

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 on-going 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

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

comes from general revenues. The Appropriations Committee is required to come up with an additional \$2 billion in revenues, which is what they are required to do in keeping with their obligations.

Mr. President, I can certainly understand why the Appropriations Committee would seek action on the part of the authorizers or take action on their own in order to streamline the procurement process, streamline the personnel process and bring about the necessary changes, so that they will not be required, in these years of ever-declining budgets and ever-increasing cuts in expenditures, to come up with that additional \$2 billion.

I have had numerous conversations with the distinguished chairman of the committee, Senator HATFIELD. I have been working on a bill with his staff, with the Secretary of Transportation, with Senator FORD's staff, and others, in coming up with legislation which would be, I say to my friend from Delaware, sequentially referred to the Governmental Affairs Committee, because, clearly, the chairman of the Governmental Affairs Committee has oversight over procurement or personnel reform. But this would all be in the context of the reclamation of the Federal Aviation Administration.

So I appreciate what the Appropriations Committee has done in an attempt to rectify the imbalance of some \$2 billion that has to be found. I thank the chairman of the Appropriations Committee, because I believe that if we get this legislation done, which will encompass more than just the revenues that the Appropriations Committee needs, but also a long, long overdue reformation of the Federal Aviation Administration. I do not want to talk too long because the hour is late.

In case you did not hear, today, again, there was a power outage in northern California. Hundreds of planes were grounded all over northern California. There was a certain risk—I do not know how much—because planes were flying around all over northern California not under radar control. This is only one of a series of outages in the last couple of months. There was also one in Chicago.

Clearly, there is something very wrong with the procurement process in the FAA when they are using vacuum tubes which they have to scour the country to get in their computers, and they are still writing down the name of an airplane and passing it to the person at the next radar scope. I do not want to go on very long because of the lateness of the hour, but it is clearly a compelling requirement to reform our procurement process as far as FAA is concerned and reform the personnel aspect of it and, very frankly, make them at least a quasi-independent agency.

Mr. President, I am not often in the business of defending the Appropriations Committee, but there was an article in the Congressional Monitor this morning that said, "Pork may shrink,

but Senator BYRD still gets biggest slice." It goes on about how much money is appropriated in the transportation bill for the State of West Virginia.

Mr. President, that is incorrect. That was in the report language; it was not bill language. As we all know, report language is not mandatory. I hope that can be corrected in this and other periodicals. That is not the kind of earmarking that is alleged here and, very frankly, overall, I think this bill is largely free of that kind of thing. I think the chairman and ranking member of the committee are to be congratulated.

I, however, make two additional comments. One is concerning the Port of Portland. I will have a statement for the RECORD. I do not approve of \$50 million to the Port of Portland to retire a debt, with an additional \$10 million to make improvements in the shipyard.

One additional comment. While I was in the cloakroom, an amendment was accepted by Senator BUMPERS concerning essential air service, which, once you get through the language and match it up with the bill, basically carves out an exception for an airport. Obviously, that would not otherwise qualify for these funds. I object to that, obviously. But, also, I say that it is a reason why we should authorize these things rather than put them into appropriations bills.

I also want to say again, while the chairman of the Appropriations Committee is here, he and his staff have worked diligently in cooperation with me and my staff. I believe that significant improvements have been made, and I am pleased to note that most of the appropriations bills I have seen are largely the kind that I think Americans would be proud of.

Mr. President, I yield the floor.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I ask unanimous consent for 30 seconds so that I might propound a unanimous consent request.

The PRESIDING OFFICER. The Senator has that right.

UNANIMOUS CONSENT REQUEST—S. 1026

Mr. EXON. Mr. President, I had an inquiry of the Senator from South Carolina when he properly filed a cloture petition on the defense authorization bill for Friday. At the time, I was not aware that there was a previous DOD pending motion on cloture that might be called up tomorrow.

I ask unanimous consent that if a cloture vote is called for tomorrow on the defense authorization bill, the Senator from Nebraska be allowed 10 minutes preceding that vote for appropriate remarks.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PRESSLER. Mr. President, I have a matter I would like to discuss

with the Members, with the manager of the bill.

Mr. HATFIELD. Mr. President, I hope the Senator from South Dakota will withhold on this third amendment question for a moment. I think the last speaker on this pending ROTH amendment—and then I would like to take action on it—is the Senator from Michigan. He said he is going to be brief. I would like to complete this business before we turn to a new piece of business.

Mr. PRESSLER. OK.

AMENDMENT NO. 2340

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank my good friend from Oregon.

Mr. President, sections 350 and 351 in the bill before us would exempt the Federal Aviation Administration from the application of Federal acquisition laws. Now, in particular, "Section 351 states that the following laws shall not apply to the FAA."

The bill before us says that the following laws will not apply to FAA acquisitions: competition in contracting; the FAA does not have to follow that one. Bid protest laws; the FAA does not have to follow that. Federal Procurement Policy Act; they are exempt from that one. Last year's Federal Acquisition Streamlining Act; they are exempt from that one. The Small Business Act. The Uniform Federal Acquisition Form Regulation.

Now, our acquisition laws that apply to every Federal agency to require competition, allow for bid protests that protect us from improper expenditures, such as expenditures on recreation, on advertising, FAA is going to be exempt from all of them. We are doing all this on an appropriations bill.

I think I understand the frustration of the appropriators—at least I try—in terms of getting a resolution of some of the procurement problems which the FAA has faced.

But there has been no request to the Governmental Affairs Committee, that I know of, and I believe that the chairman knows of, from the FAA, for exemption from our procurement law.

We adopt procurement laws for the Government. If the FAA has problems with it, they ought to come to the Governmental Affairs Committee and seek an exemption.

I make a parliamentary inquiry. My parliamentary inquiry is this: If a bill were filed to exempt the FAA from the procurement laws of the country, what committee would that bill be referred to?

The PRESIDING OFFICER. The Governmental Affairs Committee.

Mr. LEVIN. I thank the Chair.

As far as I know, there has not been a bill that has been introduced to exempt the FAA from procurement laws. These are serious laws. I really believe deeply that if there were a bill introduced to exempt the Defense Department from procurement laws, and on

an appropriations bill, the Defense Department was suddenly going to be exempt from all of our competition laws, all of our laws that protect bid protests, our laws that stop expenses for entertainment, for advertising, all the work we have done for defense procurement, I think most of us would say, "Wait a minute, there are problems with procurement laws."

On an appropriations bill, to exempt the Defense Department even with its duty to secure the safety of our forces and security of this land, we cannot give a blanket exemption on an appropriations bill, as frustrating as it may be to the Defense Department all these years to be governed by a procurement act.

I am not familiar with the FAA procurement problems. Being a member of the Governmental Affairs Committee, I think this should have been brought to the attention of the Governmental Affairs Committee.

I ask unanimous consent that I be allowed to make an inquiry of the Senator from Delaware.

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

Mr. LEVIN. Could I ask the Senator from Delaware whether or not to his knowledge the Governmental Affairs Committee has been requested to exempt the FAA from the procurement laws of this country?

Mr. ROTH. I say to my distinguished colleague that I have no knowledge of such a request from the FAA.

Mr. McCAIN. Mr. President, would the Senator yield?

Mr. LEVIN. I am happy to yield to the Senator.

Mr. McCAIN. I would like to frame this in a form of a question. I do not know if the Senator from Michigan is aware that last week we did have a hearing in the Aviation Subcommittee concerning FAA reorganization, with all witnesses stating that procurement reform, as far as FAA is concerned, and personnel reform are two critical issues that need to be addressed.

So in deference to the chairman of the committee, it is an issue that has been raised by the Secretary of Transportation and the Administrator of the FAA.

Mr. LEVIN. No, no, I have no greater respect for any Member of this body than I do for the Senator from Oregon, so I know that this is a problem which he has had a headache with.

I have established, however, that the committee that has jurisdiction over the procurement law has not been asked by the FAA for an exemption from those laws. The hearing which my friend from Arizona is referring to is a hearing in front of the Commerce Committee.

My point is that the committee with jurisdiction over procurement laws, which is the Governmental Affairs Committee, has not had this problem brought to its attention.

Now, I know the Senator from Oregon has had plenty of material

brought to his attention and there is a big problem here which he is trying very much to get some assistance on somewhere to bring to someone's attention to resolve. I respect that a good deal.

All I am simply saying is that the committee that has jurisdiction over the procurement laws has not had that problem or been made aware of the problem through no fault of the Senator from Oregon or anybody else, but it has just happened. No bill has been filed to exempt the FAA from the laws nor has the FAA come to the Governmental Affairs Committee to make a request for exemption from these laws.

Now, the administration has given us a statement of policy. I know that this was solicited from them and there is a good-faith effort here on the part of the managers to try to implement their request and carry it out.

The administration's written request says that they "support fast track authority for departmental reorganization plan," which is not before you as I understand it, "and Federal Aviation Administration personnel and procurement reform which the administration has proposed as part of comprehensive FAA reform."

