

on June 13, 1996; to the Committee on Environment and Public Works.

EC-3156. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites," (FRL5520-2) received on June 13, 1996; to the Committee on Environment and Public Works.

EC-3157. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the rule entitled "The Environmental Review for Renewal of Nuclear Power Plant Operating Licenses," received on June 7, 1996; to the Committee on Environment and Public Works.

EC-3158. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the seventh special impoundment message for fiscal year 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Foreign Relations.

EC-3159. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Inspector General for the Period ending March 31, 1996; to the Committee on Governmental Affairs.

EC-3160. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on June 19, 1996; to the Committee on Governmental Affairs.

EC-3161. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports and testimony for May 1996; to the Committee on Governmental Affairs.

EC-3162. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting pursuant to law, the semiannual report of the Inspector General for the period October 1, 1995 to March 31, 1996; to the Committee on Governmental Affairs.

EC-3163. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3164. A communication from the Public Printer of the Government Printing Office, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3165. A communication from the Regulatory Policy Official, National Archives (College Park), transmitting, pursuant to law, the report of a final rule concerning Audiovisual Records Management (RIN3095-AA18), received on June 25, 1996; to the Committee on Governmental Affairs.

EC-3166. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-3167. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the rule entitled "Agency Relationships with Organizations Representing Federal Employee and Other Organization," (RIN3206-AG38) re-

ceived on June 24, 1996; to the Committee on Governmental Affairs.

EC-3168. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the final report on the District of Columbia fiscal year 1997 budget and Financial Plan; to the Committee on Governmental Affairs.

EC-3169. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the report of a rule relative to Indian country and detention facilities and programs (RIN1076-AD77), received on June 19, 1996; to the Committee on Indian Affairs.

EC-3170. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the report of a rule relative to leasing of tribal and allotted lands for mineral development, (RIN1076-AD82) received on June 29, 1996; to the Committee on Indian Affairs.

EC-3171. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report with respect to the Freedom of Information Act for calendar years 1994 and 1995; to the Committee on the Judiciary.

EC-3172. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the report entitled "Sex Offenses Against Children: Findings and Recommendations Regarding Federal Penalties"; to the Committee on the Judiciary.

EC-3173. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the report entitled "Adequacy of Federal Sentencing Guidelines Penalties for Computer Fraud and Vandalism Offenses; to the Committee on the Judiciary.

EC-3174. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the report with respect to the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-3175. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a final rule relative to affecting motions and appeals (RIN1125-AA01), received on June 21, 1996; to the Committee on the Judiciary.

EC-3176. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a final rule entitled "Priority Dates for Employment-Base Petitions" (RIN1115-AE24), received on June 21, 1996; to the Committee on the Judiciary.

EC-3177. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, the interim final rule entitled "Acquisition regulation; Department of Energy management and operating contracts," received on June 24, 1996; to the Committee on Energy and Natural Resources.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-632. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania, referred jointly, pursuant to the order of August 4, 1977, to the Committee on Governmental Affairs, and to the Committee on the Budget.

"HOUSE RESOLUTION No. 341

"Whereas, The Federal Highway Revenue Act of 1956 and the Federal Airport and Air-

way Development Act of 1970 created the Federal Highway Trust Fund and the Federal Airport and Airway Trust Fund, respectively; and

"Whereas, These funds were established to deposit dedicated taxes and user fees to be used to construct and maintain a transportation infrastructure that is more safe and efficient than any nation in the world; and

"Whereas, The Federal Government has also established the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund maintained by taxes and user fees; and

"Whereas, Pennsylvanians paid approximately \$635 million of the \$14.7 billion paid into the Highway Trust Fund in 1994; and

"Whereas, The Highway Trust Fund balance has grown from \$9.6 billion in 1983 to \$21.4 billion in 1996, with the money being withheld as a way to make the Federal budget deficit appear smaller; and

"Whereas, By the year 2002, the cash balances with total \$60.4 billion; and

"Whereas, The Federal Airport and Airway Trust Fund, with a balance of \$11.4 billion in 1995, will grow to \$17 billion in 2002 according to the President's proposed 1996-97 Federal budget; and

"Whereas, In Fiscal Year 1996-97 proposed transportation spending is reduced by \$1 billion; and

"Whereas, The Federal Government is withholding and diverting billions of transportation trust fund dollars and delaying critically needed highway improvements; and

"Whereas, For nearly a decade Congress spent below the financial capacity of the trust funds while delaying critically needed highway improvements; and

"Whereas, Over \$200 billion is needed to address current United States highway deficiencies; and

"Whereas, Pennsylvania infrastructure is in need of major repairs; and

"Whereas, Statistics show that for every \$1 billion spent on infrastructure, 42,000 good high-wage jobs are created; and

"Whereas, Sound infrastructure is a major factor in business' decision on where to locate; therefore be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to remove the Transportation Trust Funds from the Unified Federal Budget and to release those revenues for transportation improvements; and be it further

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania support the efforts of Congress to vote on this issue in April 1996; and be it further

*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-633. A resolution adopted by the Board of Commissioners of the Town of Manteo, North Carolina relative to dredging projects and the Oregon Inlet; to the Committee on Appropriations.

POM-634. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION No. 58

"Whereas, There are approximately 137,000 inmates incarcerated in California's 31 state prison facilities and 38 prison camps; and

"Whereas, The cost of housing one inmate in state prison in California for one year exceeds \$21,000; and

"Whereas, The number of felons incarcerated in California's state prison system is expected to increase by 15,000 felons each year; and

"Whereas, Felons are often housed two per cell, and in double-bunked dormitory beds; and

"Whereas, The housing capacity within existing prisons is being rapidly filled with dangerous, violent, and repeat felons; and

"Whereas, All prison housing capacity in California will be exhausted by late 1998; and

"Whereas, Approximately 12 percent of all inmates incarcerated in California's state prison system are illegal, undocumented aliens; and

"Whereas, These illegal, undocumented aliens occupy the equivalent bed space of five prison facilities; and

"Whereas, Over the past 10 years, the budget of the California Department of Corrections has increased at an annual rate of about 8.1 percent, a much faster rate than budgets for other state agencies; and

"Whereas, Without this sizable illegal, undocumented alien population housed in California's state prison system, money that is currently being allocated to the California Department of Corrections could be used instead to build additional public schools and universities, or be appropriated to provide for increased public safety; and

"Whereas, It is the responsibility of the federal government to establish the nation's immigration policy; and

"Whereas, The federal government has been negligent in controlling the flow of illegal, undocumented aliens into the United States; and

"Whereas, The federal government has not adequately compensated the people of California for the costs incurred by the federal government's negligence in failing to control the flow of illegal, undocumented aliens into the United States; and

"Whereas, The undocumented inmates incarcerated in California's state prison system could be imprisoned within their country of origin at less expense to the people of California; and

"Whereas, The United States Constitution explicitly prohibits states from entering into a treaty with any foreign nation; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature requests the President of the United States, with United States Senate ratification, to make treaties with foreign governments to provide for the incarceration of illegal, undocumented alien prisoners in their respective countries of origin; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-635. A concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Veterans Affairs.

