recordkeeping and reporting requirements; and expands the Federal royalty functions that may be delegated to a qualifying State.

In short, The Federal Oil and Gas Royalty Simplification and Fairness Act will streamline the process, reduce the burden on industry while protecting the revenues of New Mexico and the Federal Government. I worked hard to make this a bill the President would sign. I urge that we pass this bill as soon as possible and send it to the President for his signature.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SMALL AIRPORT SAFETY COSTS

Mr. PRESSLER. Mr. President, I am very concerned as to how the current airport safety situation may affect smaller airports. We certainly want our citizens who must fly in smaller airplanes with smaller companies to be safe. On the other hand, we do not want such an expensive layer of regulations that these smaller planes and smaller companies cannot operate because of prohibitive costs.

As we go forward with improving safety, I think of the smaller airports in South Dakota where people must fly in smaller aircraft and with smaller companies. We must keep those safe. We must meet the same standards applying to larger aircraft and larger companies. But let us remember that one size does not fit all. In achieving these safety goals, let us be certain we keep in mind the smaller airports of our country. This is a concern not only in South Dakota but also in Fresno, CA, for example, where I have relatives. People must fly in smaller aircraft if they are going to travel from Los Angeles to Fresno. Upstate New York has the same situation. If you are going to fly to Martha's Vineyard, you probably fly on a smaller aircraft.

So the point is that as we move forward quickly in possibly implementing new regulations, let us be certain we keep in mind the fact that at least half of Americans must originate their flights in what we call smaller airports. I certainly want them to be considered in this process.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, July 18, the Federal debt stood at $5,168,794,319,428.25.

On a per capita basis, every man, woman, and child in America owes $19,481.00 as his or her share of that debt.

THE DEATH OF U.S. DISTRICT JUDGE T.F. GILROY DALY

Mr. DODD. Mr. President, I would like to pay tribute to a great public servant and one of the most honorable figures ever to serve on the Federal bench in the State of Connecticut, U.S. district judge T.F. Gilroy Daly, who died of cancer on Thursday, July 14.

A true giant of jurisprudence, Judge Daly was a former Army Ranger who stood 6 foot, 6 inches and presided over his courtroom with a regal presence. People commonly described Judge Daly as the epitome of what a judge should be. He was known for his impeccable character, his sense of fairness, and his unwavering commitment to the ideals of justice.

Judge Daly brought a wealth of life experience to the court, which shaped his career on the bench. After serving our country in the Korean war, Judge Daly worked as an assistant U.S. attorney, prosecuting organized crime cases in the Southern District of New York. After leaving the Justice Department, Judge Daly held a number of full and part time statewide posts in Connecticut, including deputy attorney general, deputy treasurer, and insurance commissioner.

Judge Daly gained prominence as a trial lawyer and demonstrated his sense of justice in the early 1970s when he took an unpaid leave from his State position to defend a young man who had been wrongly convicted of murder. After a 6-week hearing, he won a new trial for his client, and charges against the young man were eventually dropped after a grand jury investigation cleared him.

In 1977, President Jimmy Carter appointed Judge Daly to the Federal bench. he served as chief judge from 1983 to 1988, and he is credited with modernizing the Connecticut court system and significantly reducing the backlog of cases before the court. During his time on the bench, he presided over a number of high-profile trials and earned a reputation among defense attorneys and prosecuters as a stern, but fair-minded jurist. He ruled on numerous complex and potentially volatile issues involving discrimination in municipal hiring, State police interrogation methods, and public corruption.

He was particularly known for handing down harsh sentences to corrupt public officials who came before him. Being a man of such high moral standards, Judge Daly held a particular disdain for anyone who betrayed the trust of the general public. Judge Daly believed that without the people's trust, government cannot function effectively, and his career was dedicated to maintaining the integrity of the Constitution and protecting the rights of the general public.

Judge T.F. Gilroy Daly never lost sight of the fact that law is a public service profession, and his legacy will live on for years to come. He will be remembered as one of the most accomplished figures ever to preside in a Federal court, and he will be sorely missed by the people of Connecticut.

My thoughts and prayers go out to his wife Stuart, and his four children Timothy, Loan, Matthew and Anna.

TRANSPORTATION EMPOWERMENT ACT

Mr. MACK. Mr. President, yesterday I introduced legislation entitled the Transportation Empowerment Act which will return primary transportation program responsibility and taxing authority to the States. I intend to be brief today. But, I will be back on the floor to speak to this proposal periodically over the remainder of the Congress and again early in the next Congress as debate begins in earnest on the reauthorization of the transportation bill known as the Intermodal Surface Transportation Efficiency Act [ISTEA].

The era of Big Government is over. The highway system is a relic of this era and a perfect example of a program that ought to be returned to the States.

In the 1950's, the Federal Government began building the Interstate Highway System. Its construction was slated to last 13 years and cost $25 billion. It has lasted 40 years at a cost of about $130 billion. At the same time, the Federal-Aid Highways Program was also expanded to include more than $170 billion in other programs and projects.