We do not have the comprehensive FAA reform in front of the Senate. That is where they have said that they support personnel and procurement reform. It is that general. But it is only after part of a comprehensive FAA reform do they say that they have supported personnel and procurement.

Now, that puts the managers in a difficult position, which I can understand because the administration has asked for personnel and procurement reform but as part of a comprehensive FAA reform. We do not have the comprehensive FAA reform before us.

So the question is, what is the administration position on doing it separate and apart from comprehensive FAA reform? I suggest we are trying to find out. We hope to find out by the time dawn breaks on this Capitol of ours.

Let me close, then, by just simply saying that to give an agency on an appropriations bill a blanket exemption from our procurement laws really is a recipe for chaos. There is nothing to take their place. All that the bill says is that the Secretary of Transportation should develop an acquisition plan for the FAA. Anything goes. The rest of the Government is going to be governed by law.

This agency is going to have its own law as determined by its own Secretary, and anybody who wants to do business with this Government better start learning two sets of law: One is for the Government except the FAA, and another set of procurement laws is determined exclusively by the Secretary of Transportation—mind you, not by law, not by Congress, but by the Secretary of Transportation. People are going to have to learn that second set of what I would call regulations, because they surely are not laws.

Again, I said "finally" once, and this time I will really mean it, but I think a year or 2 years ago we established a pilot program for the FAA. I do want to emphasize this. I know the Senator from Delaware has pointed this out, but I want to emphasize just this fact: We have authorized the Secretary of Transportation to conduct a pilot test of innovative and alternative procurement procedures. We authorized a pilot program. We do not have the results from that program.

So, here it is that the agency got that authority, I believe, from the Commerce Committee in law, and the Federal acquisition specifically authorized the FAA to undergo this pilot study in the area of acquisition, and before the results are in we are exempting that agency from procurement law.

While I think I can feel at least part of the frustration which the chairman and ranking member feel, I do not feel this is the right way to go about giving them kind of a different criteria for their acquisition in the rest of the Government.

I thank my friend from Oregon for making it possible for me to give my remarks at this point before the Senator from South Dakota gave his. I yield the floor.

Mr. HATFIELD. Mr. President, I am going to make a response now to this amendment to complete the debate on this so we can put it in line for a vote tomorrow, and that I will move to table the amendment following my brief remarks.

Does the Senator wish recognition?

UNANIMOUS-CONSENT AGREEMENT—S. 1026

Mr. EXON. Could I ask unanimous consent for 10 seconds? My friend and colleague from Arizona has no objection that he had earlier.

I ask unanimous consent that if there is a cloture vote on the DOD authorization bill tomorrow that the Senator from Nebraska be allowed 10 minutes prior to the vote for the purposes of making appropriate remarks.

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

Mr. EXON. I thank the Chair. I thank my friend from Arizona.

AMENDMENT NO. 2340

Mr. HATFIELD. I yield to the Senator from South Dakota. I would like to complete this particular issue, but if the Senator is raising another issue, I guess he would have to do it by unanimous consent anyway.

Mr. PRESSLER. I will do whatever the chairman says.

Mr. HATFIELD. If the Senator would bear with me for just a few moments, we are trying to proceed in an orderly fashion here and cleaning up these amendments as soon as possible.

Mr. President, just a brief response to the proponents of this amendment. Let me make clear first of all to the Senator from Michigan, we did not solicit this administration statement. The administration submits such a statement to every appropriations bill, so this was a part of a normal routine.

This administration policy statement is dated as of August 9—which I believe is today, since August 10 is tomorrow, President Hoover's birthday.

Mr. President, I would like to say this. The administration approached us. Let me relate the story that the administration gave to us in desperation, to try to get some kind of help in a very serious situation. We are not talking about jurisdiction of one committee or another committee. That is important for our process. Nevertheless, the administration says to us that, for years—not just this year—but for years, one FAA administrator after another has talked about this, has pled to get out of the Federal personnel and procurement rules because they need to maintain the safety and the modernization of the whole operation. Over the last 2 years, Secretary Pena and Administrator Hinson have continued to focus on this as a major problem facing the FAA. They tell us this particular story. They say the FAA technology, the air traffic control system, is based on 30-year-old technology. I am greatly concerned when I think of the massive air transportation in our country today and throughout the world, that we are depending on 30-year-old technology.

The Senator from Arizona mentioned a moment ago about vacuum tubes. They told us the FAA is the largest consumer of vacuum tubes today, with funds in this bill designated to buy \$7 million more of vacuum tubes, a technology that was thrown out by the private sector 20 years ago; 20 years ago.

I think that ought to give us a pretty major signal this is not just some effort to try to escape rules or regulations set down. Because, as I say, they approached us, really, in a state of desperation.

Let me illustrate it further, as they did to me. The Boeing 777 has as much computing power today as existed in the whole world a few decades ago—one airplane. As much or more than the whole world had in computing power, they now carry. I think we should have an ATC system just as advanced, helping to protect our planes and the people who fly in them.

They tell me that these changes that they gave us, in the technical language, to incorporate in this bill, would do much to help improve the situation that has reached this kind of a crisis. I think also, as we note in the committee report, we are facing tremendous budgetary pressures this year. We are going to face greater ones in 1997.

Let me repeat what I said earlier today in the presentation of this bill. In this bill, 70 percent of that funding is prior year commitment, and it is going to be greater in 1997. So we are squeezed down with the money, the demands for new technology, and the demand for greater safety continues to escalate. Also, the FAA tells us if they could have this kind of operational flexibility, they believe they could cut

as much as 20 percent out of the procurement budget than what they are forced to spend today.

I have just here, August 9 dated, again, the Airport Report, which is a publication of the American Association of Airport Executives. The President, Mr. Charles Barclay, says:

The existing governmental personnel and procurement rules serve as a straitjacket at FAA.

Now, there is no one who admires and respects our orderly procedures and our methods of procedure, our jurisdictions, more than I. But I have to say that in many instances over the time I have served in the Senate, when authorizing committees either have failed or where they have been not been able to move within their own committee, they have approached the Appropriations Committee as a vehicle to get the action accomplished. I remember when Senator THURMOND, of South Carolina, as chairman of the Judiciary Committee, came to me back a few years ago and said, "Would you take the crime bill and put it on an appropriations bill to get this before the body and get it passed?" I remember when Senator Percy, former Chairman of the Foreign Relations Committee said, "Would you put on the foreign assistance authorization bill?"

So, for years the committee has been approached by authorizers and by others as well to assist in moving something that had somehow bogged down, for whatever reasons. I am not faulting the authorizing committees. I have to say we gave notice we were going to take action on some of these things that were legislation on appropriations. I have indicated, also, we would like to see the kind of taking over of that, and we would be happy to relieve ourselves of that burden, within the conference committee, if we could see the substitution of the authorizers taking hold of something the administration has asked us to take emergency—what you would call emergency action on.

We have enough problems without reaching out, trying to do the authorizers' work. That is not our intent. But, nevertheless, I have to put it in that kind of context. That led us to take this particular action.

I have to, again, thank the Senator from Arizona for his kind remarks, and for clarifying again this relationship that we have with him as well as the chairman of the Senate Commerce Committee Subcommittee on Aviation. We have full confidence in our authorizers. We have full confidence in our Governmental Affairs Committee. But nevertheless, the administration approached us with this crisis and said, "Will you help?" And we responded by saying, "Yes, we will help."

Now, I do not want to cut off anyone on this.

Mr. LEVIN addressed the Chair.

Mr. HATFIELD. I am about ready to make a motion to table.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would like to briefly comment to my friend from Oregon. First, the Governmental Affairs Committee has not bogged down on this issue. It has never been asked to modify the procurement laws for the FAA. It is not a bog down of the committee with jurisdiction. There has never been a request.

Second, I have to agree very strongly, this is not a question about which we should get involved with jurisdiction, because that is not the issue. The issue is the procurement laws and who they are intended to protect. They are intended to protect the taxpayers of this country.

The Defense Department, I can assure you, will tell you they could save 20 percent of their procurement budget if they did not have to follow any laws either. Every agency would love not to follow the laws. When my friend from Oregon says this agency has vacuum tubes—I think it is the only agency that does. And every other agency follows the procurement laws of this country. Why can FAA not get modern equipment like every other agency can? Why can they not use the laws, which gives them great flexibility?

I would like to point out to my good friend from Oregon, the Competition In Contracting Act. This is all the FAA has to do. Under the Competition In Contracting Act, which Senator COHEN and I authored, all they have to do to meet the act is to say "the head of the agency determines it is necessary in the public interest to use procedures other than competitive procedures in the particular procurement concerned."

Do you mean the head of the FAA, if he wants to get rid of the vacuum tubes, cannot say that it is necessary in the public interest to use other than competitive procedures? I mean, what is wrong with the administration of the FAA that they cannot get modern equipment if every other agency got rid of their vacuum tubes 20 years ago? Why could the FAA not get rid of their vacuum tubes 20 years ago using the same procurement laws as every other agency in this Government?