ENROLLED SENATE CONCURRENT RESOLUTION  
No. 57

"Whereas, Oklahoma's atomic veterans showed steadfast dedication and undisputed loyalty to their country and made intolerable sacrifices in service to their country; and

"Whereas, these atomic veterans gave their all during the terribly hot atomic age to keep our country strong and free; and

"Whereas, these atomic veterans were unknowingly placed in the line of fire, after being assured that they faced no harm, and were subjected to an ungodly bombardment of ionizing radiation; and

"Whereas, the radiation to which they were exposed is now and will continue eating away at their bodies every second of every day for the rest of their lives with no hope of cessation or cure; and

"Whereas, because their wounds were not of the conventional type and were not caused by the enemy but by the United States Government, the atomic veterans did not receive service-connected medical and disability benefits and did not receive a medal such as the Purple Heart; and

"Whereas, many atomic veterans have already died and others will die a horrible and painful death: Now Therefore, be it

*Resolved by the Senate of the 2nd session of the 45th Oklahoma Legislature (the House of Representatives concurring therein):*

"That atomic veterans be recognized by the federal government.

"That the United States Senators and Representatives from Oklahoma propose or support legislation granting service-connected medical and disability benefits to all atomic veterans who were exposed to ionizing radiation and propose or support legislation issuing a medal to atomic veterans to express the gratitude of the people and government of the United States for the dedication and sacrifices of these veterans.

"That copies of this resolution be distributed to the President of the United States, the Vice President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the Secretary of Defense, the Secretary of Veterans Affairs, the Chairs of the United States House and Senate Veterans Affairs Committees, and each member of the Oklahoma Congressional Delegation."

POM-636. A joint resolution adopted by the Legislature of the State of California; to the Committee on Judiciary.

"ASSEMBLY JOINT RESOLUTION No. 44

"Whereas, In a complaint to the Los Angeles office of the United States Immigration and Naturalization Service ("the INS") in 1991, INS Special Agent Phillip L. Bonner reported that his supervisors prevented him from investigating sewing shops that may have been using forced Thai labor; and

"Whereas, It has been reported that a Thai-speaking police officer in the Los Angeles Police Department reported, in an affidavit to the INS, an accurate description of the labor conditions that were subsequently discovered in the sewing shop raid in El Monte, California; and

"Whereas, Reports of that raid disclosed the existence of labor conditions involving the exploitation of undocumented immigrants through slavery and involuntary servitude in contravention of Section 6 of Article I of the California Constitution and the Thirteenth Amendment to the United States Constitution; and

"Whereas, The State of California encourages a cooperative effort for open communication between all state and federal agencies that are involved in the enforcement of fair labor standards; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature memorializes the United States Department of Justice and the United States Department of Labor to conduct jointly a full and comprehensive investigation of the events that led to the sewing shop raid in El Monte, California, coordinating that investigation with all agencies involved, including, but not limited to, the INS and the Division of Labor Standards Enforcement of the California Department of Industrial Relations; and be it further

*Resolved,* That the United States Department of Justice and the United States Department of Labor are further memorialized to provide to the California Legislature a preliminary report of the results of that investigation within 30 days of the date this resolution is adopted, and a final report of

the results of that investigation within 90 days after that date; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the President and Vice President of the United States, the United States Department of Justice, the United States Department of Labor, the United States Immigration and Naturalization Service, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, the California Department of Industrial Relations, and the Los Angeles Police Department."

POM-637. A petition adopted by the Legislature of the State of Maryland; to the Committee on the Judiciary.

"SENATE BILL 742

"Whereas, Traffic congestion imposes serious economic burdens in the Metropolitan Washington, DC area, costing commuters an estimated \$1,000 each per year; and

"Whereas, the volume of traffic in the Metropolitan Washington, D.C. area is expected to increase by more than 70% between 1990 and 2020; and

"Whereas, the deterioration of the Woodrow Wilson Memorial Bridge and the growing population of the Metropolitan Washington, D.C. area contribute significantly to traffic congestion; and

"Whereas, the Woodrow Wilson Memorial Bridge serves as a vital link in the Interstate System and the Northeast corridor, and identifying alternative methods for maintaining the bridges is critical to addressing traffic congestion in the Metropolitan Washington, D.C. area; and

"Whereas, the Woodrow Wilson Memorial Bridge is the only drawbridge in the Metropolitan Washington, D.C. area on the Interstate System and the only segment of the Capital Beltway with less than six lanes and a remaining expected life of less than 10 years; and

"Whereas, the Woodrow Wilson Memorial Bridge was constructed by the Federal Government and is the only part of the Interstate System owned by the Federal Government; and

"Whereas, the Federal Government, in the past, paid 100% of the cost of building and rehabilitating the bridge and has a continuing responsibility to fund the future costs associated with the upgrading of the Potomac River crossing on Interstate 95, including the rehabilitation and reconstruction of the bridge; and

"Whereas, the Woodrow Wilson Memorial Bridge coordination committee is undertaking planning studies pertaining to the bridge, consistent with the National Environmental Policy Act of 1969 and other applicable Federal laws; and

"Whereas, the transfer of the ownership of the bridge to a regional authority under the terms and conditions of this compact would foster regional transportation planning efforts to identify solutions to the growing problem of traffic congestion on and around the bridge; and

"Whereas, the authority should maximize the use of existing public and private sector entities to provide necessary project services, including management, construction, legal, accounting, and operating services, and not create a new bureaucracy or organizational structure; and

"Whereas, any material change to the bridge must take into account the interests of nearby communities, the commuting public, Federal, State, and local government organizations, and other affected groups; and

"Whereas, a commission of Federal, State, and local officials and transportation representatives has recommended to the Secretary of the U.S. Department of Transportation that the bridge be transferred to an

independent authority to be established by the Commonwealth of Virginia, the State of Maryland, and the District of Columbia; now, therefore, the State of Maryland, the Commonwealth of Virginia, and the District of Columbia, hereafter referred to as the signatories, covenant and agree as follows:

“CHAPTER I

“WOODROW WILSON BRIDGE AND TUNNEL  
COMPACT

“General Compact Provisions

“Article I

“DEFINITIONS

“As used in the compact the following words shall have the following meanings:

“1. ‘Bridge’ means the existing Woodrow Wilson Memorial Bridge.

