II) major air carriers;

(ii) the type of aircraft employed in providing passenger service at nonhub airports; and

(iii) whether there is competition among commercial air carriers with respect to the provision of air service to passengers from nonhub airports.

(2) FINDINGS.—The Secretary shall include in the study conducted under this subsection findings made by the Secretary concerning—

(A) whether passengers who use commercial air carriers to and from rural areas (as defined by the Secretary) pay a disproportionately greater price for that transportation than do passengers who use commercial air carriers between urban areas (as defined by the Secretary);

(B) the nature of competition, if any in rural markets (as defined by the Secretary) for commercial air carriers;

(C) whether a relationship exists between higher air fares and competition among commercial air carriers for passengers travelling on jet aircraft from small communities (as defined by the Secretary) and, if such relationship exists, the nature of that relationship;

(D) the number of small communities that have lost air service as a result of the deregulation of commercial air carriers with respect to air fares;

(E) the number of small communities served by airports with respect to which, after the date on which the deregulation referred to in subparagraph (D) occurred, jet air service was replaced by turbo prop air service; and

(F) with respect to the replacement in service referred to in subparagraph (E), any corresponding decreases in available seat capacity for consumers at the airports referred to in that subparagraph.

(c) REPORT.—Upon completion of the study conducted under subsection (b), but not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report on the study and the findings of the Secretary to the Committee on Commerce, Science, and Transportation of the Senate.

Mr. HATFIELD. Mr. President, this amendment, on behalf of Senator DORGAN, is requesting we set up a study on the problems relating to essential air services that many States are confronting today because of the diminishing resources available for that program. It has been cleared on this side.

Mr. LAUTENBERG. Mr. President, the amendment is cleared. It asks for a study that seems quite appropriate to see what has happened with fares in less populated areas.

This side accepts it.

Mr. HATFIELD. Mr. President, I urge the adoption of the Dorgan amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2331) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2332

(Purpose: To remove the State of Hawaii from an exclusion relating to payments to air carriers)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. INOUYE, proposes an amendment numbered 2332.

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

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

The amendment is as follows:

On page 4, line 14, strike ''and Hawaii''.

Mr. HATFIELD. This amendment strikes Hawaii from the listing of essential air services. It has been cleared on both sides.

Mr. LAUTENBERG. We support the amendment on this side as well, Mr. President.

Mr. HATFIELD. Mr. President, I urge the adoption of the Inouye amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2332) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2333

Mr. HATFIELD. Mr. President, I send to the desk a technical amendment that has been cleared on both sides and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], proposes an amendment numbered 2333.

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

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

The amendment is as follows:

On bill page 71, line 9, strike ''(b)'' and insert ''(j)''.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2333) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2334

Mr. HATFIELD. Mr. President, I send an amendment to the desk for Mr. BUMPERS of Arkansas and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. BUMPERS, proposes an amendment numbered 2334.

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

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

The amendment is as follows:

On page 4, line 21, insert after ''* * * airport,'' ''except for any such community in which is located an airline maintenance facility performing required Federal Aviation Regulation heavy engine heavy structural airframe maintenance work in accordance with Part 135.411(a)(2).''

Mr. HATFIELD. Mr. President, this is an amendment that modifies language relating to the essential air services offered by the Senator from Arkansas. It has been cleared on both sides.

Mr. LAUTENBERG. It is cleared on this side, Mr. President. I urge the adoption of the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2334) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 2335

(Purpose: To provide funding for the Institute of Railroad Safety)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 2335.

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

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

The amendment is as follows:

At the appropriate place in the bill add the following new section:

SEC. . THE RAILROAD SAFETY INSTITUTE.

Of the money appropriated to the U.S. Department of Transportation for Transportation Planning, Research and Development, $1 million shall be made available to establish and operate the Institute for Railroad Safety as authorized by the Swift Rail Development Act of 1994.

Mr. EXON. Mr. President, this amendment has been cleared on both sides. I have offered it, and I would like to have the comments of the two managers.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 2335) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 2336

(Purpose: To express the sense of the Senate that the action taken by the Government of Japan against United States air cargo and passenger carriers represents a clear violation of the United States/Japan bilateral aviation agreement that is having severe repercussions on United States air carriers and, in general, customers of these United States air carriers)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER), for himself, Mr. STEVENS, Mr. BAUCUS, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mr. GORTON, Mr. HOLLINGS, Mr. LOTT, Mr. PELL, Mr. KERRY, and Mr. LAUTENBERG, proposes an amendment numbered 2336.