So I hope we would not simply give a blanket waiver here to the FAA. I happen to agree that if they need reform they ought to have some reform. But this is not reform. This just says throw out all the procurement laws. That is not reform. That just says you are not bound to the competition laws, you are not bound to all the other laws which protect the taxpayer. And what is going to be substituted for it? Whatever the Secretary wants. I think it is arbitrary and I think it is going to be very confusing and in the end it is going to be very, very expensive.

Mr. HATFIELD. I thank the Senator. I yield the floor. As soon as this is completed, I will then move to table.

Mr. LAUTENBERG. Mr. President, if I might just make a comment, I did not want to get into this dispute. But there is almost an insinuation that comes

out of the remarks of the Senator from Michigan about FAA's inability to stay abreast of things.

I come out of the computer field, and I can tell you I was in shock when I saw the kinds of equipment they had. When I was in the computer business and when our equipment ran out of gas and was no longer worth keeping, we tried to give it away to charities and schools so they might use it for learning. And many times they turned us down because the cost of maintenance would have been far higher than the value of the asset that we were going to transfer to them.

When I went for my first visit to FAA in 1982 or 1983, I was shocked to see the equipment that we could not give away still being worked on and being used to operate the FAA system.

I point out to my friend from Michigan that there is one distinct difference. Leadership at the FAA turns over at an alarming rate. With every new Administrator comes changes in priorities and management structure. This almost constant disruption of the procurement process is something that is almost unique to the FAA. That is one of the things that I hope we will be looking at.

If the Senator wants to use the Defense Department as a shining example, then let's look at it. Toilet seats at \$600 and a couple of hundred bucks for a pair of pliers. If that is the shining example of the way we ought to do procurement, then I pity those that follow that example.

I do not want to get into a long debate here. I simply want to support the chairman's comments. We were pushed into this, almost forced into it, to put a big enough pebble in some committee's shoe to say, "Take care of this thing. If all you are going to do is gripe and complain about it, then we are going to do something about it." Though it was late at night, we succeeded in getting some significant attention focused on this issue.

I respect the Senator from Delaware, the Senator from Michigan, the Senator from Ohio, and our colleague from Arizona and his response.

This is not simply a group of people sitting on their chairs and not doing anything to make the FAA's air traffic control system work. The FAA has handled an expanded volume with an incredibly good record on safety and maintenance. Though the service sometimes is late, the fact of the matter is we have the best aviation system by far. However, we would like for it to function a heck of a lot better. And that is the purpose of these parts of the bill.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I shall be brief because the hour is growing late. But I think it is important for the record to clearly show that the Federal Acquisition Streamlining Act of 1994 gave the Secretary of Transportation

authority to test alternatives and innovative procurement procedures in carrying out acquisitions for one of the modernization programs under the Air Force capital investment plan. I point out that in part of this legislation, there is permitted a waiver of procurement regulations.

So the point I want to make is that authority last year was granted the Secretary of Transportation to take action irrespective of the procurement rules and regulations.

Unfortunately, I would also point out that early this year the GAO, in a February 1995 high-risk series, pointed out that the air traffic control modernization project, which covers all parts of the \$36 billion effort to overhaul the Nation's air traffic control system, has failed because FAA did not recognize the technical complexity of the effort, realistically estimate the resources required, and oversee contractors' activities or effectively control system requirements.

So opportunity has been given but, unfortunately, the management of those efforts has not been successful.

Mr. President, I yield the floor knowing that the chairman wants to make a motion to table.

Mr. President, I urge adoption of the amendment.

Mr. HATFIELD. Mr. President, I move to table the motion to strike this language, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur under the previous order tomorrow.

AMENDMENT NO. 2341

(Purpose: To protect shippers in a captive shipper state)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BURNS) proposes an amendment numbered 2341.

Mr. BURNS. 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. 3. DETERMINING OF MARKET DOMINANCE IN RAIL CARRIER RATE PROCEEDINGS

(a) In this section, "market dominance" means an absence of effective competition from other carriers or modes of transportation for the traffic to which a rate applies. Any agricultural shipper without economically competitive railroad or truck alternatives, shall be considered "captive" to the market dominant railroad. Further, any agricultural shipper or its representative, that does not have access to two or more competing railroads for shipping the same commod-

ity from the same origin to the same market as other agricultural shippers shipping to the same market, shall be deemed "captive" by a market dominant railroad. Competing railroads shall mean two railroads not under common control for rate making purposes.

(b) When a rate for transportation by a rail carrier that is subject to the jurisdiction of an appropriate regulatory federal agency, which is designated by Congress, and adequately funded to protect the interests of "captive" shippers, is challenged as being unreasonably high, the Agency shall determine, within 90 days after start of proceeding, whether the railroad carrier has market dominance over the transportation to which the rate applies. After a finding by the Agency that the carrier does have market dominance, the affected shipper and traffic shall be classified as "captive."

(c) When the Agency finds, in any proceeding that a shipper and associated traffic is captive, the Agency shall suspend the carrier established rates and set the maximum reasonable rates that may be charged by the market dominant railroad. The Agency shall set the maximum reasonable rate at that level which will return fair and reasonable profit to the carrier that would have occurred had there been effective transportation competition for the market dominant traffic. This maximum reasonable rate level determination shall be completed within 120 days of the initiation of the proceeding. The Agency shall not set the maximum reasonable rates any higher than earnings for traffic having similar transportation characteristics with rail-to-rail competition moving distances. In any event, the Agency will not set the maximum rates higher than 180% of railroad systemwide variable cost of the movement as determined by the Agency.

(d) A market dominant carrier will be required to provide its full common carrier obligation on rates and services to a captive shipper without prejudice or preference, and without any economic penalty to captive shippers. In addition, this carrier shall offer identical or substantially similar transportation services to captive shippers that it offers to any other shipper moving a similar product on the market dominant railroad carrier system.

Mr. BURNS. Mr. President, this amendment should be inserted after line 22 on page 7.

This is no transfer of money. This is not asking for any money. This is really a pretty simple and straightforward kind of an amendment.

We are slowing phasing out the ICC. When we phase out the ICC, we also phase out quite a lot of rules and regulations with regard to rail shipping. I think there is only a couple of States that fall in the same category as the State of Montana. We are captive shippers. If should something happen in the conference committee where we may have quite a debate about the phaseout of the ICC, this language can be struck. But basically it sets up the safeguards of those agricultural shippers located in captive shipper States. Montana happens to be one of those. If you do not think it does not have an impact on you, the rate of shipping a carload of wheat from Omaha, NE, to Portland, OR, is cheaper than you can ship it from Montana to Portland. So we have a problem as far as moving our grain to the ports.

So I ask that this language be considered. It is just a safeguard; that should

the ICC completely go out of business, this sets a parameter of which we deal with States that are regarded as captive shippers.

I want to add a little footnote to the last discussion and associate myself with the chairman of the committee. When he said the Boeing 777 had more computing power than all the computers put together in the world just as near as 10 years ago, one has to realize that our technology is so advanced now that there is an airplane that was completely designed on a computer and every part in it designed on the computer. There was never a mockup. There was never a prototype. It was built strictly by computer, one of the great airplanes, of course, on the cutting edge of civil aviation.

I ask that this language be accepted and considered. Both sides of the aisle may have to look at this and then render a judgment tomorrow whether we have a receipt or not or work on the language, whichever would be proper. But I hope it would be accepted because we do need some safeguards or a safety net for captive shippers, and the State of Montana falls in that category.

I thank the Chair and the managers. I yield the floor.

Mr. HATFIELD. Mr. President, I say to the Senator from Montana we still do not have a copy of the amendment.

Mr. President, I ask unanimous consent to temporarily lay aside the Burns amendment in order to complete the Pressler amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

LOCAL RAIL FREIGHT ASSISTANCE

Mr. PRESSLER. Mr. President, I shall be fairly brief.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. LAUTENBERG. Mr. President, if the Senator from South Dakota is offering an amendment, it is not on this list. I would think it unfair to those who made requests earlier in the day for additional amendments, to whom we denied this opportunity, to now at this hour of the night suddenly open up the gate and take an amendment about which we know very little and that—

Mr. PRESSLER. If I could just say something.

Mr. LAUTENBERG. Has not been agreed to. Frankly, I would like to see it. I object to its being offered.

Mr. PRESSLER. I have not offered an amendment. If I could get a word in edgewise.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Earlier today and throughout the day my staff has been discussing an amendment with the staff of the Appropriations Committee, and we thought we had it on the list. In fact, discussions were held throughout the day with Anne Miano. We called the cloakroom and said, please, put it on the list. I think there has been an error made, a good-faith error, and I

would very much like to offer this amendment because as chairman of the Senate Commerce, Science and Transportation Committee, several of my members wanted a chance to vote on this amendment.

I will not take much time, but I am not trying to do anything by sleight of hand. There has been a genuine slip-up, so to speak, and I am not blaming anyone. I am not here to blame staff at this hour of the night. But we did intend to have this on the list. It was our intention. We discussed it throughout the day with members of the staff.

I would like to ask unanimous consent—first of all, let me explain, if necessary. I am not going to get into a tit for tat about what is on and what is not. I will spend some time explaining what is in the amendment.