“2. ‘Cost’, as applied to the project, means the cost of acquisition of all lands, structures, rights-of-way, franchise, easements, and other property rights and interests; the cost of lease payments; the cost of construction; the cost of demolishing, removing, or relocating any buildings or structures on lands acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated; the cost of demolition of the current structure; the cost to relocate residents or businesses from properties acquired for the project; the cost of any extensions, enlargements, additions, and improvements; the cost of all labor, materials, machinery, and equipment, financing charges, and interest of all bonds prior to and during construction and, if deemed advisable by the Woodrow Wilson Memorial Bridge and tunnel authority, of such construction; the cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of costs and revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing the project, administrative expenses, provisions for working capital, and reserves for interest and for extensions, enlargements, additions, and improvements; the cost of bond insurance and other devices designed to enhance the creditworthiness of the bonds; and such other expenses as may be necessary or incidental to the construction of the project, the financing of such construction, and the planning of the project in operation.

“3. ‘Owner’ includes all persons as defined in article 1, §19 of the code having any interest or title in and to property, rights, franchises, easements, and interests authorized to be acquired by this compact.

“4. ‘Project’ means the upgrading of the Interstate route 95 Potomac River crossing in accordance with the selected alternative developed by the Woodrow Wilson Bridge Coordinating Committee. “Project” includes on-going short-term rehabilitation and repair of the bridge and may include one or more of the following:

“A. Construction of a new bridge in the vicinity of the bridge;

“B. Construction of a tunnel in the vicinity of the bridge;

“C. Long-term rehabilitation or reconstruction of the bridge;

“D. Upon the bridges or within the tunnel described in subparagraphs A, B, and C, of this paragraph, or in conjunction with work on interstate Route 95 and other approach roadways as described in subparagraph E of this paragraph:

“(1) Work necessary to provide rights-of-way for a rail transit facility or bus or high occupancy vehicle lanes including the construction or modification of footings, piers, bridge deck, roadways, other structural support systems, and related improvements; and

“(2) The construction of travel lanes for high occupancy vehicles or buses;

“E. Work on Interstate Route 95 and other approach roadways if necessitated by, or necessary to accomplish, an activity described in subparagraphs A, B, or C, of this paragraph; and

“F. Construction or acquisition of any building, improvement, addition, replacement, appurtenance, land, interest in land, water right, air right, machinery, equipment, furnishing, landscaping, easement, utility, roadway, or other facility that is necessitated by, or necessary to accomplish an activity described in this paragraph.

“Article II

“There is hereby created the Woodrow Wilson Memorial Bridge and Tunnel Authority, hereinafter referred to as the Authority.

“Article III

“The Authority shall be an instrumental-ity and common agency of the Commonwealth of Virginia, State of Maryland, and the District of Columbia, and shall have the power and duties set forth in this compact and such additional powers and duties as may be conferred upon it by subsequent action of the signatories.

“Article IV

“1. The Authority shall be governed by a board of nine voting members and two non-voting members appointed as follows:

“a. Three members shall be appointed by and serve at the pleasure of the Governor of the Commonwealth of Virginia;

“b. Three members shall be appointed by the Governor of the State of Maryland, with the advice and consent of the Senate of Maryland, and shall serve at the pleasure of the Governor of the State of Maryland;

“c. Two members shall be appointed with the concurrence of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia;

“d. One member shall be appointed by the U.S. Secretary of Transportation; and

“e. Two additional members, who shall be non-voting members, shall be appointed by the Mayor of the District of Columbia.

“2. Members, other than members who are elected officials, shall have backgrounds in finance, construction lending, and infrastructure policy disciplines. At least one member of the board from Maryland and one member of the board from Virginia shall be elected officials each of whom represents a political subdivision that has jurisdiction over the area at an end of the bridge, bridges, or tunnel.

“3. No person in the employment of or holding any official relationship to any person or company doing business with the Authority, or having any interest of any nature in any such person or company or affiliate or associate thereof, shall be eligible for appointment as a member or to serve as an employee of the Authority or to have any power or duty or receive any compensation in relation thereto.

“4. The Chairperson of the Authority shall be elected from among the voting members on a biennial basis.

“5. The voting members may also elect a secretary and a treasurer, or a secretary-treasurer, who may be members of the Authority, and prescribe their duties and powers.

“6. A. Members appointed by the signatories shall serve a six-year term, except that each signatory shall make its appointments as follows:

“(1) The initial terms of the three members appointed solely by each Governor shall be as follows:

“(I) One member shall be appointed for a six-year term;

“(II) One member shall be appointed for a four-year term; and

“(III) One member shall be appointed for a two-year term.

“(2) The initial terms of the members appointed jointly by the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia shall be as follows:

“(I) One member shall be appointed for a six-year term; and

“(II) One member shall be appointed for a four-year term.

“(3) The initial terms of the nonvoting members appointed by the Mayor of the District of Columbia shall be as follows:

“(I) One member shall be appointed for a six-year term; and

“(II) One member shall be appointed for a four-year term.

“B. The term of the member appointed by the U.S. Secretary of Transportation shall be for two years.

“7. The failure of a signatory or the Secretary of Transportation to appoint one or more members shall not impair the Authority’s creation when the signatories are in compliance with the other terms of the compact.

“8. Any person appointed to fill a vacancy shall serve for the unexpired term. A member of the Authority may not serve for more than two terms.

“9. The members of the Authority, including nonvoting members, if any, shall not be personally liable for any act done or action taken in their capacities as members of the Authority, nor shall they be personally liable for any bond, note, or other evidence of indebtedness issued by the Authority.