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

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF SENATE REGARDING UNITED STATES/JAPAN AVIATION DISPUTE.

(a) FINDINGS.—The Congress finds that—

(1) the Governments of the United States and Japan entered into a bilateral aviation agreement in 1952 that has been modified periodically to reflect changes in the aviation relationship between the two countries;

(2) in 1994 the total revenue value of passenger and freight traffic for United States air carriers between the United States and Japan was approximately $6 billion;

(3) the United States/Japan bilateral aviation agreement guarantees three U.S. carriers ''beyond rights'' that authorize them to fly into Japan, take on additional passengers and cargo, and then fly to another country;

(4) the United States/Japan bilateral aviation agreement requires that, within 45 days of filing a notice with the Government of Japan, the Government of Japan must authorize United States air carriers to serve routes guaranteed by their ''beyond rights'';

(5) United States air carriers have made substantial economic investment in reliance upon the expectation their rights under the United States/Japan bilateral aviation agreement would be honored by the Government of Japan;

(6) the Government of Japan has violated the United States/Japan bilateral aviation agreement by preventing United States air carriers from serving routes clearly authorized by their ''beyond rights''; and

(7) the refusal by the Government of Japan to respect the terms of the United States/Japan bilateral aviation agreement is having severe repercussions on United States air carriers and, in general, customers of these United States air carriers.

(b) ACTION REQUESTED.—The Congress—

(1) calls upon the Government of Japan to honor and abide by the terms of the United States/Japan bilateral aviation agreement and immediately authorize United States air cargo and passenger carriers which have pending route requests relating to their ''beyond rights'' to immediately commence service on the requested routes;

(2) calls upon the President of the United States to identify strong and appropriate forms of countermeasures that could be taken against the Government of Japan for its egregious violation of the United States/Japan bilateral aviation agreement; and

(3) calls upon the President of the United States to promptly impose against the Government of Japan whatever countermeasures are necessary and appropriate to ensure the Government of Japan abides by the terms of the United States/Japan bilateral aviation agreement.

Mr. PRESSLER. Mr. President, this amendment is identical to a resolution I introduced several weeks ago. It is simple and straightforward. It calls on the Government of Japan to abide by the terms of the United States/Japan aviation agreement.

This amendment has a number of cosponsors. It has been floating around for some time while we negotiated with the Japanese so we tried to contact all cosponsors to reconfirm their support. We were unable to contact all of the cosponsors to notify them of this amendment so we have taken some of the cosponsors' names off of it. At this time, the amendment is for myself, Mr. STEVENS, Mr. BAUCUS, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mr. LOTT, Mr. PELL, Mr. HOLLINGS, Mr. KERRY, and Mr. LAUTENBERG.

Mr. President, Let me say that for some time we have had an aviation dispute with Japan regarding the refusal of Japan to respect the right of several of our carriers to fly beyond Japan to countries throughout Asia. Several of our carriers—United Airlines, Federal Express, and Northwest Airlines—are guaranteed this right by the United

States/Japan bilateral aviation agreement. Nonetheless, the Government of Japan refuses to recognize our carriers' right to initiate new service beyond Japan.

On June 20, the Government of Japan agreed to honor the United State/Japan bilateral aviation agreement with respect to the cargo dispute. This favorable development was due in large part to the leadership of Fred Smith, the chairman of Federal Express. Mr. Smith made the point, and I agree with him, that it is time that we get tough with the Japanese in terms of enforcing our bilateral aviation agreement.

Let me add that I think our Secretary of Transportation, Secretary Peña, has done a good job in this and other international aviation matters. He has done the best job he can despite tremendous political pressure to put the interests of individual carriers before the interests of our country.