As you know, on the Commerce Committee, we try very hard to work with various critical transportation modes—rail, passenger. Indeed, I went out of my way to help with the Amtrak bill this year even though my State has no Amtrak. There is assistance for different types of transportation in this country. My State frequently does not share as generously as some other States, but I have fought hard for things that the Senator from New Jersey believes in. I know there is Amtrak in his State, and I could have blocked the Amtrak funding in the Commerce Committee. But I did not choose to do so because I think there is a national interest.

There is one area of service that is not included, and that is the local rail freight assistance program and the section 511 loan guarantee programs. These programs are critical to addressing our Nation's rail freight infrastructure needs. While billions of dollars have been invested in Amtrak over the years and now high speed rail initiatives are receiving increased focus, little has been invested in the rail freight lines serving our smaller cities and rural areas.

Indeed, capital investment needed to maintain our secondary rail lines far outpaces supply. In my view, Federal involvement in rail service should not be limited to rail passenger service. Certainly Amtrak and high speed rail are important. However, to smaller-city States such as mine, which has no Amtrak service and will never benefit from high speed rail, freight rail is even more important.

As my colleagues know, H.R. 2002 provides a good deal of money to fund rail passenger service. Certainly a limited amount of funding should be provided to meet very serious rail freight needs. Even limited Federal involvement will help to rebuild and improve the rail lines serving our smaller cities and rural areas. These lines, run mainly by short-line regional railroads, are critical to the survival of rural America's economy, yet the capital needed to maintain these secondary rail lines is very limited.

Mr. President, the LRFA program has proved to play a vital role in our Nation's rail transportation system. Created in 1973, the LRFA provides matching funds to help States save rail lines that otherwise would be abandoned. For instance, over the past few years, several rail improvement projects in my State and other States have been made possible. And I know we have been unable to reach the Senator from Iowa tonight, but he has worked on this. In fact, one of the east coast Senators wished to have a chance to speak on this tonight.

Without LRFA, our freight funding needs would go largely unmet. Of particular importance is how LRFA's matching requirements enable limited Federal, State and local resources to be leveraged. Indeed, LRFA's success has been in part due to its ability to promote investment partnerships, thus maximizing very limited Federal assistance.

Historically, LRFA has received only a very modest level of Federal funding. For example, \$17 million was provided for LRFA in fiscal 1995. But a substantial portion of this very limited appropriations, \$6.5 million, was rescinded recently by Public Law 104-6.

In fiscal year 1995, 31 States requested LRFA assistance for 59 projects totaling more than \$32 million in funding requests. Unfortunately, less than one-third of the funding was available to meet these rail infrastructure needs. With continued railway structuring, these legitimate funding needs will only increase. LRFA is a worthy program and should be funded.

As my colleagues may already know, oftentimes small railroads face unique problems and difficulties securing needed financing. Unlike other businesses that need short-term loans, smaller railroads need long-term financing for big-ticket items, ranging anywhere from equipment to track rehabilitation. Yet, I understand most financial institutions will not make loans that are not repaid within 7 or 8 years. These loans and loan arrangements simply do not work for smaller railroads. And 511 loans were permanently authorized to address these problems and should be funded.

In this era of significant budgetary pressures, the 511 program provides a cost-effective method of ensuring modest infrastructure investment on a repayable basis. We should support programs like the 511 program and the LRFA that provide an excellent leverage of our limited Federal dollars.

The 511 railroad guarantee program is permanently authorized at \$1 billion, of which approximately \$980 million currently is available for commitment. The Credit Reform Act rules require appropriation for the 511 program to cover the anticipated loss to the Government over the life of each loan.

Based on a fiscal year 1994 appropriation for a 511 project in New York

State—the first 511 application processed under the rules of the Credit Reform Act—5 percent of the total loan obligation must be appropriated. Several regional and short-line railroads are ready to submit loan applications as soon as the program is appropriated funding.

My amendment provides \$10 million to enable up to \$100 million in loans.

Mr. President, I wish to be up front regarding the offsets I have proposed. A portion of this funding is taken from the Department of Transportation's working capital fund. Another portion is being off set by reducing the next generation high speed rail account for planning and design.

However, more than one-half of that account will still remain. Let me be clear. I am not opposed to the high-speed rail program. However, we are still waiting for two reports from the administration on high-speed rail. One is on the commercial feasibility of high-speed ground transportation. It will be submitted to Congress by the end of the year. The other report due next year is to provide the administration policy directions and a perspective on high-speed rail.

They are two very important reports. They will lay out the technological feasibility of where we should go in the next 20 years with high-speed rail. Certainly we can delay some funding for this until we have a firm foundation and vision on high-speed rail.

Of course, I am willing to entertain any other suggestions for offsets and invite my colleagues to provide an alternative.

So, Mr. President, in conclusion, let me say that I stand here as a Senator from a State where we do not have passenger rail service. We are, I believe, one of two States in the United States that do not have Amtrak. We have no prospect of getting high-speed rail. But I have been a supporter and a helper in those areas on the authorizing committee.

Just the other day I assisted Senator LOTT in working out the package that involved Amtrak. And I rise in good faith. I would ask that my amendment be considered. And I would ask unanimous consent that it be considered, and that we have a vote on it.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. I do object.

Mr. President, I think it is a fair and appropriate courtesy that the Senator from South Dakota and I and the chairman of the subcommittee have a chance to talk about it.

The PRESIDING OFFICER. The objection is heard.

The Senator from South Dakota does not lose the floor.

Mr. LAUTENBERG. That is true.

Mr. PRESSLER. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I know the position that my friend from New Jer-

sey and my friend from Oregon, the managers of the bill, find themselves in. I have found myself in similar positions during long, tedious sessions of the Senate when we try and make appropriate cutoffs at certain times. And they would be fully within their rights, and maybe it is their final determination not to consider the amendment offered by my friend and colleague from South Dakota.

I happen to feel that this was one of those very legitimate oversights where the chairman of the Commerce Committee, on which I have had the opportunity to serve with the Senator from South Dakota since we both came to this Senate 17 years ago—I know he has always been helpful and understanding on a whole series of matters. Therefore, I think the decision is up to the managers of the bill, but I would simply suggest that this was, I am certain, a very innocent error. I believe the Senator really felt that his amendment had been included.

To make the point, if we would go back to the managers of the bill when they were reading the bill, the various amendments that have been offered, the RECORD will show the Senator from Nebraska rose and asked if his amendment would be included. And I was properly corrected by my good friend, the chairman of the Appropriations Committee, to the fact that the amendment offered by the Senator from Nebraska was indeed listed. So I was protected. There are occasions when we are not sure whether we are protected or not. And in this particular case I was.

I simply say that I believe this was a simple oversight. And I was just wondering, is there any way we could possibly resolve this matter by considering some other kind of an offset of the funding that the Senator from South Dakota has used to finance the measure that he has requested? I do not know whether that is one of the problems or not.

I have no dog in this fight except to say that fully understanding the problems that the managers of the bill have, I think this was a very legitimate error. If the wishes of the Senator from South Dakota could be accommodated, I think it would be fair. If there is any problem with the measure itself, you could always have a vote on it. Is it possible that there may be some other form of offset we might be able to work out?

I yield the floor.

Mr. PRESSLER. If my friend would yield for a question.

I begin my question by thanking him very, very much for his fair statement that in our 20-some years together on the Commerce Committee—I believe 18 years we were together on the Commerce Committee—he has always been fair and thoughtful to me.

I would certainly consider some other offset. As I mentioned, my State is, I believe, one of two States that does not get Amtrak. I have been a

supporter of Amtrak to help out in other areas. And my State does not get high-speed rail. And I have been a supporter of high-speed rail. So, I am trying to help out. I am not trying to send any signals here, just that maybe it was another offset. These are hard to find. But I would like to offer my amendment. I know some other Senators who are not in the Chamber tonight who are very interested in this amendment. And so that is what I am trying to accomplish.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. The discussion that evolves is one that often is decided in this kind of a forum when the pressure is on to close out a bill. And we look at new ideas that have not been considered. And I regard my relationship with the Senator from South Dakota, as well as the Senator from Nebraska, as good and friendly. And I certainly do not want to be contentious.

But, Mr. President, the fact that suddenly now we are discussing Amtrak, and whether it is in New Jersey. We do not have essential air services in New Jersey.

Mr. President, that will not resolve the issue as far as this Senator is concerned. We want to discuss it. I am absolutely amenable to discussing it.

I do think that out of respect for those of us who have been working on this Transportation appropriations bill, after the budget resolution zeroed out local rail freight, that we ought to have a chance to discuss it.

I do not want to diminish the opportunity for either of the proponents of this amendment. It is to service their States. That is something that is always kept in front of us.

However, I think it is fair to say that adding this at the end, and before we clear the other amendments that have to be considered, is an inappropriate thing to do at this time. People want to close up shop. And that is not the primary reason for doing anything. But there is a precedent. Others have managed to get their amendments in place. And I would like to have a chance to discuss it before I even agree to accepting the amendment, Mr. President.