“10. Six voting members shall constitute a quorum and a majority of the quorum shall be required for any action by the Authority, with the following exceptions:

“a. Seven affirmative votes shall be required to approve bond issues and the annual budget of the Authority; and

“b. A motion may not be approved if all three members appointed solely by each Governor cast negative votes.

“11. Any sole source procurement of goods, services, or construction in excess of \$250,000 shall require the prior approval of a majority of all of the voting members of the Authority.

“12. Members shall serve without compensation and shall reside in the Metropolitan Washington area. Members shall be entitled to reimbursement for their expenses incurred in attending the meetings of the Authority and while otherwise engaged in the discharge of their duties as members of the Authority.

“13. The Authority may employ such engineering, technical, legal, clerical, and other personnel on a regular, part-time or consulting basis as in its judgment subject to the provisions of chapter I, article X of this compact, may be necessary for the discharge of its duties. The Authority shall not be bound by any statute or regulation of any signatory in the employment or discharge of any officer or employee of the Authority, except as may be contained in this compact.

“14. A. The Authority shall establish its office for the conduct of its affairs at a location to be determined by the Authority and shall publish rules and regulations governing the conduct of its operations.

“B. (1) The rules and regulations shall include, but shall not be limited to, an ethics code, public access to information, administrative procedures, and open meetings, and shall be consistent with similar practices currently adopted in Maryland, Virginia, and the District of Columbia.

“(2) The Authority may adopt regulations after publication of notice of intention to adopt the regulations published in a newspaper of general circulation in the Metropolitan Washington, D.C. area, and after an opportunity for public comment.

"(3) The Authority shall also publish a notice to adopt the regulations in the Maryland register.

"Article V

"Nothing in this compact shall be construed to amend, alter, or in any way affect the power of the signatories and their political subdivisions to levy and collect taxes on property or income or upon the sale of any material, equipment, or supplies or to levy, assess, and collect franchise or other similar taxes or fees for the licensing of vehicles and the operation thereof.

"Article VI

"This compact shall be adopted by the signatories in the manner provided by law. This compact shall become effective after the commonwealth of Virginia and the District of Columbia have adopted acts similar in substance to this act.

"Article VII

"1. Any signatory may withdraw from the compact upon one year's written notice to that effect to the other signatories. In the event of a withdrawal of one of the signatories from the compact, the compact shall be terminated; provided, however, that no revenue bonds, notes, or other evidence of obligation issued pursuant to Chapter II, Article VI or any other financial obligations of the Authority remain outstanding and that the withdrawing signatory has made a full accounting of its financial obligations, if any, to the other signatories.

"2. Upon the termination of this compact, the jurisdiction over the matters and persons covered by this compact shall revert to the signatories and the federal government, as their interests may appear.

"Article VIII

"Each of the signatories pledges to each of the other signatories faithful cooperation in the development and implementation of the project.

"Article IX

"1. The Authority shall not undertake the ownership of the Bridge, or any duties or responsibilities associated therewith, nor undertake any of the responsibilities and powers provided in this compact until the Governors of the State of Maryland and the Commonwealth of Virginia and the Mayor of the District of Columbia have entered into an agreement with the U.S. Secretary of Transportation including provisions governing the transfer of the bridge from the Federal Government to the Authority, and which shall provide for a contractual commitment by the Federal Government to provide Federal funding for the project including at a minimum, a 100% share for the following:

"A. The cost of the continuing rehabilitation of the bridge until such time as the project is operational;

"B. An amount, as determined by the Woodrow Wilson Memorial Bridge Coordination Committee, equivalent to the cost of replacing the bridge with a comparable modern bridge designed according to current engineering standards;

"C. The cost of planning, preliminary engineering and design, right-of-way acquisition, environmental studies and documentation, and final engineering for the project; and

"D. A substantial contribution towards remaining project costs.

"2. Such federal funds shall be in addition to and shall not diminish the federal transportation funding allocated or apportioned to the Commonwealth of Virginia and the State of Maryland. Upon all parties' approval of this agreement, the Authority shall have sole responsibility for duties concerning ownership, construction, operation, and

maintenance of the project. At least 30 days before the Governor of Maryland enters into an agreement under this article, the Governor shall submit the agreement to the Legislative Policy Committee for its review and comment.

"Article X

"1. Within a reasonable period after this compact becomes effective under article VI of this chapter, the authority shall prepare and submit to the Governors of the Commonwealth of Virginia and the State of Maryland. And the Mayor of the District of Columbia, a management plan that includes:

"A. An organizational structure;

"B. A staffing plan that includes job descriptions; and

"C. A proposed salary schedule consistent with existing salary schedules for similar positions in the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

"2. The authority shall not implement the provisions of this compact until the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia have approved the management plan.

"3. Subsequent to the approval of the management plan, the authority may increase the number of its employees and their salary levels, provided that such increases do not result in a 20 percent increase above the level in the approved management plan. Increases in excess of 20 percent shall require an amendment to the approved plan. A proposed amendment shall be submitted to, and approved by, the Governors of the Commonwealth of Virginia and the State of Maryland, and the Mayor of the District of Columbia, prior to becoming effective.

"4. In the conduct of its responsibilities and duties, the authority shall maximize the use of existing public and private sector entities to provide necessary services, including management, construction, legal, accounting, and other services, as the authority may deem necessary.

"Article XI

"1. Except as provided herein, the Authority shall be liable for its contracts and for its torts and those of its directors, officers, employees, and agents. For tort actions arising out of conduct occurring in Maryland, Maryland tort and sovereign immunity law shall apply. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. Nothing contained in this Act shall be construed as a waiver by the State of Maryland, the Commonwealth of Virginia, or the District of Columbia of any immunity from suit.

"2. The United States district courts shall have original jurisdiction, concurrent with the courts of the Commonwealth of Virginia, the State of Maryland, and the District of Columbia, of all actions brought by or against the Authority. Any such action initiated in a state court or the Superior Court of the District of Columbia shall be removable to the appropriate United States district court in the manner provided by act of June 25, 1948, as amended (28 U.S.C. 1446).

"Article XII

"1. If any part or provision of this compact or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances,

and the signatories hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

"2. This compact shall be liberally construed to effectuate the purposes for which it is created.

"CHAPTER II

"WOODROW WILSON BRIDGE AND TUNNEL REVENUE BOND ACT

"Article I

"DEFINITIONS

"The definitions set forth in Chapter I, Article I of the Woodrow Wilson Memorial Bridge and Tunnel Compact shall also apply to this act.