Aviation relations between the United States and Japan are an important trade issue. The Japanese recognize the significant and growing air service market in the Pacific rim and they want to control all the air passenger service beyond Tokyo into China, Malaysia, Indonesia, and so forth. They also have a system of trying to control most of the air cargo transportation beyond Tokyo. The travel distances are so great on transpacific routes between the United States and Japan that it very difficult for our carriers to overfly Japan. The Japanese know this and they are trying through protectionist tactics to prevent our carriers from serving the rapidly expanding Asian market.

Resolution of our cargo dispute several weeks ago was welcome news. Unfortunately, as I said at the time, the agreement on cargo issues did not put our aviation dispute with Japan over ''beyond rights'' completely behind us. The passenger carrier portion of the United States/Japan aviation dispute remains unresolved.

The Government of Japan continues to deny United Airlines the right to fly between Osaka and Seoul, Korea. As our Department of Transportation has said, this route is clearly authorized by the United States/Japan bilateral aviation agreement. United Airlines has patiently waited while United States negotiators focused on the cargo dispute. Now, it is imperative that the United States demand the Government of Japan honor the rights of our passenger carriers as well.

The passenger carrier issue must be redressed promptly. By failing to do so, we are sending the wrong message to countries around the world. Our silence on the passenger carrier dispute sends the dangerous signal that it is okay for foreign nations to pick and choose which, if any, provisions of an international aviation agreement with the United States with which they will comply. This is the wrong message. It sets an extremely dangerous precedent.

On June 20, I, along with 20 colleagues from both sides of the aisle, introduced a resolution calling on the Government of Japan to immediately honor the terms of the United States/Japan bilateral aviation agreement, On the floor the next day I told my colleagues I would press this issue if the Government of Japan continued to refuse to resolve the passenger carrier issue. Several weeks have passed. The passenger carrier dispute remains unresolved. This is why I today offer that same resolution as an amendment to the pending bill.

By passing this amendment, we will send the Government of Japan a strong and clear signal that the United States Senate expects it to immediately honor the terms of the United States/Japan aviation agreement. This is the purpose of my amendment. Simply put, selective compliance with international agreements must not be tolerated. The Government of Japan must honor the beyond rights of our passenger carriers. I urge adoption of this amendment on behalf of myself and my cosponsors.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HATFIELD. Mr. President, we are willing to accept the sense-of-the-Senate amendment of the Senator from South Dakota on this side.

Mr. LAUTENBERG. I am a cosponsor. My name was crossed off because they were not able to get in touch with me, but I want to be sure that I am listed. I did ask that my name be included.

I support the amendment and urge its adoption.

Mr. PRESSLER. Some names have been crossed off. We are trying to contact those offices. We wanted to be sure, since we drafted the resolution a couple of months ago, that we did not list any cosponsors without their permission. But I think we will have close to 25 cosponsors.

I urge the Senators—whose offices are listening—to become cosponsors of this amendment because it is a signal to Japan that we are tired of their behavior under our bilateral air agreement. We are abiding by the terms of the United States/Japan bilateral aviation agreement. It is time the Government of Japan also honors that solemn agreement.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 2336) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2337

(Purpose: To provide for the allocation to certain airports with respect to which commercial air service has been disrupted during the past 3 years, an annual subsidy under the essential air service program under subchapter II of chapter 417 of title 49, United States Code)

Mr. JEFFORDS. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself and Mr. LEAHY, proposes an amendment numbered 2337.

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

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

The amendment is as follows:

On page 4, line 2, strike ''$26,738,536'' and insert ''$27,738,536''.

On page 4, line 12, insert after ''That'' the following: '', except if service is provided to the only hub airport in a State that is, as of the date of enactment of this Act, served under a program under subchapter II of chapter 417 of title 49, United States Code, and the service to that hub airport has been discontinued and then reinstated during the 36-month period preceding the date of enactment of this Act,''.

On page 32, line 15, strike ''$333,000,000'' and insert ''332,000,0000''.

Mr. JEFFORDS. Mr. President, this amendment will allow two airports in my region to continue to receive funding under the essential air service program. There two airports, in Rutland, VT, and Keene, NH, depend on this important funding to maintain commercial air service to our region. Without this subsidy, commercial air service would halt immediately to these communities.

