

SEC. 353. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS. (a) IN GENERAL.—Section 41706 of title 49, United States Code, is amended to read as follows:

“§41706. Prohibitions against smoking on scheduled flights

“(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft on a scheduled airline flight segment in interstate air transportation or intrastate air transportation.

“(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit, on and after the 120th day following the date of the enactment of this section, smoking in any aircraft on a scheduled airline flight segment within the United States or between a place in the United States and a place outside the United States.

“(c) LIMITATION ON APPLICABILITY.—With respect to an aircraft operated by a foreign air carrier, the smoking prohibitions contained in subsections (a) and (b) shall apply only to the passenger cabin and lavatory of the aircraft. If a foreign government objects to the application of subsection (b) on the basis that it is an extraterritorial application of the laws of the United States, the Secretary is authorized to waive the application of subsection (b) to a foreign air carrier licensed by that foreign government. The Secretary of Transportation shall identify and enforce an alternative smoking prohibition in lieu of subsection (b) that has been negotiated by the Secretary and the objecting foreign government through a bilateral negotiation process.

“(d) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the 60th day following the date of enactment of this Act.

SEC. 354. HAZARDOUS MATERIALS. In the case of a State that, as of the date of enactment of this Act, has in force and effect State hazardous material transportation laws that are inconsistent with Federal hazardous material transportation laws with respect to intrastate transportation of agricultural production materials for transportation from agricultural retailer to farm, farm to farm, and from farm to agricultural retailer, within a 100-mile air radius, such inconsistent laws may remain in force and effect for fiscal year 1999 only.

SEC. 355. REIMBURSEMENT FOR SALARIES AND EXPENSES. The National Transportation Safety Board shall reimburse the State of New York and local counties in New York during the period beginning on June 12, 1997, and ending on September 30, 1999, an aggregate amount equal to \$6,059,000 for costs (including salaries and expenses) incurred in connection with the crash of TWA Flight 800.

SEC. 356. SIGNAGE ON HIGHWAYS WITH RESPECT TO THE NATIONAL CEMETERY SYSTEM. (a) DEFINITIONS.—In this section:

(1) FEDERAL-AID HIGHWAY.—The term “Federal aid highway” has the meaning given that term in section 101 of title 23, United States Code.

(2) NATIONAL CEMETERY SYSTEM.—The term “National Cemetery System” means the National Cemetery System, which is managed by the Secretary of Veterans Affairs.

(3) STATE.—The term “State” has the meaning given that term in section 101 of title 23, United States Code.

(b) FEDERAL-AID HIGHWAYS.—The Secretary of Transportation may encourage States to take such action as may be necessary to ensure that, for each cemetery of the National

Cemetery System that is located in the proximity of any Federal-aid highway, there is sufficient and appropriate signage along that highway to direct visitors to that cemetery.

(c) STATE HIGHWAYS.—Nothing in subsection (b) is intended to affect the provision of signage by a State along a State highway to direct visitors to a cemetery of the National Cemetery System.

This Act may be cited as the “Department of Transportation and Related Agencies Appropriations Act, 1999”.

AUTHORIZING TESTIMONY AND REPRESENTATION OF SENATE EMPLOYEE

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 258, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 258) to authorize testimony and representation of Senate employee in *State of Tennessee v. Ronald W. Byrd*.

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

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

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a criminal trespass action pending in the Court of General Sessions for Sullivan County, Tennessee. The case involves an incident at Senator FRED THOMPSON'S Blountville office in which an individual refused to leave the premises and was arrested by public safety personnel for trespassing. The State is seeking testimony from the Senator's caseworker who has knowledge of these events.

This resolution would authorize the caseworker to testify, except where a privilege should be asserted, with representation by the Senate Legal Counsel.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that a statement of explanation appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 258) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 258

Whereas, in the case of *State of Tennessee v. Ronald W. Byrd*, Case No. S 113068, pending in the Court of General Sessions for Sullivan County, Tennessee, testimony has been requested from Kathy Tipton, an employee in the office of Senator Fred Thompson;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Kathy Tipton is authorized to testify in the case of *State of Tennessee v. Ronald W. Byrd*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Kathy Tipton in connection with the testimony authorized in section one of this resolution.

ORDERS FOR WEDNESDAY, JULY 29, 1998

Mr. CAMPBELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, July 29. I further ask unanimous consent that when the Senate reconvenes on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of S. 2312, the Treasury-Postal appropriations bill.

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

Mr. CAMPBELL. I further ask unanimous consent that after the clerk reports the bill, Senator ASHCROFT be recognized to offer an amendment regarding the marriage penalty.

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

Mr. CAMPBELL. I further ask unanimous consent that the Senate stand in recess on Wednesday from 12:30 p.m. to 2:15 p.m. to allow the weekly party caucuses to meet.

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

Mr. DOMENICI. Reserving the right to object, Mr. President, I ask the chairman if he is stating which amendments can be offered and no others.

Mr. CAMPBELL. No.

Mr. DOMENICI. I thank the chairman.

PROGRAM

Mr. CAMPBELL. Mr. President, for the information of all Senators, when the Senate reconvenes on Wednesday, Senator ASHCROFT will be recognized to offer his marriage penalty amendment. It is hoped that following approximately 2 hours of debate on the amendment, the Senate will vote on a motion to table the Ashcroft amendment. Following that vote, it is hoped that Members will come to the floor to offer and debate remaining amendments to the Treasury bill.

Upon disposition of the Treasury appropriations bill, the Senate may begin consideration of the foreign operations