"Article II

"BONDS, NOTES, OR OTHER EVIDENCE OF OBLIGATION, NOT TO CONSTITUTE A DEBT OR PLEDGE OF TAXING POWER

"Revenue bonds, notes, or other evidence of obligation, issued under the provisions of this Act shall not be deemed to constitute a debt or a pledge of the faith and credit of the Authority or of any signatory government or political subdivision thereof, but such bonds, notes, or other evidence of obligation, shall be payable solely from the funds herein provided therefor from tolls and other revenues. The issuance of revenue bonds, notes, or other evidence of obligation, under the provisions of this Act shall not directly or indirectly or contingently obligate the Authority, or any signatory government or political subdivision thereof, to levy or to pledge any form of taxation whatever therefor. All such revenue bonds, notes, or other evidence of obligation, shall contain a statement on their face substantially to the foregoing effect.

"Article III

"ADDITIONAL POWERS OF THE AUTHORITY

"Without in any manner limiting or restricting the powers heretofore given to the Authority, and contingent upon the execution of the agreement referred to in Chapter I, Article IX of this compact, the Authority is hereby authorized and empowered:

"1. To establish, finance, construct, maintain, repair, and operate the project;

"2. To assume full rights of ownership of the Bridge;

"3. Subject to the approval of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia of the portions of the project in their respective jurisdictions, and in accordance with the recommendations of the Woodrow Wilson Memorial Bridge Coordinating Committee, to determine the location, character, size, and capacity of the project; to establish, limit, and control such points of ingress to and egress from the project as may be necessary or desirable in the judgment of the Authority to ensure the proper operation and maintenance of the project; and to prohibit entrance to such project from any point or points not so designated;

"4. To secure all necessary federal, state, and local authorizations, permits, and approvals for the construction, maintenance, repair, and operation of the project;

"5. To adopt and amend bylaws for the regulation of its affairs and the conduct of its business;

"6. To adopt and amend rules and regulations to carry out the powers granted by this section;

"7. To acquire, by purchase or condemnation, in the name of the Authority; and to hold and dispose of real and personal property for the corporate purposes of the Authority;

"8. To employ consulting engineers, a superintendent or manager of the project, and such other engineering, architectural, construction, and accounting experts, and inspectors, attorneys, and such other employees as may be deemed necessary, and within the limitations prescribed in this Act, and to prescribe their powers and duties and to fix their compensation;

"9. To pay, from any available moneys, the cost of plans, specifications, surveys, estimates of cost and revenues, legal fees, and other expenses necessary or incident to determining the feasibility or practicability of financing, constructing, maintaining, repairing, and operating the project;

"10. To issue revenue bonds, notes, or other evidence of obligation of the Authority, for any of its corporate purposes, payable solely from the tolls and revenues pledged, for their payment, and to refund its bonds, all as provided in this Act;

"11. To fix and revise from time to time and to charge and collect tolls and other charges for the use of the project;

"12. To make and enter into all contracts or agreements, as the Authority may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this Act;

"13. To accept loans and grants of money, or materials or property at any time from the United States of America, the Commonwealth of Virginia, the State of Maryland, the District of Columbia, or any agency or instrumentality thereof;

"14. To adopt an official seal and alter the seal at its pleasure;

"15. Subject to Chapter I, Article IX, to sue and be sued, plead and be impleaded, all in the name of the Authority;

"16. To exercise any power usually possessed by private corporations performing similar functions, including the right to expend, solely from funds provided under the authority of this Act, such funds as may be considered by the Authority to be advisable or necessary in advertising its facilities and services to the traveling public;

"17. To enter into contracts with existing governmental entities in the Commonwealth of Virginia, the State of Maryland, or the District of Columbia, or with private business entities for the purpose of allowing those entities to undertake all or portions of the project, including, but not limited to, design, engineering, financing, construction, and operation of the project, as the authority may deem necessary;

"18. To establish and maintain a police force, or to enter into a contract with an existing governmental entity in the State of Maryland, the Commonwealth of Virginia, or the District of Columbia to provide police services, as the authority may deem necessary;

"19. To enter into partnerships or grant concessions between the public and private sectors for the purpose of:

"A. Financing, constructing, maintaining, improving, or operating the project; or

"B. Fostering development of new transportation related technologies to be used in the construction and operation of the project, utilizing the law of any signatory in the discretion of the authority;

"20. To carry out or contract with other entities to carry out maintenance of traffic activities during the construction of the project that are considered necessary by the authority to manage traffic and minimize congestion, such as public information campaigns, improvements designed to encourage appropriate use of alternative routes, use of high occupancy vehicles and transit services, and deployment and operation of intelligent transportation technologies; and

"21. To do all acts and things necessary or incidental to the performance of its duties

and the execution of its powers under this Act.

#### "Article IV

##### "A. Acquisition of Property

"The Authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures, rights-of-way, property, rights, franchises, easements, and other interests in lands, including lands laying under water and riparian rights, which are located within the Metropolitan Washington area, as the authority may deem necessary or convenient for the construction and operation of the project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof; and to take title thereto in the name of the Authority.

"All counties, cities, towns and other political subdivisions and all public agencies and authorities of the signatories, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant, or convey to the Authority at the Authority's request, upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies, or authorities may deem reasonable and fair and without the necessity for any advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public roads and other real property already devoted to public use.

"Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the Authority is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, right, rights-of-way, franchises, easements, and other property deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration of public or private property damaged or destroyed.

"Whenever the Authority acquires property under this Article IV of Chapter II, it shall comply with the applicable federal law relating to relocation and relocation assistance. If there is no applicable federal law, the Authority shall comply with the provision of the state law of the signatory in which the property is located governing relocation and relocation assistance.

"In advance of undertaking any acquisition of property or easements in Maryland or the condemnation of such property, the Authority must obtain from the Maryland Board of Public Works approval of a plan identifying the properties to be obtained for the project. Condemnation proceedings shall be in accordance with the provisions of state law of the signatory in which the property is located governing condemnation by the highway agency of such state. Nothing in this Act shall be construed to authorize the Authority to condemn the property of the Commonwealth of Virginia, the State of Maryland, or the District of Columbia.