Mr. President, the city of Rutland is the second largest city in Vermont. Commercial air service is vital to ensure that Rutland can continue to expand its economy and reach out to businesses throughout the country interested in locating to this beautiful city. Two years ago, in August 1993, the small airlines serving this city went out of business. This left a major gap in the transportation infrastructure in Rutland. In December 1993, Colgan airlines revitalized the service to Rutland, recognizing that they would be assisted in their efforts to service this rural city by the essential air service funding.

According to many experts, it takes close to 4 years to develop a steady clientele to a small, regional airport. Cologan airlines has increased ridership in Rutland by 21 percent in the last year. But they are not close to breaking even and depend on the subsidy provided by the essential air service to maintain service. Colgan predicts that they will not need this subsidy for more than 1 year. If we could protect this small airline route for 1 year, we would be assured a viable commercial passenger air service to this region of Vermont and New Hampshire.

Mr. President, my amendment will grant Rutland and Keene 1 final year of essential air service subsidy. This amendment states that if a community has had their commercial air service interrupted during the last 24 months and is the only hub covered under the essential air service program in that State, then funding will continue for 1 final year.

Mr. President, this air service is too important to Rutland to lose at this point. I urge my colleagues to adopt this amendment. I thank the managers of this legislation for working with me on this important legislation.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LAUTENBERG. Mr. President, we have a question on the amendment, and I would ask if we can withhold action until we clear up a question we have. If the Senator from Vermont will agree, perhaps we can move along to the next amendment while we chat about what we see here.

So I ask unanimous consent that the Jeffords amendment, for the moment, be set aside to consider other amendments.

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

AMENDMENT NO. 2338

Mr. HATFIELD. Mr. President, I send an amendment to the desk on behalf of Senator BOXER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mrs. BOXER, proposes an amendment numbered 2338.

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

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

The amendment is as follows:

On page 64, line 15, after the words ''States to'' insert ''establish State infrastructure banks and to''.

On page 64, line 21, strike the word ''An'' and insert ''A State or''.

Mr. HATFIELD. This is a technical language correction relating to the State bank proposal within our bill, a technical amendment to that provision. It has been cleared on both sides.

Mr. LAUTENBERG. We have no objection.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2338) was agreed to.

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

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2339

Mr. HATFIELD. Mr. President, I send an amendment to the desk on behalf of Senator PRESSLER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. PRESSLER, proposes an amendment numbered 2339.

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

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

The amendment is as follows:

On page 42, beginning on line 13, insert the following:

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, $13,379,000 shall be for severance, closing costs, and other expenses.

Mr. HATFIELD. Mr. President, this is an amendment relating to the ICC providing severance pay and closing costs. It has no budgetary impact. It has been cleared on both sides.

Mr. LAUTENBERG. We have no objection.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2339) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I should like to indicate that we are making progress on completing this list of amendments. We have not yet received clearance on one offered by Senator ABRAHAM, one offered by Senator CHAFEE, one offered by Senator FEINSTEIN, one to be offered by Senator GREGG, one by Senator WARNER—they either have not been cleared or they have not been offered—one by Senator COVERDELL, two by Senator ROTH, and one by Senator BURNS. Senator ROTH has reduced his from two to one.

As the unanimous-consent agreement did indicate and instructed the managers and the body, we had to complete all of these amendments tonight, and if a vote is required on any one of them, then that will be carried over until tomorrow. So if Senators have a desire to offer their amendments, we would urge them to come to the floor to do so.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 2340

(Purpose: To strike out sections 350 and 351, relating to waivers of the applicability of certain Federal personnel laws and procurement laws to the Federal Aviation Administration)

Mr. ROTH. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. GLENN, Mr. COHEN, Mr. LEVIN, and Mr. PRYOR, proposes an amendment numbered 2340.

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

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

The amendment is as follows:

Beginning on page 71, strike out line 13 and all that follows through page 73, line 24.

Mr. ROTH. Mr. President, sections 350 and 351 of the bill now before the Senate would exempt the Federal Aviation Administration from all Federal procurement and personnel laws. While I understand and share in the committee's desire to reform the operations of the Federal Government, I strongly disagree with the approach embodied in these sections. In fact, as chairman of the Governmental Affairs Committee, I am working on a comprehensive reform of Government management structures and procedures. So while I support restructuring and reform, I join with Senators GLENN, COHEN, LEVIN, and PRYOR in proposing an amendment that would strike sections 350 and 351.