So that is my request. And I hope that we are not going to get a balance sheet here with what was done for one or done for the other. We are discussing the Transportation Subcommittee bill. There are lots of things that benefit all of us: highways, rail service, air service, and transit service. All benefit different parts of America differently. But, we can never get the scales to be exactly equal.

So, Mr. President, I would note the absence of a quorum until we resolve the couple of issues that are outstanding here.

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.

AMENDMENT NO. 2342

(Purpose: To provide for a technical correction to Public Law 102-388)

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

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mrs. FEINSTEIN, proposes an amendment numbered 2342.

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

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

The amendment is as follows:

At the appropriate point in the bill inset: "SEC. . The Secretary of Transportation is hereby authorized and directed to enter into an agreement modifying the agreement entered into pursuant to Section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-388) to conform such agreement to the provisions of Section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103-331). Nothing in this section changes the amount of the previous appropriation in section 339, and the line of credit provided for shall not exceed an amount supported by the previous appropriation. In implementing either Section 339 or Section 336, the Secretary may enter into an agreement requiring an interest rate that is higher than that specified therein."

Mr. HATFIELD. Mr. President, this is a simple, straightforward amendment that would allow formerly appropriated funds to be used in a backup on a bond matter. This has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2342) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2343

(Purpose: To eliminate certain highway safety advisory committees)

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

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. ABRAHAM, for himself and Mr. INHOFE, proposes an amendment numbered 2343.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the 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 title III, insert the following:

SEC. 3 . ELIMINATION OF CERTAIN HIGHWAY SAFETY ADVISORY COMMITTEES.

(a) NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.—

(1) IN GENERAL.—Section 404 of title 23, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 404.

(b) COMMERCIAL MOTOR VEHICLE SAFETY REGULATORY REVIEW PANEL.—

(1) IN GENERAL.—Section 31134 of title 49, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—

(A) The analysis for subchapter III of chapter 311 of title 49, United States Code, is amended by striking the item relating to section 31134.

(B) Section 31140 of title 49, United States Code, is amended—

(i) in subsection (a), by striking "and the Commercial Motor Vehicle Safety Regulatory Review Panel"; and

(ii) in subsection (b)—

(I) in paragraph (2), by striking "the Panel or"; and

(II) by striking "the Panel" each place it appears and inserting "the Secretary".

(C) Section 31141 of title 49, United States Code, is amended—

(i) by striking subsection (b) and inserting the following:

"(b) ANNUAL ANALYSIS BY THE SECRETARY.—The Secretary annually shall analyze State laws and regulations and decide which of the laws and regulations are related to commercial motor vehicle safety.";

(ii) in subsection (c)—

(I) in paragraph (1), by striking "The Secretary" and all that follows through "shall—" and inserting "Not later than 18 months after the date on which the Secretary makes a decision under subsection (b) that a State law or regulation is related to commercial motor vehicle safety or 18 months after the date on which the Secretary prescribes a regulation under section 31136, whichever is later, the Secretary shall—"; and

(II) in paragraph (5), by striking "(5)(A) In" and all that follows through "(B) In" and inserting "(5) In".

Mr. INHOFE. Mr. President, in further demonstration of our resolve to downsize Government and eliminate needless departments, agencies, commissions, boards, and councils, I offer this amendment along with Senator ABRAHAM to terminate the National Driver Registration Advisory Committee and the Commercial Motor Vehicle Safety Regulatory Review Panel.

The National Highway Safety Advisory Committee was established under the Highway Safety Act of 1986 to advise the Secretary on matters relating to highway safety. Moneys have not been appropriated for this committee since 1986.

The commercial motor vehicle safety regulatory review panel. The purpose of this panel is to conduct a study to evaluate the need for the Federal assistance to the States to enforce specific regulations issued by the Secretary of Transportation. The panel was created by the Motor Carrier Safety Act of 1984 and is not currently funded.

Although these cuts are merely symbolic, they are illustrative of the type of needless activity that have outlived their usefulness. These types of programs drain the Government of its efficiency and clutter its structure with organizational deadwood.

This amendment promotes the type of reform which is supported by the GAO, the CBO, and in some cases, the President. It terminates two committees whose jobs are finished. While it may not achieve savings in the millions of dollars, it is an important step in complying with the demands of the American people who told us on November 8, 1994, to balance the budget, and cut the size of Government. It is important that we demonstrate that we resolve by reviewing even the most insignificant or inexpensive programs as well as the more prominent ones. Let us show the public we are serious and eliminate these useless panels.

Mr. HATFIELD. Mr. President, this is a repeal of two existing committees within the Department of Transportation, and it has been cleared on both sides. These are two advisory committees.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2343) 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.

Mr. HATFIELD. Mr. President, I would like to indicate precisely where we are on the list of amendments. One was reserved for Senator GREGG of New Hampshire. I am informed Senator GREGG has departed the Hill. So, obviously, he will not be offering his amendment. We had one for Senator COVERDELL, and we now have a colloquy that will replace that slot for amendment.

Therefore, we are waiting the arrival of Senator WARNER, and on behalf of Senator CHAFEE and Senator BAUCUS, Senator WARNER will offer an amendment.

And then I say, from my list that I have, that completes all the amendments that were incorporated in the unanimous-consent agreement.

If there is any information relating to Senator GREGG, I would be very happy to receive it. But if he is not here at the time we finish these other amendments and the amendment has not been offered, that closes the list.

Mr. LAUTENBERG. Mr. President, there remains a colloquy between the Democratic leader and myself which we will have printed in the RECORD. As far as I can see, I think that takes care of it, with the exception of the two matters—

Mr. HATFIELD. And Senator BURNS. There is, I believe, a pending amendment by Senator BURNS of Montana, which is being checked out on the Democratic side.

Mr. PRESSLER. Will my friend yield for a question?

Mr. LAUTENBERG. Yes.

Mr. PRESSLER. I have staff working ferociously to find other offsets that might be more agreeable, but I may be offering potentially a second-degree to the Burns amendment, if he were to concur in that. I just wish the managers to know of that intention.

Mr. HATFIELD. 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, I believe now that the last amendment we have before us is to be offered by Senator WARNER on behalf of Senator CHAFEE and Senator BAUCUS.

Mr. PRESSLER. If the Senator will yield for a question. I will be offering an amendment to second-degree another matter. I will be offering a second-degree amendment later this evening.

Mr. HATFIELD. To what?

Mr. PRESSLER. To the Burns amendment.

Mr. WARNER. Mr. President, I thank the distinguished managers for permitting me at this late hour to offer this amendment. I will do so on behalf of the distinguished chairman of the committee, Mr. CHAFEE, and the ranking member, Senator BAUCUS.

I ask unanimous consent that the pending amendment be temporarily laid aside.

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

AMENDMENT NO. 2344

(Purpose: To delay the effective date of a restriction on the availability of certain highway funds and to provide for National Highway System designation)

Mr. WARNER. 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 Virginia [Mr. WARNER], for himself, Mr. CHAFEE, and Mr. BAUCUS, proposes an amendment numbered 2344.

Mr. WARNER. 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. 3. DELAY OF RESTRICTION ON AVAILABILITY OF CERTAIN HIGHWAY FUNDS; NATIONAL HIGHWAY SYSTEM DESIGNATION.

(a) DELAY OF RESTRICTION OF AVAILABILITY OF CERTAIN HIGHWAY FUNDS.—Section 103(b) of title 23, United States Code, is amended—
(1) in paragraph (3)(B), by striking "1995" and inserting "1997"; and

(b) NATIONAL HIGHWAY SYSTEM DESIGNATION.—Section 103 of title 23, United States

Code, is amended by inserting after subsection (b) the following:

"(C) NATIONAL HIGHWAY SYSTEM DESIGNATION.—

"(1) DESIGNATION.—The most recent National Highway System (as of the date of enactment of this subsection) as submitted by the Secretary of Transportation pursuant to this section is designated as the National Highway System.

"(2) MODIFICATIONS.—

"(A) IN GENERAL.—At the request of a State, the Secretary may—

"(i) add a new route segment to the National Highway System, including a new intermodal connection; or

"(ii) delete a route segment in existence on the date of the request and any connection to the route segment; if the total mileage of the National Highway System (including any route segment or connection proposed to be added under this subparagraph) does not exceed 165,000 miles (265,542 kilometers).

"(B) PROCEDURES FOR CHANGES REQUESTED BY STATES.—Each State that makes a request for a change in the National Highway System pursuant to subparagraph (A) shall establish that each change in a route segment or connection referred to in the subparagraph has been identified by the State, in cooperation with local officials, pursuant to applicable transportation planning activities for metropolitan areas carried out under section 134 and statewide planning processes carried out under section 135.

"(3) APPROVAL BY THE SECRETARY.—The Secretary may approve a request made by a State for a change in the National Highway System pursuant to paragraph (2) if the Secretary determines that the change—

"(A) meets the criteria established for the National Highway System under this title; and

"(B) enhances the national transportation characteristics of the National Highway System."

Page 69, line 3: At the end thereof insert the following: "and congestion mitigation and air quality program funds. *Provided*, That a State shall not deposit funds that are suballocated under title 23 or Public Law 102-240."