##### "B. Procurement

"1. Except as provided in subsections 2, 3, and 6 of this Section B, and except in the case of procurement procedures otherwise expressly authorized by law, the Authority in conducting a procurement of goods, services, or construction shall: a. obtain full and open competition through the use of competitive procedures in accordance with the

requirements of this section; and b. use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement. In determining the competitive procedure appropriate under the circumstances, the Authority shall: a. solicit sealed bids if: (i) time permits the solicitation, submission, and evaluation of sealed bids; (ii) the award will be made on the basis of price and other price-related factors; (iii) it is not necessary to conduct discussions with the responding sources about their bids; and (iv) there is a reasonable expectation of receiving more than one sealed bid; or b. request competitive proposals if sealed bids are not appropriate under clause a. of this sentence.

"2. The Authority may use procedures other than competitive procedures if: a. the goods, services, or construction needed by the Authority are available from only one responsible source and no other type of goods, services, or construction will satisfy the needs of the Authority; b. the Authority's need for the goods, services, or construction is of such an unusual and compelling urgency that the Authority would be seriously injured unless the Authority limits the number of sources from which it solicits bids or proposals; or c. the goods or services needed can be obtained through federal or other governmental sources at reasonable prices.

"3. For the purpose of applying subsection 2.a of this section: a. in the case of a contract for goods, services, or construction to be awarded on the basis of acceptance of an unsolicited proposal, the goods, services, or construction shall be deemed to be available from only one responsible source if the source has submitted an unsolicited proposal that demonstrates a concept: (i) that is unique and innovative or, in the case of a service, for which the source demonstrates a unique capability to provide the service; and (ii) the substance of which is not otherwise available to the Authority and does not resemble the substance of a pending competitive procurement. b. In the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment or the continued provision of highly specialized services, the goods, services, or construction may be deemed to be available from only the original source and may be procured through procedures other than competitive procedures if it is likely that award to a source other than the original source would result in: (i) substantial duplication of cost to the Authority that is not expected to be recovered through competition; or (ii) unacceptable delays in fulfilling the Authority's needs.

"4. If the Authority uses procedures other than competitive procedures to procure property, services, or construction under subsection 2.b. of this section, the Authority shall request offers from as many potential sources as is practicable under the circumstances.

"5. a. To promote efficiency and economy in contracting, the Authority may use simplified acquisition procedures for purchases of property, services, and construction. b. For the purposes of this subsection, simplified acquisition procedures may be used for purchases for an amount that does not exceed the simplified acquisition threshold adopted by the federal government. c. A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the procedures under paragraph a. of this subsection. d. In using simplified acquisition procedures, the Authority shall promote competition to the maximum extent practicable.

"6. The authority shall adopt policies and procedures to implement this section. The policies and procedures shall provide for publication of notice of procurements and other actions designed to secure competition where competitive procedures are used.

"7. The Authority in its sole discretion may reject any and all bids or proposals received in response to a solicitation.

"8. In structuring ALL procurements the Authority shall comply with Federal laws, regulations or other Federal Requirements set forth in grant agreements or elsewhere, as they may be amended from time to time, governing minority business enterprise participation.

#### "Article V

##### "INCIDENTAL POWERS

"The Authority shall have power to construct grade separations at intersections of the project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Authority as a part of the cost of the project.

"If the Authority shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Authority shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Authority as a part of the cost of the project.

"Any public highway affected by the construction of the project may be vacated or relocated by the Authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the authority as a part of the cost of the project.

"The Authority shall also have power to make regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances (herein called "public utility facilities") of any public utility in, on, along, over, or under the project. Whenever the Authority shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over, or under the project should be relocated in the project, or should be removed from the project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the other of the Authority, provided that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Authority as a part of the cost of the project. In case of any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations.

#### "Article VI

##### "PROJECT FINANCING

"The authority is hereby authorized to provide for the issuance, at one time or from

time to time, of revenue bonds of the authority for the purpose of paying all or any part of the cost of the project or of any portion or portions of the project. The principal of and the interest on the bonds shall be payable solely from the funds provided in this compact for the payment. Any bonds of the authority issued pursuant to this article shall not constitute a debt of the State of Maryland or any political subdivision of the State other than the authority, and shall so state on their face. Neither the members of the authority nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof. The bonds of each issue shall be dated, shall bear interest at a rate or rates and shall mature at any time not exceeding forty years from the date of the bonds, as may be determined by the authority, at any price and under any terms and conditions as may be fixed by the authority prior to the issuance of the bonds.

"The Authority shall determine the form and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payments of principal and interest, which may be at any bank or trust company within or without the state of Maryland.

"In the event any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be the officer until the delivery of such bonds, the signature or the facsimile shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until such delivery. The bonds may be issued in a form as determined by the Authority. The Authority may sell the bonds in any manner, either at public or private sale, and for any price as it may determine will best effect the purposes of this compact.

"The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project and shall be disbursed in the manner and under the restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of the bonds or in the trust indenture securing the same.

"If the proceeds of the bonds of any issue shall be less than such cost by error of estimates or otherwise, additional bonds may be issued to provide the amount of such deficit and unless otherwise provided in the resolutions authorizing the issuance of such bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

"Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds that have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds that become mutilated, destroyed, or lost. Bonds may be issued under the provisions of this compact without obtaining the consent of any department, division, commission, board, bureau, or agency of the compact signatories, and without any provisions or requirements other than those proceedings, conditions, or things which are specifically required by this article.

#### "Article VII

##### "TRUST INDENTURE

"In the discretion of the Authority, any bonds, notes, or other evidence of obligation issued under the provisions of this Act may be secured by a trust indenture by and be-

tween the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State of Maryland. Such trust indenture or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage the project or any part thereof.

#### "Article VIII

##### "REVENUES

"The Authority is hereby authorized to fix, revise, charge, and collect tolls for the use of the project, and to contract with any person, partnership, association, or corporation desiring the use thereof, and to fix the terms, conditions, rents, and rates of charges for such use.

"Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the project as to provide a fund sufficient in combination with other revenues, if any, to pay (i) the cost of maintaining, repairing, and operating such project and (ii) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. The tolls and all other revenues derived from the project in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust indenture securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and, upon the approval of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia, the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture. Except as may otherwise be provided in such resolution or such trust indenture, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

"Tolls shall be set at rates such that revenues generated by the project shall not exceed that necessary to meet requirements under any applicable trust indenture for the project.

#### "Article IX

##### "TRUST FUNDS

"All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust indenture securing such bonds shall provide that any officer with whom, or any

bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes thereof, subject to such regulations as this Act and such resolution or trust indenture may provide.

