

except that funds provided to urbanized areas over 200,000 population under section 5307 shall not be available for operating assistance; and

(C) shall remain available for obligation for the same period of time as if the funds were provided under section 5338 of title 49.

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Mass Transit Account such sums as are provided in paragraph (2).

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned or allocated under sections 5307, 5309, 5310, and 5311 of title 49, United States Code.

(C) POTENTIAL INCREASE FOR TRANSPORTATION SPENDING.—If the fiscal year 1999, 2000, 2001, or 2002 concurrent resolution on the budget assumes higher budget authority and outlay levels for transportation spending than assumed in H. Con. Res. 84 (the fiscal year 1998 budget resolution), the budget resolution shall separately specify the increased budget authority levels for highways and mass transit spending and the outlays flowing from such levels for each fiscal year through fiscal year 2002. If the fiscal year 2003 concurrent resolution on the budget provides additional budget authority and outlays for transportation spending during fiscal year 2003, then that resolution shall separately specify the increased budget authority levels for highway and mass transit spending and the outlays flowing from such levels.

(d) EXPEDITED PROCEDURES.—

(1) DEFINITION OF HIGHWAY AND MASS TRANSIT FUNDING JOINT RESOLUTION.—In this section, the term "highway and mass transit funding joint resolution" means a joint resolution, the matter after the resolving clause of which consists solely of the following:

(A) With respect to section 1 of such joint resolution, each blank space being filled in with a specific dollar amount that does not exceed the budget authority level for highways pursuant to subsection (c).

(B) With respect to section 2 of such joint resolution, each blank space being filled in with a specific dollar amount that does not exceed the budget authority level for mass transit pursuant to subsection (c).

(C) With respect to section 3 of such joint resolution, each blank space being filled in by an amount that does not exceed the outlay level pursuant to subsection (c).

"SECTION 1. ADDITIONAL HIGHWAY FUNDING.

"Section 3001(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

"(1) in subparagraph (A), by striking '\$0' and inserting '\$ _____';

"(2) in subparagraph (B), by striking '\$0' and inserting '\$ _____';

"(3) in subparagraph (C), by striking '\$0' and inserting '\$ _____';

"(4) in subparagraph (D), by striking '\$0' and inserting '\$ _____'; and

"(5) in subparagraph (E), by striking '\$0' and inserting '\$ _____'.

"SEC. 2. ADDITIONAL MASS TRANSIT FUNDING.

"(a) Section 3001(b)(2)(A) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

"(1) in clause (i), by striking '\$0' and inserting '\$ _____';

"(2) in clause (ii), by striking '\$0' and inserting '\$ _____';

"(3) in clause (iii), by striking '\$0' and inserting '\$ _____';

"(4) in clause (iv), by striking '\$0' and inserting '\$ _____'; and

"(5) in clause (v), by striking '\$0' and inserting '\$ _____'.

"(b) Section 3001(b)(2)(B) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

"(1) in clause (i), by striking '\$0' and inserting '\$ _____';

"(2) in clause (ii), by striking '\$0' and inserting '\$ _____';

"(3) in clause (iii), by striking '\$0' and inserting '\$ _____';

"(4) in clause (iv), by striking '\$0' and inserting '\$ _____'; and

"(5) in clause (v), by striking '\$0' and inserting '\$ _____'.

"SEC. 3. ADDITIONAL OUTLAYS FOR TRANSPORTATION.

"The discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 as adjusted pursuant to that Act are increased by the following amounts:

"(1) With respect to fiscal year 1999, _____ for nondefense outlays.

"(2) With respect to fiscal year 2000, _____ for discretionary outlays.

"(3) With respect to fiscal year 2001, _____ for discretionary outlays.

"(4) With respect to fiscal year 2002, _____ for discretionary outlays."

(2) IN THE SENATE.—

(A) INTRODUCTION AND REFERRAL.—

(i) IN GENERAL.—A highway and mass transit funding resolution introduced in the Senate shall be referred (for a period not to exceed 5 days of session, following the date of introduction) first to the Committee on Environment and Public Works and then to the Committee on Banking, Housing, and Urban Affairs. If either committee fails to report the joint resolution within that period, that committee shall be automatically discharged from consideration of the resolution. In the case of the Committee on Environment and Public Works being discharged, the resolution shall then be referred to the Committee on Banking, Housing, and Urban Affairs. In the case of the Committee on Banking, Housing, and Urban Affairs being discharged, the resolution shall be placed on the Calendar.