I want to specifically address the need for procurement reform and the approach taken by the bill. First, I agree with the need for acquisition reform, however, the laws are not primarily the cause of the problems at the FAA. The Federal Aviation Administration's troubles stem not from the constraints of Federal law but from poor program management decisions and lax management. In its reports on high risk, the General Accounting Office cited the FAA's air traffic control modernization project as a prime example of the failure of civilian agencies to improve contract management. The GAO stated the project ''* * * failed because FAA did not recognize the technical complexity of the effort, realistically estimate the resources required, adequately oversee its contractors' activities, or effectively control system requirements.'' In 1992, the GAO reported on another FAA program, the microwave landing system. The GAO found the FAA's decision to move forward was premature ''* * * because the capabilities and benefits of the [new system] may be provided by emerging alternative systems''—a failure to adequately define program requirements. The GAO also observed that ''* * * the agency was committing an insufficient level of resources [for development]''. Last February, the GAO's report on a third program, the Safety Performance Analysis System, concluded that ''* * * FAA's current cost estimates for * * * software are subjective, not supported by verifiable analysis, and therefore may not be reliable.''

Mr. President, these problems cannot be attributed to either the personnel or acquisition laws. Rather, they are a result of poor management. Problems of this type can not be effectively addressed by exempting the agency experiencing them from laws that affect related activities of an agency.

Moreover, the FAA's problems are no different from other agencies. New weapon systems and virtually every major Federal computer system are experiencing large cost and schedule overruns, and technology is out of date by the time they will be fielded. The primary causes of the problems are poor program management and bureaucratic incentives. Consequently, the data suggest that the FAA will experience procurement problems whether or not the procurement laws are waived.

Mr. President, the current laws were put in place to address critical issues, such as how do contractors deal with the Government in executing a contract or getting paid. Without such system of transactions, there will be a proliferation of litigation on every aspect of the relationship between the FAA and its contractors. The result is that the FAA procurement will grind to a halt. The Competition in Contracting Act was created because sole-source contracts were driving costs of government contracts skyhigh and delivering poor quality products. Given the FAA's management problems, I am very concerned that lives will be at risk without the checks and balances provided by the procurement rules.

I would also like to emphasize that we continue to streamline the procurement system, including special authorities for the FAA. Last year's Federal Acquisition Streamlining Act removed many barriers to Government procurement of commercial items and services. It added streamlined procurement procedures and provided pay-for-performance incentives, which should both make it easier to acquire leading technologies and improve management incentives. Why should these be removed? Last Friday, the Senate passed Senator COHEN's amendment to the Defense authorization bill that will get rid of the so-called Brooks act and implement results-oriented management procedures. The Governmental Affairs, Armed Services, and Small Business Committees are working together to produce additional acquisition reforms. Our bill will be ready at the end of September.

Mr. President, in last year's procurement reform bill, special procurement authority was provided to the Administrator of the FAA to test waivers of each of the procurement laws that the appropriations bills identified. Why have a blanket exemption before we know the results of the test program? What additional flexibility is required?

As with the waiver of the existing procurement laws, equally troubling is section 350 of the bill which waives most provisions of title 5, the Civil Service personnel laws. This section would allow the FAA to unilaterally set up an entirely new personnel system, which sets up a terrible precedent for personnel policy reform. Clearly there is a need for a complete overhaul of our civil service system. A comprehensive reform package is something that I have a deep interest in moving through the Governmental Affairs Committee, the committee with jurisdiction over personnel and procurement laws. However, this provision would start us down the path of a piecemeal approach for civil service reform and allow for a completely new personnel system including a new pay structure, pension and health benefit formulations, hiring and firing practices.

Mr. President, there is no documentation or data to support such a drastic approach. A blanket waiver of Federal law is a dangerous precedent to set in an appropriations spending bills. I urge my colleagues to support the Roth-Glenn amendment to strike.

Mr. President, I yield back the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to support and cosponsor the amendment offered by Senator ROTH about which he just spoke. Senator ROTH is the chairman of the Governmental Affairs Committee, of course. This amendment will strike section 350 and 351 of the appropriations bill for the Department of Transportation. Now, if passed, these sections would waive civil service laws and procurement laws and regulations at the Federal Aviation Administration.