“Article X

“REMEDIES

“Any holder of bonds, notes, or other evidence of obligation issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent the rights herein given may be restricted by such trust indenture or the resolution authorizing the issuance of such bonds, notes, or other evidence of obligation, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of Maryland, the Commonwealth of Virginia, or the District of Columbia or granted hereunder or under such trust indenture or the resolution authorizing the issuance of such bonds, notes, or other evidence of obligation, and may enforce and compel the performance of all duties required by this Act or by such trust indenture or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging, and collecting of tolls.

“Article XI

“TAX EXEMPTION

“The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the State of Maryland and for the increase of their commerce and prosperity, and as the operation and maintenance of the project will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Authority under the provisions of this Act or upon the income therefrom, and the bonds, notes, or other evidence of obligation issued under the provisions of this Act, and the income therefrom shall at all times be free from taxation within the State of Maryland.

“Article XII

“BONDS, NOTES, OR OTHER EVIDENCE OF OBLIGATION ELIGIBLE FOR INVESTMENT

“Bonds, notes, or other evidence of obligation issued by the Authority under the provisions of this Act are hereby made securities in which all public officers and public bodies of the State of Maryland and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds, notes, or other evidence of obligation are hereby made securities which may properly and legally be deposited with and received by any State of Maryland or municipal officer or any agency or political subdivision of the State of Maryland for any purpose for which the deposit of bonds, notes, or other evidence of obligation is now or may hereafter be authorized by law.

“Article XIII

“MISCELLANEOUS

“Any action taken by the Authority under the provisions of this Act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

“The project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Authority. The project shall also be policed and oper-

ated by such force of police, toll-takers, and other operating employees as the Authority may in its discretion employ. The authority may enter into a contractual agreement with an existing governmental entity in Maryland or Virginia to provide these services. An Authority police officer shall have all the powers granted to a peace officer and a police officer of the State of Maryland. However, an Authority police officer may exercise these powers only on property owned, leased, operated by, or under the control of the Authority, and may not exercise these powers on any other property unless:

“(1) Engaged in fresh pursuit of a suspected offender;

“(2) Specially requested or permitted to do so in a political subdivision by its chief executive officer or its chief police officer; or

“(3) Ordered to do so by the Governors of the State of Maryland, the Commonwealth of Virginia, or the Mayor of the District of Columbia, as the circumstances may require.

“All other police officers of the signatory parties and of each county, city, town, or other political subdivision of the State of Maryland through which the project, or portion thereof, extends shall have the same powers and jurisdiction within the limits of such project as they have beyond such limits and shall have access to the project at any time for the purpose of exercising such powers and jurisdiction.

“On or before the last day of August in each year, the Authority shall make an annual report of its activities for the preceding fiscal year to the Governors of the State of Maryland and the Commonwealth of Virginia and the Mayor of the District of Columbia. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The Authority shall cause an audit of its books and accounts to be made at least one in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. The records, books, and accounts of the Authority shall be subject to examination and inspection by duly authorized representatives of the governing bodies of Maryland, Virginia, and the District of Columbia and by any bondholder or bondholders at any reasonable time, provided the business of the Authority is not unduly interrupted or interfered with thereby.

“Any member, agent, or employee of the authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale of any property, either real or personal, to the Authority shall be guilty of a misdemeanor, and, upon conviction may be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both.

“Any person who uses the project and fails or refuses to pay the toll provided therefore shall be guilty of a misdemeanor, and, upon conviction may be punished by a fine not more than \$100 or by imprisonment for not more than thirty days, or both.

“SECTION 2. And be it further enacted, That this Act may not take effect until a similar Act is passed by the Commonwealth of Virginia and the District of Columbia; that the Commonwealth of Virginia and the District of Columbia are requested to concur in this Act of the General Assembly of Maryland by the passage of a similar Act; that the Department of Legislative Reference shall notify the appropriate officials of the Commonwealth of Virginia, the District of Columbia, and the United States Congress of the passage of this Act; and that upon the concurrence in this Act by the Commonwealth of Virginia and the District of Columbia and approval by the United States Congress, the

Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Director of the Department of Legislative Reference.

“SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act shall take effect October 1, 1996.”

POM-638. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on the Judiciary.

“RESOLUTION

“Whereas, in a five-to-four decision on April eighteenth, nineteen hundred and ninety, the United States Supreme Court extended the power of the judicial branch of government beyond any defensible bounds; and

“Whereas, in *Missouri v. Jenkins* (110 Sup. Ct. 1651 (1990)), the United States Supreme Court held that a Federal court had the power to order an increase in State and local taxes; and

“Whereas, this unprecedented decision violates one of the fundamental tenets of the doctrine of separation of powers, that the members of the Federal judiciary should not have the power to tax; and

“Whereas, in response to this decision, several Members of Congress have introduced a constitutional amendment to re-establish a principle that has been well settled: judges do not have the power to tax; and

“Whereas, the passage of such constitutional amendment (first by a two-thirds majority in both Houses of Congress and then by three-fourths of the several States' legislatures or conventions) would serve not only to reverse in unfortunate decision, but also to reassert the legislature's constitutional role in maintaining a strong tripartite system of government, a system in which each of the branches is constrained by the others; and

“Whereas, such proposed constitutional amendment is a long overdue response to a federal judiciary that, in the pursuit of seemingly good ends, fails to recognize the constitutional limits on its power; and

“Whereas, in addition to being introduced in the United States Congress such constitutional amendment has also been proposed by several States; and

“Whereas, the text of such proposed constitutional amendment reads: “Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to levy or increase taxes”; and

“Whereas, such amendment seeks properly to prevent Federal courts from levying or increasing taxes without representation of the people and against the people's wishes; therefore be it

“Resolved, That the Massachusetts Senate hereby memorializes the United States Congress to propose and submit to the several States for ratification no later than January first, nineteen hundred and ninety-six, an amendment to the Constitution of the United States, the text of which amendment shall read: “Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to levy or increase taxes”; and calls upon the Massachusetts Congressional Delegation to use immediately the full measure of its resources and influence in order to ensure the passage of such amendment to the Constitution of the United States, which provides that no court shall have the power to levy or increase taxes; and further proposes that the

legislatures of each of the several States comprising the United States which have not yet made similar requests apply to the United States Congress requesting enactment of such amendment to the United States Constitution; and be it further

"Resolved, That the copies of these resolutions be transmitted forthwith by the clerk of the Senate to the Vice President of the United States as the Presiding Officer of the Senate, the Speaker of the House of Representatives, each member of the Massachusetts Congressional Delegation, and the presiding officer and minority party leader in each House of the legislatures of each State in the Union."