Page 63, line 16: At the end thereof insert the following: "*Provided*, That prior year unobligated balances may not be withdrawn and canceled that were suballocated under title 23 or Public Law 102-240 or were made available under the congestion mitigation and air quality program."

Mr. WARNER. Mr. President, I rise to offer an amendment on behalf of myself, Senator CHAFEE and Senator BAUCUS to ensure that States receive their National Highway System and Interstate Maintenance apportionments on schedule by October 1, 1995.

As my colleagues will recall, the Senate devoted 6 days of debate on legislation I am sponsoring, S. 440, to designate the National Highway System. As required by the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA], the Congress must enact the National Highway System before States receive \$6.5 billion in 1996 highway dollars.

I am pleased that the Senate acted promptly and passed legislation to meet the timetable established in ISTEA.

At this time, however, I am very concerned that Congress will not meet this requirement and the States will be pe-

nalized because the Congress has failed to do its job.

I offer this amendment today in the hopes that it is not necessary and that the Congress does enact legislation to designate this critical transportation system by September 30.

This amendment accomplishes three purposes. First, it delays the sanction in ISTEA which prevents highway funds from being allocated to the States until the National Highway System is designated. Second, it extends for 2 years the deadline for Congress to complete its work on the NHS bill in conjunction with our schedule to reauthorize the Intermodal Surface Transportation Efficiency Act in 1997. Third, it designates the National Highway System as submitted by the Department of Transportation which was developed in cooperation with our States.

As chairman of the Environment and Public Works Subcommittee on Transportation and Infrastructure, my first priority for this Congress has been to enact the National Highway System. The subcommittee held four hearings on the NHS and reported S. 440 to the Senate on May 10. The full Senate soon took action and approved this legislation on June 22, 1995.

I am also pleased that this amendment designates the system by approving the NHS map of 159,000 miles. For over 2 years, the Federal Highway Administration worked closely with all States and local governments to determine those most important roads which provide for the efficient travel of people and goods and enhances our intermodal transportation system.

Mr. President, it is my strong view that the Congress should enact an individual NHS bill because of the other important transportation issues which were approved by the Senate. I am equally committed, however, that our States receive these funds on schedule so that contracts can be awarded and urgent transportation projects can proceed without delay.

Mr. President, I understand that this amendment is in the nature of a technical amendment which is acceptable on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, I think it would be fair for the Senator from Virginia to describe what this amendment is. It is a very significant amendment. It is now 10:40 at night, and it is far more than a technical amendment. I understand that it has been agreed to by other important members. But I say to the Senator from Virginia, an amendment of this impact, under normal circumstances, should be hotlined before it is agreed to.

I do not intend to object, but I think we ought to be clear about the impact of the amendment. It is not technical, and under normal circumstances, one of this impact would be hotlined before it would be adopted.

I yield the floor.

Mr. WARNER. Mr. President, I simply say to my distinguished colleague

from Arizona that this amendment relates to the need for a certain relief under the ISTEA legislation, whereby States can begin to receive highway funds in the next fiscal year in the event the House does not send a bill here and that bill is confereed and adopted by both Chambers. It is a matter of extreme urgency by highway governors and officials across America. It applies to all 50 States equally; also, the need for the adoption of the national highway map, such that planning can get underway for the future enlargement of the Nation's highway systems.

Mr. MCCAIN. Mr. President, I understand the amendment better now. I thank the Senator from Virginia. He just made my argument, that it is not exactly a technical amendment. I now better understand how important it is.

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

The amendment (No. 2344) was agreed to.

Mr. WARNER. 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. LAUTENBERG. 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. WARNER. 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. WARNER. I send to the desk two amendments on behalf of the distinguished chairman of the Environment Committee, Mr. CHAFEE.

The PRESIDING OFFICER. The clerk will report.

Mr. HATFIELD. Parliamentary inquiry. I want to make sure it is clearly understood that these are technical amendments that were not incorporated in the unanimous consent agreement.

Mr. WARNER. That is correct.

I apologize to my distinguished colleague. I now find that the amendment that was just considered by the Chair contained the two technical amendments and were considered en bloc, so the two amendments have already been accepted.

I thank the Chair. I thank the managers.

AMENDMENT NO. 2341

Mr. HATFIELD. Mr. President, the pending business is the Burns amendment?

The PRESIDING OFFICER. The Senator from Oregon is correct.

Mr. HATFIELD. Mr. President, we have not been able to clear the Burns amendment on both sides.

Therefore, I suggest that we provide for the yeas and nays on disposing of the BURNS amendment in the context of tomorrow's actions.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. I say to my colleague and comanager, on the written amendments that we have on our list, that concludes all of those amendments.

Mr. GREGG. A recurring theme of this Congress is to find commonsense solutions to national problems. One of these is to create practical ways to promote recycling of waste material. This requires developing applications and processes in which benign waste performs, as well as, or better than, and at the same or lower cost as traditional materials. Experts at the University of New Hampshire have stressed to me that this requires integrating appropriate tests for long term physical performance with a thorough understanding of the long-term environmental implications. The committee provides \$14,622,000 to FHWA for technology assessment and deployment and expresses its support for the priority technologies initiative funded under the section 6005 program. Would the committee consider evaluation of environmental and physical results of using benign waste materials in transportation infrastructure and helping AASHTO to incorporate those results into their construction standards to be a priority technology under the section 6005 program?

Mr. HATFIELD. Yes, the committee believes this is a priority technology and encourages FHWA to fund this type of research which is important to the future of our Nation's infrastructure.

SIDNEY LANIER BRIDGE

Mr. COVERDELL. I would like to thank the chairman for his leadership in crafting this Transportation appropriations bill before us. In light of the budgetary restriction placed upon all of these projects, I think the chairman has done a skillful job of handling many divergent interests.

Mr. HATFIELD. I thank the Senator.

Mr. COVERDELL. I would also like to thank the Senator for his assistance in attempting to remedy funding difficulties we have experienced with the Sidney Lanier Bridge in Brunswick, GA. As the chairman knows, the Sidney Lanier Bridge is in need of replacement. This bridge has been authorized by Congress as a hazard to navigation because of the 10 lives that have recently been lost there. In addition, the State of Georgia has matched every Federal dollar spent on this project since 1992, which to date, has been nearly \$12 million. Given our current budget realities, I understand from the chairman that Sidney Lanier was not funded in the Senate under the project's traditional source, the Truman Hobbs Act. Am I also to understand from the chairman that the committee is aware of the importance of this project?

Mr. HATFIELD. The Senator is correct. The Sidney Lanier Bridge is a project of great importance to Georgia's growing ports industry not only for safety concerns, but also for commercial reasons.

Mr. COVERDELL. I thank the Senator. With this recognition, would the chairman be willing to give every consideration to the House position of \$8 million through the Truman Hobbs Act for continued funding of the Sidney Lanier Bridge.

Mr. HATFIELD. Every consideration will be given to the House position in regard to the Sidney Lanier Bridge. The Senator is to be commended for his diligence on behalf of this important project and we will attempt to facilitate him in the conference committee.

Mr. COVERDELL. I thank the chairman for his efforts on behalf of this project.

FAA MILITARY ASSISTANCE PROGRAM

Mr. DOMENICI. Mr. President, I rise in support of the Department of Transportation and related agencies appropriations bill for fiscal year 1996.

I commend the distinguished chairman of the Appropriations Committee for bringing us a balanced bill considering the current budget constraints.

The Senate-reported bill provides \$12.6 billion in new BA and \$11.7 billion in new outlays to fund the programs of the Department of Transportation, including Federal-aid highway, mass transit, aviation and maritime activities.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals \$13.0 billion in budget authority [BA] and \$37.1 billion in new outlays.

The subcommittee is essentially at its 602(b) allocation in both BA and outlays.

The Senate-reported bill is \$526 million in outlays below the President's 1996 request. The bill does not incorporate the President's request for consolidating all capital transportation programs into one Unified Transportation Infrastructure Investment Program.

The Senate-reported bill is \$201 million in BA and \$386 million in outlays below the House version of the bill.

I am concerned about one provision in the bill concerning the FAA Military Assistance Program [MAP]. The bill has set an arbitrary figure for the MAP Program, reducing its funding below the amount the statutory formula requires under the Airport Improvement Program [AIP]

I do, however, support the bill, and I urge its adoption.

Mr. President, I ask unanimous consent to have printed in the RECORD the spending totals.

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

TRANSPORTATION SUBCOMMITTEE SPENDING TOTALS—
SENATE-REPORTED BILL
[Fiscal year 1996, in million of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed		
H.R. 2002, as reported to the Senate	382	25,376
Scorekeeping adjustment	12,017	11,185
Subtotal nondefense discretionary	12,399	36,561
Mandatory:		
Outlays from prior-year BA and other actions completed		
H.R. 2002, as reported to the Senate	582	521
Adjustment to conform mandatory programs with Budget Resolution assumptions	2	-0
Subtotal mandatory	584	581
Adjusted bill total	12,983	37,142
Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	12,400	36,561
Violent crime reduction trust fund		
Mandatory	584	581
Total allocation	12,984	37,142
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	-1	-0
Violent crime reduction trust fund		
Mandatory		
Total allocation	-1	-0

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

FAA MILITARY AIRPORT PROGRAM

Mr. DOMENICI. Mr. President, I rise to speak briefly on the impact of this bill on funding for the FAA Military Airport Program [MAP] within the Airport Improvement Program [AIP].