The antiquated system of collecting and distributing gas tax dollars to fund these programs as well as the transportation priorities of the States and local governments is inefficient, costly, and bureaucratic.

The Interstate Highway System is complete. Now it's time to change directions to provide State and local governments the authority and the flexibility to move forward without succumbing to the bureaucratic whims of Washington.

This legislation does just that—it reempowers States to make their own decisions. This bill uses a 2-year transition period to lower the Federal gas tax, eliminate most highway trust fund programs, relieve States of an array of regulations and restrictions, and remove Federal roadblocks to infrastructure privatization.

This proposal provides that the Federal Government would retain a core Federal transportation program including maintenance of the current Interstate System. Federal participation would also continue for Indian reservation roads, public lands, parkways and park roads, and emergency relief.

The bottom line is this—for far too long Washington has had a stranglehold on States' transportation needs. It's past time for Washington to let go and let the States take responsibility for their own surface transportation needs.

Mr. President, I have included several letters on this issue which I have previously sent to my Senate colleagues and I ask unanimous consent that they be printed in the RECORD. I also ask unanimous consent that a summary of this legislation be printed in the RECORD.

I ask my colleagues to review this proposal and to consider joining me as a cosponsor of this legislation which will re-empower States and end Washington's micromanagement of States' transportation dollars and priorities.

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

U.S. SENATE,
Washington DC, March 7, 1996.

DEAR COLLEAGUE: Several weeks ago, I sent you a letter informing you of my plan to introduce legislation which largely repeals the federal gas tax and returns the primary transportation program responsibility and taxing authority to the states. I am currently drafting this legislation as well as exploring options to ensure a smooth transition from a federal to a state program.

In light of this effort, I thought you might be interested in the attached article which highlights a major problem with the current federal transportation system.

This article, from the February 23, 1996 edition of the "American Association of State Highway and Transportation Officials (AASHTO) Weekly Transportation Report," contains excerpts of a speech by Deputy Highway Administrator, Jane Garvey. Ms. Garvey predicted future transportation funding will fall dramatically short of previous years' levels and she further indicated future transportation funding will be spent on non-transportation priorities.

Our states have consistently asked that their highway trust fund dollars be reserved for infrastructure requirements and that they be returned unencumbered by federal restrictions and mandates. It is my belief this request can only be accomplished by removing these transportation dollars from the federal coffers. The simple fact is that, if left in federal hands, these funds will always be a temptation for a Congress which must contend with competing priorities and declining discretionary funding levels.

I hope you will consider the benefits of returning transportation program responsibility and primary taxing authority to the states and join me in this effort. Should your staff have any questions or comments, please have them contact Patrick Kearney of my staff at 224–3102.

Sincerely,

CONNIE MACK,
U.S. Senator.

THE AASHTO JOURNAL,
Washington, DC, February 23, 1996.

LESS FUNDING, MORE ALTERNATIVE FINANCING PREDICTED

Predicting lean years ahead for federal transportation funding, Jane Garvey, Deputy Administrator, of the Federal Highway Administration, this week outlined alternatives for funding future transportation projects, and some of the issues the Administration will address in reauthorization of federal transportation programs.

Garvey discussed the status of the Administration's FY 1997 budget proposal and provided a future outlook for transportation funding during a Women in Transportation Seminar luncheon on Wednesday. She said that the budget submitted by the Administration on February 6 provided a broad framework of the cuts the Administration hopes to achieve next fiscal year. She added that specific figures as to how transportation funding would be affected have not been made available.

Garvey stated that the President would submit a detailed budget proposal on March 18, and that representatives from the FHWA would be appearing before the House Transportation Appropriations Subcommittee on March 20 to discuss their budget proposal (see related article).

Contending that transportation made out well during FY 1996, Garvey predicted that future funding levels will fall dramatically short of previous years' levels. All discretionary funding categories are expected to take a hit in FY 1997, Garvey stated, and infrastructure spending will have to compete with other priorities. She added that an 18 percent reduction in transportation spending between FY 1997 and FY 2002 is expected, from $38.9 billion in FY 1996 to $32 billion in 2002.

To address this situation, Garvey stated that it was essential for federal, state and local transportation organizations to convey how important the nation's transportation system is to the welfare of the economy and its citizens. In addition, states and localities must be able to maximize what funding is made available to them to the greatest extend possible, according to Garvey.

U.S. SENATE,
Washington, DC, February 14, 1996.

DEAR COLLEAGUE: Soon after the Senate returns from the President's Day recess, I will introduce legislation to substantially reduce the federal role in transportation and return the primary program responsibility and taxing authority to the states. At a time when Governors and Congressional leaders are talking about providing greater freedom for states, it just does not make sense to continue the current system.

States do no want to receive transportation funding with federal strings attached. They do not want restrictions on how transportation funding can be spent and have funding withheld for noncompliance with mandates. Moreover, Governors are rightly concerned over the prospect of seeing more of their transportation funding diverted to other spending programs. Congress' record in this regard is abysmal and is unlikely to improve as other priorities compete for budget dollars in the future.