(ii) MEASURE FROM THE HOUSE.—When the Senate receives from the House of Representatives a highway and mass transit funding joint resolution, such resolution shall not be referred to committee and shall be placed on the Calendar.

(B) LIMITATION ON AMENDMENTS.—Amendments to a highway and mass transit funding joint resolution considered under this section shall be limited to those amendments which either increase or decrease dollar amounts specified in the resolution; but in no case shall such an amendment exceed the levels set out in subsection (c). No motion to suspend the application of this subsection shall be in order, nor shall it be in order in either House for the presiding officer to entertain a request to suspend the application of this subsection by unanimous consent.

(C) FLOOR CONSIDERATION.—

(i) MOTION TO PROCEED.—A motion to proceed to the consideration of a highway and mass transit funding joint resolution under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(ii) TIME FOR CONSIDERATION.—After no more than 10 hours of consideration of a highway and mass transit funding joint resolution, the Senate shall proceed, without intervening action or debate to vote on the final disposition thereof to the exclusion of all motions, except a motion to reconsider or to table. The time for consideration shall be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit a highway

and mass transit funding joint resolution shall not be in order.

(iii) POINTS OF ORDER WAIVED.—All points of order against the highway and mass transit funding joint resolution are waived.

(D) JOINT RESOLUTION FROM THE HOUSE OF REPRESENTATIVES.—If prior to the conclusion of consideration pursuant to subparagraph (C)(ii) of a highway and mass transit funding joint resolution originated in the Senate, the Senate receives from the House of Representatives a highway and mass transit funding joint resolution, it shall be in order at the conclusion of consideration of the Senate measure, without any intervening action or debate to proceed to the consideration of the House of Representatives measure, read it for the third time and vote on final disposition thereof to the exclusion of all motions, except a motion to reconsider or to table.

(E) SENATE MEASURE TO CALENDAR.—In the Senate, if a highway and mass transit funding joint resolution received from the House of Representatives is considered pursuant to subparagraph (D) then the Senate measure shall be returned to the Calendar.

(3) IN THE HOUSE OF REPRESENTATIVES.—

(4) APPLICATION OF EXPEDITED PROCEDURES.—The provisions of this subsection (including the waiver of all points of order under paragraph (2)(C)(iii)) shall only apply to a resolution that meets the definition of paragraph (1).

(5) SUNSET.—This subsection shall expire on September 30, 2003.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will conduct a hearing in SR-301, Russell Senate Office Building, on Thursday, October 30, 1997, at 9 a.m. on the Senate Strategic Planning Process for Infrastructure Support. A business meeting to consider pending legislative and administrative matters will immediately follow.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224-6678.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, October 23, 1997, at 4:15 p.m. in executive session, to consider pending nominations.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet at 2:30 p.m. During the session of the Senate on Thursday, October 23, 1997, to conduct a hearing of the following nominees: Kevin E. Marchman, of Colorado, to be Assistant Secretary of HUD for Public and Indian Housing; Saul N. Ramirez, of Texas, to be Assistant Secretary of HUD for Community Planning and Development; Richard F. Keevey, of Virginia,

to be the Chief Financial Officer of HUD; Eva M. Plaza, of Maryland, to be Assistant Secretary of HUD for Fair Housing and Equal Opportunity; Gail W. Laster, of New York, to be the General Counsel of HUD; Jo Ann Jay Howard, of Texas, to be the Federal Insurance Administrator at the Federal Emergency Management Agency; F. Amanda Debusk, of Maryland, to be Assistant Secretary of Commerce; R. Roger Majak, of Virginia, to be Assistant Secretary of Commerce for Export.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. 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 Thursday, October 23, for purposes of conducting a full committee hearing which is scheduled to begin at 10 a.m. The purpose of this oversight hearing is to receive testimony on the issue of peaceful nuclear cooperation with China.