Before I even address the merits of these sections—though I feel they are premature, for as I understand it there are currently several proposals on the table to privatize the FAA—and some of those proposals include either or both civil service and procurement reforms. So there is just no logic to legislating in this area before the decision to restructure the FAA has even been made.

With that said, I do have some substantive objections to both of these provisions.

First, with respect to the waivers of civil service laws, section 350 of the bill would direct the Secretary of Transportation to create and implement a new personnel system for the Federal Aviation Administration by January 1, 1996, next January, without regard to title 5 or any other Federal personnel law.

Such a system shall, according to the bill's provisions, provide greater flexibility in hiring, training, compensating, and locating personnel.

The appropriations bill language contains no accountability to the public or to the Congress of conflict of interest laws and merit system hiring principles for this new personnel system.

It does not require public comments. It does not require public notice for this new system. It does not provide any role for the Office of Personnel Management to be involved in the creation of this new system.

Instead, I think the language of the bill is reckless. It simply demands that a new system be in place in less than 6 months. It just says, new system be in place in less than 6 months.

Well, do we want the employees under the new FAA to be subjected to conflict of interest laws? Do we want these employees to be subject to the ethics laws? I think we do. Do we want merit systems principles to be followed in hiring practices? I think we do.

I believe we can work cooperatively on legislation that builds these sorts of safeguards into a new personnel system for the FAA. But as the bill now stands there are no safeguards. The appropriations bill directs the Secretary of Transportation to offer flexibility in compensation without regard to title 5.

Employee compensation includes wages, includes health benefits, includes pension benefits. If the Secretary of Transportation were, let us say, to offer employees under FAA's new personnel system greater pension benefits than those enjoyed by other Federal employees, it could present a new tax burden to the American taxpayer.

In short, Mr. President, this sort of authorizing legislation has no place on an appropriations bill. I do not believe it has been thoughtfully examined or reviewed. With respect to the procurement side of things—and this gets even more sticky—this section is not only imprudent, I think it is haphazard, and I think it is without justification.

Section 351 waives several procurement laws and the Federal acquisition regulations.

This provision provides for the Secretary of Transportation, in consultation with nongovernmental experts in acquisition management, to go right ahead and develop and implement an acquisition management system for the FAA.

So, in essence, the companies who benefit from the FAA's largess would now be helping to develop the system under which they would continue to do business with the FAA. This is just flat wrong, especially when taxpayer dollars are involved, and there are going to be a lot of them involved.

Let me go through some of the following laws which would be waived. Let me go through them in full.

First, the Federal Property and Administrative Services Act of 1949. If exempted from this law, the FAA would no longer have to follow Government procurement procedures, including the Truth in Negotiations Act providing for cost data and pricing data for very high-priced procurements.

The Office of Federal Procurement Policy Act: The FAA could establish its own policy for acquiring the products and services it needs and would be exempt from the strict, yet very effective procurement integrity laws which bind both Government and industry.

They would be exempt from the Federal Acquisition Streamlining Act of 1994. This act was passed just last year. Among many other reforms, it specifically gave FAA the very broad pilot authority to free them from the procurement laws and give them the flexibility to move quickly, to implement

new technology and ideas and bring in new contractors when needed. Congress has already bent over backward for them. The time is not ripe to abandon any organized acquisition system at the FAA.

I add, Mr. President, we spent over 3 years putting together that Federal Acquisition Streamlining Act, FASA, as it is called. We worked on the Governmental Affairs Committee about 2 years to put together the ideas of streamlining Federal procurement. We worked through the Armed Services Committee with the Pentagon to establish what is called an 800 panel that gave their recommendations on streamlining procurement. We worked with the National Performance Review of this administration when they came in. Working altogether in a collegial fashion, we put together what is an excellent, new Federal Acquisition Streamlining Act of 1994. That will get knocked out, even though we provided the flexibility FAA says that they want.

Another act that will be involved is the Small Business Act. The elimination of this section means the elimination of small business set-aside programs and assurances that small businesses are treated fairly in the award-decision process.

Mr. President, let me finish my statement and then I will yield the floor. I will be just about 2 or 3 more minutes.