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1730. A bill to amend the Oil Pollution Act of 1990 to make the Act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes (Rept. No. 104-292).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1815. A bill to provide for improved regulation of the securities markets, eliminate excess securities fees, reduce the costs of investing, and for other purposes (Rept. No. 104-293).

By Mr. STEVENS, from the Committee on Governmental Affairs, without amendment:

H.R. 1508. A bill to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park (Rept. No. 104-294).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 2070. A bill to provide for the distribution within the United States of the United States Information Agency film entitled "Fragile Ring of Life".

By Mr. HELMS, from the Committee on Foreign Relations, with amendments:

H.R. 3121. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 160. A concurrent resolution congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 271. An original resolution expressing the sense of the Senate with respect to the international obligation of the People's Republic of China to allow an elected legislature in Hong Kong after June 30, 1997, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Doris B. Holleb, of Illinois, to be a Member of the National Council of the Humanities for a term expiring January 26, 2002.

Alan G. Lowry, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2001.

Luis Valdez, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Reginald Earl Jones, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2000.

Levar Burton, of California, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

Marciene S. Mattleman, of Pennsylvania, to be a Member of the National Institute for Literacy Advisory Board, for a term expiring October 12, 1998.

Victor H. Ashe, of Tennessee, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2000.

Reynaldo Flores Macias, of California, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

##### 1. FOR APPOINTMENT

##### To be medical director

Michael M. Gottesman Harold W. Jaffe

##### To be senior surgeon

James F. Battey, Jr.

##### To be surgeon

Helene D. Gayle Thurma G. McCann  
Jeffrey R. Harris Michael E. St Louis  
Douglas B. Kamerow

##### To be senior assistant surgeon

Robert T. Chen Connie A. Kreiss  
Susan L. Crandall Boris D. Lushniak  
Ahmed M. Elkashef Douglas L.  
Michael M. Engelgau McPherson  
Richard L. Hays Manette T. Niu  
Brockton J. Hefflin Robert J. Simonds  
Clare Helminiak Jonathan T. Weber  
Kathleen L. Irwin

##### To be senior assistant dental surgeon

Thomas T. Barnes, Debra L. Edgerton  
Jr. Paul J. Farkas  
Mitchel J. Bernstein Janie G. Fuller  
Brenda S. Burges Kent K. Kenyon  
Deborah P. Costello Ruth M. Klevens  
David A. Crain Edward E. Neubauer  
Richard L. Decker Thomas A. Reese  
James V. Dewhurst Jose C. Rodriguez  
III Adele M. Upchurch

##### To be dental surgeon

Michael E. Korale

##### To be nurse officer

Cathy J. Wasem

##### To be senior assistant nurse officer

Donna N. Brown Lorraine D. Kelwood  
Gracie L. Bumpass Mary M. Leemhuis  
Martha E. Burton Susan R. Lumsden  
Annette C. Carrier Brenda J. Murray  
Thomas E. Daly Michael J. Papania  
Terence E. Deeds Monique V.  
Joseph P. Fink Petrofsky  
Robert C. Frickey Patricia K. Rasch  
Judy A. Gerry Letitia L. Rhodes-  
Annie L. Gilchrist Bard  
Byron C. Glenn Thomas M. Scheidel  
Margaret A. Hoeft

Ruth A. Shults Scott A. Vanomen  
Jerilyn A. Thornburg Ellen D. Wolfe

##### To be assistant nurse officer

Susan Z. Mathew Terry L. Porter  
Richard M. Young

##### To be senior assistant engineer officer

Terry L. Aaker Donald J. Hutson  
Cheryl Fairfield Allen K. Jarrell  
Estill Jeffrey J. Nolte  
Debra J. Hassinan Mutahar S. Shamsi  
George F. Smith

##### To be assistant engineer officer

Nathan D. Gjovik

##### To be scientist

Deloris L. Hunter

##### To be senior assistant scientist

Anne T. Fidler Helena O. Mishoe  
Patrick J. McNeilly Paul D. Siegel  
William H. Taylor III

##### To be sanitarian

Thomas C. Fahres Charles L. Higgins  
Daniel M. Harper Michael M. Welch

##### To be senior assistant sanitarian

Gail G. Buonviri Florence A.  
Larry F. Cseh Kaltovich  
Alan J. Dellapenna, David H. McMahon  
Jr. Nathan M. Quiring  
Alan S. Echt David H. Shishido  
Thomas A. Hill Linda A. Tiokasin  
Richard E. Turner  
Berry F. Williams

##### To be veterinary officer

Stephanie I. Harris

##### To be senior assistant veterinary officer

Hugh M. Mainzer Shanna L. Nesby  
Meta H. Timmons

##### To be senior assistant pharmacist

Sarah E. Arroyo Andrew J. Litavec  
Edward D. Bashaw IV  
Charles C. Bruner Josephine A. Lyght  
Vicky S. Chavez William B.  
Scott M. Dallas McLiverty  
Michele F. Gemelas M. Patricia Murphy  
Terry A. Hook Anna M. Nitopi  
Alice D. Knoben Robert G. Pratt  
Nancy E. Lawrence Kurt M. Riley

##### To be assistant pharmacist

Gary L. Elam Sandra C. Murphy  
James A. Good Jill A. Sanders  
Valerie E. Jensen Pamela Stewart-  
Kimberly D. Knutson Kuhn

##### To be assistant pharmacist pharmacist

L. Jane Duncan

##### To be senior assistant dietitian

Celia R. Hayes David M. Nelson

##### To be therapist

Michael P. Flyzik

##### To be assistant therapist

Mark T. Melanson

##### To be health services director

James H. Sayers

##### To be health services officer

Maureen E. Gormley

##### To be senior assistant health services officer

Corinne J. Axelrod Edward M.  
Deborah Dozier-Hall McEnerney  
William M. Gosman Michael R. Milner  
Janet S. Harrison Anne M. Perry  
Rebecca D. Hicks Elizabeth A. Rasbury  
Brian T. Hudson Ray J. Weekly  
Richard D. Kennedy Craig S. Wilkins

##### To be assistant health services officer

Willard E. Dause