MAP is a 2.5-percent set-aside with AIP for current or former military airfields. Grants are issued to airport sponsors of current military airfields where there are joint use agreements with the military department controlling the airfield. MAP grants are used for projects that are most needed by eligible airports converting from military to civilian use. Current AIP discretionary funds cannot be used for most of these activities.

The need for MAP funding is growing each year. With the Defense Department closing an unprecedented number of military airfields since 1988, coupled with the current and projected growth in commercial and general aviation, more and more MAP sites across the country will become eligible for these funds. The FAA has identified almost 40 airports nationwide in which MAP funds may be used in future years for the conversion of military airfields to civilian use.

MAP funds play a vital role in New Mexico. In 1995, Albuquerque International Airport received \$1 million for airports improvements related to the airport's shared facilities with Kirtland Air Force Base. In 1996, MAP funds will be used, in conjunction with other federal and local funds, for the rehabilitation of one of Albuquerque's main runways.

Mr. President, as a member of the Senate Appropriations Subcommittee on Transportation, I support passage of H.R. 2002. This bill is within the subcommittee's 602(b) allocation, and

Chairman HATFIELD has crafted a bill to meet the needs of all modes of transportation within a reduced allocation for transportation.

However, I am concerned about the committee's action to arbitrarily cap MAP funding for 1996 by not allowing the full 2.5-percent set-aside for MAP. Under the committee's action of setting the AIP program at \$1.25 billion for 1996, MAP should receive \$26.4 million. However, the committee's action to cap this program at \$20 million means that MAP will receive \$6.4 million less than mandated under current law under an AIP program at \$1.25 billion.

It is in this respect I would like to engage the distinguished chairman of both the Appropriations Committee and the Subcommittee on Transportation, Senator HATFIELD, in a discussion. Let me first ask my colleague, if it is correct that the committee has capped the Military Airport Program at \$20 million for 1996?

Mr. HATFIELD. The distinguished chairman of the Budget Committee is correct. The committee has capped the MAP program at \$20 million for 1996. The committee has also capped another AIP set-aside program, the Reliever Airport Program, at \$50 million.

As the chairman of the Budget Committee knows, our committee was forced to make difficult decisions in order to fund our nation's top infrastructure needs for 1996. As Congress, under the direction of the budget resolution, moves to balance the Federal budget by 2002, our committee will be faced with even more difficult choices over the next few years.

One of the most difficult choices our committee faced was setting the obligation limitation for the AIP program. In 1995, funding for AIP was set at \$1.45 billion. The Senate-reported bill has set this figure at \$1.25 billion. Because of this lower AIP level, the bill has capped both MAP and the Reliever Airport Program.

Mr. DOMENICI. I appreciate the comments from the chairman. While I understand his position on this issue, might I ask the chairman if he intends, within the confines of the final joint House and Senate 602(b) allocation for the Transportation Subcommittee, to work for a higher AIP funding level during the House-Senate conference on H.R. 2002? And in addition, if a higher AIP figure can be achieved in conference, will the chairman allow MAP funds to be distributed at 2.5 percent, as required by law?

Mr. HATFIELD. At this point, without knowing our final 602(b) allocation for the Transportation Subcommittee, it is hard to predict a final AIP or MAP figure. However, I stand ready to work in conference with the distinguished Senator from New Mexico on achieving the highest funding possible for AIP and in turn, working for the highest possible level of funding for MAP.

AIR TRAFFIC CONTROLLER PAY

Mr. COCHRAN. Mr. President, it has come to my attention that our bill may have the effect of reducing air traffic controller pay by as much as 2.5 percent. I am also advised that this action could impose additional burdens on our air traffic control system at a time when air traffic is undergoing rapid growth. Therefore, I hope the chairman will provide some assurance that these issues will be carefully examined and reconsidered prior to conference with the House.

Mr. HATFIELD. I thank the Senator for bringing his concerns to my attention. This action was only taken because of our difficult budget situation. As the Senator knows the House bill does not contain a similar provision and I am hopeful that in conference a satisfactory solution can be reached on this issue.

Mr. COCHRAN. I thank the distinguished chairman for his willingness to take another look at this matter, and I know that with his leadership we will see a favorable resolution of the issue in the final conference agreement.

TITLE INFORMATION SYSTEM PILOT PROJECT

Mr. LAUTENBERG. I would like to clarify a point in the committee's report concerning funding for a title information system pilot project. It is my understanding that the States frequently issue new titles for vehicles that were reported stolen in other States. To prevent that from continuing, the Anti-Car Theft Act of 1992 required the Transportation Department to establish an instant title verification check prior to the issuance of new titles. Congress required this system to be up and running by January 1 of next year.

The House provided \$1 million from the budget for the National Highway Traffic Safety Administration to help a pilot group of States to modify their computer software and get the system started. Here in the Senate, the committee disagreed with this earmark. The reason stated in the committee report is that the system cannot work until all the States use uniform definitions and titling procedures.

However, the Motor Vehicle Administrators' Association tells me that nationwide uniformity is not necessary for such a system to be effective. If a car is stolen, it is stolen. States simply cannot verify documents from other States. With the proposed system, they will be able to know instantly that the vehicle is stolen. In addition, the National Driver Register, an electronic system on which the title information system is modelled, has helped keep habitual drunk drivers from obtaining drivers' licenses, even though the States have widely varying terminology and definitions for "drunk driving," "driving under the influence," and so forth.

My question to the Chair is this: Should the Committee not give serious consideration to this provision in the House bill when we go to conference?

Mr. HATFIELD. I thank the Senator for focusing our attention on this issue. All of us are concerned about auto theft, and we recognize the problems the States face in trying to cope with it. I agree we will thoroughly review the merits of the House initiative during the conference.

Mr. LAUTENBERG. I thank the chairman.

AIP FUNDING

Mr. ROBB. Mr. President, I would pose a question for the distinguished Chairman of the Committee. Would the Senator agree that airports which serve communities with a large number of displaced aerospace workers from defense base closures ought to be given a priority in the receipt of airport improvement grants which would encourage and promote commercial development, through the expansion of taxiways and aircraft parking ramps, which could employ a significant amount of displaced workers?

Mr. HATFIELD. I would agree.

Mr. ROBB. Would the Senator agree that if a more robust funding level for AIP grant funding was possible that these priorities would have been established?

Mr. HATFIELD. I would agree.

Mr. WARNER. Would the Senator agree that the Aviation Research Park at the Newport News/Williamsburg International Airport would qualify as a priority project because of the pending closure of the Naval Aviation Depot, Norfolk.

Mr. HATFIELD. Under the circumstances as the Senator describes them as the Senator knows, I would have provided more AIP funds if the budget would have allowed, and not forced such difficult decisions in allocating AIP funding. I would agree.

Mr. ROBB. I thank the distinguished Senator.

Mr. WARNER. I thank the distinguished Senator.

Mr. HATFIELD. Mr. President, I believe the Senator from South Dakota wishes to proceed.

Mr. LAUTENBERG. As far as I am concerned, if I may, Mr. President, I am removing the objection that I had put forward before so that the Senator from South Dakota can offer an amendment.

There are a couple of questions that I would like to deal with, so if the Senator would not mind, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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. Parliamentary inquiry. I believe that the Jeffords amendment has not been disposed of, is that correct?

The PRESIDING OFFICER. The Senator from Oregon is correct.

Mr. HATFIELD. Mr. President, I now move to table the Jeffords amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. I inquire once more of the Chair, have all amendments now been disposed of that have been either presented or temporarily laid aside or any other action?

The PRESIDING OFFICER. There are three amendments that have been offered and laid aside. All the other amendments have been disposed of.

Mr. HATFIELD. Would the Chair enumerate the author of those amendments?

The PRESIDING OFFICER. The first amendment is the Burns amendment numbered 2341; the second amendment is the Roth amendment numbered 2340; and the third amendment is the Jeffords amendment numbered 2337.

Mr. HATFIELD. I thank the Chair.

Mr. PRESSLER. The staff are rewriting so that the offsets will be pleasing to the various Members.

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. 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.

Mr. PRESSLER. Mr. President, first I ask unanimous consent that Senator Frist be added as original cosponsor for an earlier amendment I offered, No. 2336, regarding a U.S.-Japan bilateral agreement.

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

AMENDMENT NO. 2345

(Purpose: To provide funding for rail freight infrastructure improvements)

Mr. PRESSLER. Mr. President, under an agreement I have reached, I am going to send an amendment to the desk and not debate it or say anything about it and tomorrow morning some of the numbers we are going to modify. This involves the local rail freight assistance. We are finding other offsets that may be acceptable or may not be acceptable to some other Members of the Senate.