Another one is the Competition in Contracting Act. With the waiver from CICA, the FAA would not have to conduct its acquisitions using the present standard of full and open competition which lets all offerors in at the outset of a procurement.

I think it is interesting to note that, as drafted, this section leaves the FAA subject to CICA's predecessor, 41 U.S. Code 5, the most basic procurement statute, under which the competition standard was ''maximum practicable.''

This statute requires that purchases and contracts be advertised, subject to exceptions, such as for urgency or being the only known source. The requirements for the exceptions to competition are less stringent than under CICA. Is this really what the appropriators intend? I do not think so.

Another one is GAO protest authority and the Brooks ADP Act. Under these sections, the FAA would be exempt from the GAO and GSBCA bid protest processes. That would leave the FAA subject to protests in court, a much more time-consuming and expensive process than either the GAO or the GSBCA. It would also take away GSA's delegation of procurement authority or for the FAA's acquisition of computer and other technology.

The Federal Acquisition Regulations: By waiving the FAR, the FAA would be exempt from all regulations pertaining to procurement.

By waiving all of these laws and regulations, there will be no hard and fast rules governing business between the Government and the contractor. How are we going to do business? How are contractors going to litigate disputes they have with the Government on ongoing contracts?

In short, Mr. President, this section of the proposed bill eliminates the current system of checks and balances which has developed in response to problems over the years.

I know that probably the proponents of this part of the legislation will say that we have a statement of administration policy that backs this up, but I quote from that statement of administration policy where it said that their support for this includes fast-track authority for a departmental reorganization plan and Federal Aviation Administration personnel and procurement reform which the administration has proposed as part of comprehensive FAA reform.

I do not quarrel with that. They do want some reform in this, but this is for a departmental reorganization, not for details of procurement we are talking about here.

I will add that we have asked them for a clarifying letter, and before there is a vote on this tomorrow morning, we will have that clarifying letter sent over to us from the Office of Federal Procurement Policy and, hopefully, from the Office of Management and Budget Office itself. So we will have that before there is a vote on that tomorrow morning.

So for all these reasons, Mr. President, I hope that we will have general support for the amendment by the distinguished chairman of the Governmental Affairs Committee, Senator ROTH, to strike this section.

I urge my colleagues to vote for Senator ROTH's amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

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Mr. THURMOND. Mr. President, I call for the regular order with respect to the DOD authorization bill.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 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 Senate resumed consideration of the bill.

Pending:

Dole amendment No. 2280, of a perfecting nature.

CLOTURE MOTION

Mr. THURMOND. Mr. President, I 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 bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1026, the Department of Defense authorization bill:

Bob Dole, Dan Coats, Strom Thurmond, James Jeffords, Hank Brown, Ted Stevens, Fred Thompson, Mark Hatfield, Larry Pressler, Bill Frist, John Warner, John H. Chafee, Chuck Grassley, John Ashcroft, Slade Gorton, John McCain.

Mr. THURMOND. Mr. President, for the information of all Senators, this cloture vote will occur on Friday, if necessary.

Mr. President, I now ask unanimous consent that the Senate resume the transportation appropriations bill.

Mr. EXON. Reserving the right to object, I just want to clarify what I think I heard the Senator from South Carolina, my friend, say. The cloture motion that he filed tonight will not be voted on on Thursday, it will come up on Friday; is that correct?

Mr. THURMOND. That is correct, Mr. President.

Mr. EXON. Will that be the usual procedure of 1 hour after the Senate comes in? What is the parliamentary situation on that?

Mr. THURMOND. Under rule XXII, it is 1 hour after we convene.

Mr. EXON. On Friday?

The PRESIDING OFFICER. That is correct.

Mr. EXON. I have no objection. Thank you.

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

TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2340

Mr. MCCAIN. Mr. President, I rise to speak on the pending Roth amendment, to strike language from the pending legislation.

Mr. President, I understand and appreciate the amendment of the Senator from Delaware. Clearly, it is very significant legislation on this appropriations bill. I do, however, want to point out that the action of the Appropriations Committee does have a certain logic associated with it. Right now, the amount of money that is going to be appropriated for 1996 is $8 billion; $6 billion of that comes from the aviation trust fund, which we know comes from fees, services, et cetera, and $2 billion