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

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, October 23, 1997, beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 23, 1997 at 2 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Government Affairs Committee Special Investigation to meet on Thursday, October 23, at 10 a.m. for a hearing on campaign financing issues.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, October 23, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 23, for purposes of conducting a subcommittee hearing which is sched-

uled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 633, a bill to amend the Petroglyph National Monument Establishment Act of 1990 to adjust the boundary of the monument; and S. 1132, a bill to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

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

ADDITIONAL STATEMENTS

EMPLOYMENT
NONDISCRIMINATION ACT

• Mr. KERRY. Mr. President, I am not a member of the Senate Labor and Human Resources Committee, so I wanted to take a moment to address an issue that was a subject of a hearing in that Committee this morning.

The Chairman of the Committee, Senator JEFFORDS, and my good friend and colleague, the senior Senator from Massachusetts, have co-sponsored an important and much-needed piece of legislation, the Employment Non-discrimination Act of 1997. I am an original co-sponsor of that bill.

Mr. President, when I was first sworn in as a United States Senator in 1985, I authored the gay and lesbian civil rights bill. At that time, only five other Senators would join me as co-sponsors of that legislation. In the 103rd Congress, I testified before the Armed Services Committee to lift the ban on gay men and lesbians serving in the military.

I agree with those who testified today before the Labor Committee, including Raymond Smith, the chief executive officer of Bell Atlantic, and Herbert Valentine of the Presbyterian Church that ENDA is a solution to a serious problem in our society. I have heard from many Americans who have suffered discrimination in the workplace because of their sexual orientation. It is time for these Americans to have recourse against blatant discrimination, just as Americans who are fired on the basis of their religion, national origin or gender. Massachusetts has recognized the problems of anti-gay and lesbian discrimination in the workplace and already has an ENDA-like law.

Mr. President, last year, I joined 65 of our colleagues in signing a pledge that I would not discriminate on the basis of sexual orientation in hiring, promotion and firing. I personally will not tolerate discrimination in my office. Like the majority of our colleagues, signing this pledge came easy to me. I have always had openly gay and lesbian staff and they have served the people of Massachusetts with effective and committed distinction.

So, now, Mr. President, I urge our colleagues to live up to the pledge they signed and support this important legislation. It is my hope that the Committee will report the bill out as soon as possible and I call upon the Majority Leader to find time to bring this important legislation to the floor for debate. It was voted on last year and wound up in a de facto tie. This year, I am confident it will pass.

Mr. President, for years, groups like the Human Rights Campaign, the National Gay and Lesbian Task Force, Parents, Families and Friends of Lesbians and Gays, and the Leadership Conference on Civil Rights, as well as members of the religious communities across this country, have educated us on the need for this bill. They have worked tirelessly with us to improve this legislation, and I applaud their tenacity and appreciate their friendship. They are dogged advocates for justice and fairness.

Voices as eloquent as those of Coretta Scott King and Senator Barry Goldwater have spoken up in support of ENDA. The President of the United States has signaled his approval of the bill. Let us debate it and pass it soon, Mr. President. Let us send a strong message that all Americans matter, and that no one should suffer discrimination in the work place. Let us move forward in the fight for civil rights.●

BRAIN TUMOR AWARENESS WEEK

• Mr. BIDEN. Mr. President, on Tuesday, Americans from around the country gathered here at the Capitol to hold a rally in conjunction with Brain Tumor Awareness Week. I want to add my voice to those calling attention to this debilitating disease and to the calls for continuing to increase our funding for medical research.

It sounds wrong to call one debilitating disease more important than another. After all, a life-threatening disease is a life-threatening disease. However, as a society, we often get caught up in the rhetoric and publicity surrounding one of these terrible afflictions and forget that, unfortunately, there are a number of other terminal illnesses. While brain tumors do not receive as much press as other terminal illnesses, their impact on the lives of brain tumor patients and their families is equally devastating.

One of those people is a constituent of mine, Ms. Kathy Delledonne-Minutola. She and her husband attended the rally on Tuesday because, four years ago, their son Joseph was diagnosed with a brain stem tumor. The roots of the tumor have wrapped around Joseph's brain stem, a condition which makes removal of the tumor impossible.

Mr. President, there are thousands of people across this country who have been diagnosed with brain tumors, just like Joseph. In fact, each year approximately 100,000 people in the United States are diagnosed with a brain