Mr. HATFIELD. Mr. President, if the Senator will withhold, I ask unanimous consent that Senator PRESSLER be authorized to offer an amendment tonight and be able to modify that amendment tomorrow in the sequence of the amendments to be taken up tomorrow.

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

Mr. LAUTENBERG. Mr. President, I would like, if we can, to amend that unanimous-consent agreement that was just propounded by asking further under unanimous consent that the 10 minutes that may be available for debate be equally divided.

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

Mr. PRESSLER. Parliamentary inquiry: I would also like to ask unanimous consent that Senator HARKIN be added as an original cosponsor first, after all.

The PRESIDING OFFICER. To this amendment?

Mr. PRESSLER. Yes.

The PRESIDING OFFICER. Will the Senator offer the amendment?

Mr. PRESSER. Mr. President, I send the 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. EXON, and Mr. HARKIN, proposes an amendment numbered 2345.

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 in the bill insert the following:

On page 26, line 15, strike "1996." and insert "1996, except for not more than 50,000,000 in loan guarantee commitments during such fiscal year (and 5,000,000 is hereby made available for the cost of such loan guarantee commitments)."

On page 26, between lines 15 and 16, insert the following:

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, \$12,000,000.

On page 3, line 6 strike "9,710,000" and insert "\$6,300,000".

On page 6, line 13, strike "\$139,689,000;" and insert "\$134,689,000".

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

Mr. PRESSLER. Without making a speech on this amendment, I ask unanimous consent that tomorrow morning I be allowed to modify the amendment after consulting with my cosponsors.

The PRESIDING OFFICER. The Senator from South Dakota should note that that is already part of the agreement. And that we would not ask for the yeas and nays tonight, but I would hope to ask for the yeas and nays tomorrow morning unless we get it agreed to.

The PRESIDING OFFICER. That is part of the agreement.

Does the Senator from South Dakota want to have Mr. HARKIN added as an original cosponsor?

Mr. PRESSLER. Yes.

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

Mr. HATFIELD. I just want to make sure that I have made no commitment about the action tomorrow on this amendment. My unanimous consent did not involve all the procedures that will be open to handle this amendment tomorrow.

The PRESIDING OFFICER. The amendment can be disposed of either with an up-or-down vote or a motion to table.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the voting order for amendments tomorrow morning be as follows: The motion to table the Roth amendment 2340, to be followed by a vote on or in relation to the Burns amendment 2341, to be followed by a vote on or in relation to the Jeffords amendment 2337, to be followed by action on the Pressler amendment.

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

MORNING BUSINESS

Mr. HATFIELD. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

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

AN ILLINOIS HERO AND ILLINOIS LEADER, JUDGE ABRAHAM LINCOLN MAROVITZ CELEBRATES HIS 90TH BIRTHDAY

Ms. MOSELEY-BRAUN. Mr. President, a real Illinois hero, a real Illinois leader, Judge Abraham Lincoln Marovitz, celebrates his 90th birthday on August 10th of this year. Unfortunately, my Senate duties prevent me from being in Illinois with Judge Marovitz tomorrow, so I want to take this opportunity to tell him how much I think of him, how much he has helped me, and how much he means to the people of Illinois.

I am very proud that Judge Marovitz took the time to act as my mentor. He always had time for me. He always made time for me. I feel very fortunate to have had the benefit of his counsel and advice throughout my career.

I first met Judge Marovitz as a young Assistant U.S. attorney. Even though he was a Federal District Judge, he went out of his way to help me become a good trial lawyer. He virtually walked me through my first trial, and the special attention he gave me helped convince me that I had made the right choice in becoming a lawyer.

What is really so remarkable about Judge Marovitz, however, was that the special attention he gave me was an everyday thing for him. He treated everyone as special. He made a major difference in my life, and in my career—I probably would not be in the United States Senate today if not for his help all through my career—I am but one of the many, many people he has helped.

He has always found the time to encourage the good in people. He is never too busy to care, or to give real attention to personal need.

At the outset of my remarks, I stated that Judge Marovitz was a real hero. He was a World War II marine veteran, but his heroism was not limited to his years in military service; it encompasses his entire life. His is a heroism based on commitment to principle, on always living and acting on those prin-

ciples, and perhaps most of all, on his untiring efforts to make this a better America for every American.

As Steve Neal said in his column entitled "Marovitz: A Legacy of Citizenship" in today's Chicago Sun-Times, "Marovitz is a believer in the American Dream because he has lived it." To that, I would only add, that Judge Marovitz has made it his life's work to try to see that every American can live that dream.

He has had a distinguished career as a jurist. And I have to say that Judge Abraham Lincoln Marovitz is very well named; he has always dispensed justice, as President Lincoln said in his second inaugural address "with malice towards none, with charity for all, with firmness in the right as God gives us to see the right * * *."

Judge Abraham Lincoln Marovitz has been a leader all his life, and has been the best kind of leader, one whose leadership is based on his own life of excellence, of principle, and of commitment to others. He has served as a judge for most of his professional life, and he is still building on the superb record he has created.

I wish him the happiest of birthdays, and I want him to know that, whether the Senate is in session or not, I intend to be at the party celebrating his 100th birthday.

Mr. President, I ask unanimous consent that a copy of the Steve Neal column on Judge Marovitz be printed at this point in the RECORD.

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

[From the Chicago Sun-Times, Aug. 9, 1995]

MAROVITZ: A LEGACY OF CITIZENSHIP

(By Steve Neal)

The federal courtroom was packed. Senior Judge Abraham Lincoln Marovitz asked the multiethnic group of men and women, young and old, to stand and take the oath of U.S. citizenship.

Standing behind the bench in the courtroom that bears his name, Marovitz asks the new citizens to renounce in unison their allegiances or loyalty "to any foreign prince, potentate, state or sovereignty," and to defend the Constitution of the United States.

He is a man for all people. Marovitz performs this ceremony twice a month, as he has for more than 30 years. For Marovitz, who celebrates his 90th birthday Thursday, the induction ceremony has a special significance. He is a believer in the American dream because he has lived it. His father, a Lithuanian immigrant, took the same oath of citizenship in 1894.

"Every time I perform the induction ceremony I think of my father," says Marovitz, who is wearing cuff links with portraits of his parents. He talks with love and pride of the legacy of Joseph and Rachel Marovitz. The U.S. Immigration Department has given Marovitz an award for administering the citizenship oath to more naturalized Americans than any other member of the federal bench.

Nearly everywhere Marovitz goes, he is approached by a man or woman who took the citizenship oath in his courtroom. His door is always open to the people whose lives he has touched.

Marovitz talks with nostalgia about the immigrant world in which he grew up. He is

a West Sider from the old Maxwell Street neighborhood. His father had a tailor shop, and his mother ran a candy store in front of the family's three-room apartment. "It was a large Jewish community and we learned the importance of hard work, loyalty and fairness," said Marovitz.

His path to prominence wasn't easy. Marovitz still remembers the hurt, anger and humiliation he felt as a teenager when he was fired from his job in a Michigan Avenue clothing store after his employer learned that he was Jewish. "My father told me that anti-Semitism is an old story, but that one day I would do something about it," Marovitz recalled. The elder Marovitz lived to see his son become the youngest assistant state's attorney in Cook County history, and the first Jewish Illinois state senator.

A Marine veteran of World War II, Marovitz has served on the bench for half of his life. In the mid-1950's, he nearly became the Democratic nominee for governor of Illinois. But Marovitz recalled Tuesday that his mother told him not to quit the court because no office is more important than judge. Marovitz took her advice. He has no regrets.

TRIBUTE TO THE LATE ARTHUR MAGILL, AUGUST 9, 1995

Mr. THURMOND. Mr. President, one of the unique aspects of the American business community is the concept of the "corporate neighbor". The belief that business leaders and heads of companies need to be involved in their communities and give something back to the cities, States, and Nation which have allowed their enterprises to prosper. Some of the leading philanthropic and charitable organizations in the Nation were started by the men who made their fortunes in business. Ford, Carnegie, and Rockefeller—among many others—are familiar names gracing endowments and foundations that support the arts and other noble causes. I rise today to pay tribute to a man, who in my home State of South Carolina, was a person who excelled in business and gave generously back to the city and State that he loved—Mr. Arthur Magill.

Born in Philadelphia, Arthur Magill moved to South Carolina in 1954 after inheriting the textile business his father started, Her Majesty Industries. Three of the company's mills were located in South Carolina and Arthur chose to settle in the upstate city of Greenville, a historic community that was at the heart of much of the South's textile manufacturing. In the 41 years between Arthur's arrival in South Carolina and his death earlier this week, he became known as a gifted businessman, a civically concerned individual, and a supporter and pioneer of culture in South Carolina.

Many organizations benefitted from the generosity of Arthur Magill and the foundation he and his wife started, including the Greenville County Library, the Greenville Little Theater, the Greenville Symphony, and the South Carolina State Museum. Perhaps Arthur's most well known contribution to the arts community was his purchase of a large collection of Andrew