

section 4(m) of the Indian Health Care Improvement Act (25 U.S.C. 1603(m) is providing an equitable level of health services; and)

(4) provide an analysis of—

(A) the overall levels of staffing of all types of health professions, support staff, and administrative staff at facilities referred to in paragraph (3); and

(B) the distribution of the staffing referred to in subparagraph (A) by service unit.

At the appropriate place, insert the following new section:

SEC. . HIV-AIDS PREVENTION AND TREATMENT PLAN.

(a) REPORT.—Not later than March 1, 1996, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary"), acting through the Indian Health Service and in consultation with Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act (25 U.S.C. 1603(d)), shall prepare and submit to the Congress a report that evaluates,

(1) the incidences of HIV and AIDS among Indian tribes;

(2) the services provided under title XXVI of the Public Health Service Act to members of Indian tribes living with HIV and AIDS;

(3) the unmet needs, including preventive educational needs, of members of Indian tribes living with HIV and AIDS who use the Indian Health Service for their primary health care;

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

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

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

THE TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

**SPECTER (AND SANTORUM)
AMENDMENT NO. 2328**

Mr. SPECTER (for himself and Mr. SANTORUM) proposed an amendment to the 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.

On page 30, line 16, strike "\$985,000,000" and insert "\$1,025,000,000".

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

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

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

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

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

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

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

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

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

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

HARKIN AMENDMENT NO. 2329

Mr. HARKIN proposed an amendment to the bill H.R. 2002, supra; as follows:

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

SEC. . Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended by adding at the end the following: "As used in this title, the term 'foreign commerce' includes flight operations (excluding ground operations performed by persons other than flight crew members) conducted in whole or in part outside the United States (as defined by section 40102(a)(41) of title 49, United States Code) by an air carrier (as defined by section 40102(a)(2) of such title)."

EMPLOYEE

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

BINGAMAN AMENDMENT NO. 2330

Mr. BINGAMAN proposed an amendment to the bill H.R. 2002, supra; as follows:

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

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

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

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

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

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

(c) REPORT.—

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

(2) CONTENTS.—Each report shall—

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

(B) identify the reductions achieved; and

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

**DORGAN (AND OTHERS)
AMENDMENT NO. 2331**

Mr. HATFIELD (for Mr. DORGAN, for himself, Ms. SNOWE, Mr. DOLE, and Mr. CONRAD) proposed an amendment to the bill H.R. 2002, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . STUDY OF AIR FARES.

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

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

(2) AIR CARRIER.—The term—

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

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

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

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

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

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

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

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

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

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

(b) STUDY OF AIR FARES.—

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

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

(i) between—

(I) nonhub airports located in small communities; and

(II) large hub airports; and

(ii) between large hub airports; and

(B) analyze—

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

(I) regional commuter commercial air carriers; or

(II) major air carriers;

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

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

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

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

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

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

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

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

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

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

INOUE AMENDMENT NO. 2332

Mr. HATFIELD (for Mr. INOUE) proposed an amendment to the bill H.R. 2002, supra; as follows:

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

HATFIELD AMENDMENT NO. 2333

Mr. HATFIELD proposed an amendment to the bill H.R. 2002, supra; as follows:

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

BUMPERS AMENDMENT NO. 2334

Mr. HATFIELD (for Mr. BUMPERS) proposed an amendment to the bill H.R. 2002, supra; as follows:

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

EXON AMENDMENT NO. 2335

Mr. EXON proposed an amendment to the bill H.R. 2002, supra; as follows:

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

SEC. . THE RAILROAD SAFETY INSTITUTE.

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

PRESSLER (AND OTHERS) AMENDMENT NO. 2336

Mr. PRESSLER (for himself, Mr. STEVENS, Mr. BAUCUS, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mr. HOLLINGS, Mr. LOTT, Mr. PELL, Mr. LAUTENBERG, Mr. GORTON, Mr. KERRY, Ms. MOSELEY-BRAUN, and Mr. FRIST) proposed an amendment to the bill H.R. 2002, supra; as follows:

At the appropriate place insert the following:

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

(a) FINDINGS.—The Congress finds that—

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

(2) in 1994 the total revenue value of passenger and freight traffic for United States

air carriers between the United States and Japan was approximately \$6 billion;

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

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

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

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

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

(b) ACTION REQUESTED.—The Congress—

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

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

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

JEFFORDS (AND LEAHY) AMENDMENT NO. 2337

Mr. JEFFORDS (for himself and Mr. LEAHY) proposed an amendment to the bill, H.R. 2002, supra; as follows:

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

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

On page 32, line 15, strike "\$333,000,000" and insert "\$32,000,000".

BOXER AMENDMENT NO. 2338

Mr. HATFIELD (for Mrs. BOXER) proposed an amendment to the bill, H.R. 2002, supra; as follows:

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

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

PRESSLER AMENDMENT NO. 2339

Mr. HATFIELD (for Mr. PRESSLER) proposed an amendment to the bill H.R. 2002, supra; as follows:

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

SALARIES AND EXPENSES

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

ROTH (AND OTHERS) AMENDMENT NO. 2340

Mr. ROTH (for himself, Mr. GLENN, Mr. COHEN, Mr. LEVIN, and Mr. PRYOR) proposed an amendment to the bill H.R. 2002, supra; as follows:

Beginning on page 71, strike out line 13 and all that follows through page 73, line 24.

BURNS AMENDMENT NO. 2341

Mr. BURNS proposed an amendment to the bill H.R. 2002, supra; 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 commodity 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 similar 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 service 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.

FEINSTEIN AMENDMENT NO. 2342

Mr. HATFIELD (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2002, supra; as follows:

At the appropriate point in the bill insert: "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 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."

ABRAHAM (AND INHOFE) AMENDMENT NO. 2343

Mr. HATFIELD (for Mr. ABRAHAM for himself and Mr. INHOFE) proposed an amendment to the bill H.R. 2002, supra; 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."; and

(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 vehicles 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".

WARNER (AND OTHERS) AMENDMENT NO. 2344

Mr. WARNER (for himself, Mr. CHAFEE, and Mr. BAUCUS) proposed an amendment to the bill H.R. 2002, supra; 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 ON 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."

On 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."

On 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."

PRESSLER (AND OTHERS) AMENDMENT NO. 2345

Mr. PRESSLER (for himself, Mr. EXON, and Mr. HARKIN) proposed an amendment to the bill H.R. 2002, supra; 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."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, August 9, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1054, to provide for the protection of southeast Alaska jobs and communities, and for other purposes.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, August 9, 1995, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, August 9, 1995, beginning at 9:30 a.m., in 106 of the Dirksen Senate Office Building on S. 487, a bill to amend the Indian Gaming Regulatory Act, and for other purposes.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 9, 1995, at 9:30 a.m. to hold a joint open hearing