The legislation I plan to introduce will leave in place those portions of the gas tax set aside for deficit reduction as well as a few additional cents to sponsor a modest federal program. This federal program will be comprised of the Interstate Maintenance, Interstate Bridges, Federal Lands and Emergency Disaster programs.

The remainder of the tax will be repealed after DOT has met all of its current obligations. DOT has estimated these obligations will be met approximately 15 months after the expiration of the existing authorization. This time delay provides states ample time to take whatever actions may be necessary to implement their own funding measures.

We need to return primary program responsibility and taxing authority for transportation programs to the states. I look forward to having you join me in this effort. If your staff has any questions or comments, please have them contact Patrick Kearney of my staff at 224–3102.

Sincerely,

CONNIE MACK,
U.S. Senator.

U.S. SENATE,
Washington, DC, April 25, 1996.

OFF BUDGET—A SYMPTOM OR THE SOLUTION?

DEAR COLLEAGUE: Last week the House of Representatives voted by a wide margin to remove the transportation trust funds from the Unified Budget. This vote reflected the frustration of the House members, and their respective states, with the manner in which the federal government manages transportation spending. However, in my view the legislation approved by the House is not a solution to the core problem—a federally run transportation program.

Before developing a solution the problem must be defined. And, the problem is much greater than that suggested by the House legislation. It is, in fact, a three part problem consisting of:

Withholding our state's gas tax dollars; Redistributing states' gas tax dollars; and Federal micro-management.

Regrettably, the House-passed legislation only addresses the first of these parts and ignores the other two. It fails to address the redistribution of states' contributions to the trust fund which strikes me as peculiar now that the Interstate system is complete. Additionally, the House legislation doesn't address federal micro-management of this funding which has plagued our states' transportation officials for years. The legacy of a program run through the federal government is one which has provided: funding restrictions on various program areas, mandatory spending requirements with penalties for non-compliance, and redundant administrative requirements.

For these reasons, I ask you to consider a real solution rather than simply alleviating one symptom. Please join me and consider exploring a truly off-budget proposal, one that phases out most of the federal transportation program and returns transportation program responsibility and primary taxing authority to the states.

Sincerely,

CONNIE MACK.

U.S. SENATE,
Washington, DC, July 9, 1996.

"Turning Back" the Highway Trust Fund

DEAR COLLEAGUE: Over the last several months I have written to you on a number of occasions regarding proposed legislation to return primary transportation program responsibility and taxing authority to the states. Attached is a summary of this legislation which I plan to introduce next week.

With the completion of the Interstate System, it is time for us to examine the lessons of the past and explore our options for the future. Although it was initially envisioned as a ten year, $30 billion highway program, the Federal Aid Highway program exploded into one that has lasted 40 years and has cost nearly $300 billion. Additionally, the existing program is plagued by an enormous bureaucracy that inhibits states' flexibility and withholds states' scarce transportation dollars.

Rather than continue the tired and troubled practices of the past, shouldn't we as a Nation look for a better way to address our infrastructure needs? I believe the legislation I am proposing will allow states to better serve the driving public as we head into the 21st Century.

It is my intention to introduce this legislation early in the week of July 15, 1996. Congressman John Kasich (R–OH) will be introducing companion legislation in the House of Representatives. If you wish to be an original cosponsor of this legislation please contact my office by Friday, July 12, 1996. Should your staff have any questions or require additional information please do not hesitate to have them call Patrick Kearney of my staff (x4–3102).

Sincerely,

CONNIE MACK,
U.S. Senator.

TRANSPORTATION EMPOWERMENT ACT—SENATOR CONNIE MACK. REPRESENTATIVE JOHN KASICH

SUMMARY

The Federal government collects about $24 billion in dedicated transportation taxes, skims money off the top for demonstration projects, skims more of the top to fund the Washington highway bureaucracy, runs the remainder through a maze of formulas, and then returns gas taxes of the states. Understandably, states complain that this approach is needlessly complicated and denies them the funding flexibility and stability they deserve.

The Mack/Kasish bill re-empowers states in transportation financing and decision making. Our bill uses a two-year transition period to lower the Federal gas tax, eliminate most highway trust fund programs, relieve states of myriad federal restrictions and regulations, and remove federal roadblocks to infrastructure privatization. Each state would be free to replace the Federal gas tax and keep those dollars within the state.

The Mack/Kasich legislation retains federal oversight of the maintenance of the current interstate system. Federal programs also remain in place for Indian reservation roads, public lands, parkways and park roads, and emergency relief. The Mack/Kasich bill also creates an Infrastructure Special Assistance Fund for critical programs the Congress may elect to fund, including providing transitional assistance.

IMPLEMENTATION

This legislation provides a two year transition. During the transition period of fiscal years 1998 and 1999, this legislation keeps in place the current 14¢ gas tax dedicated to transportation purposes.

7¢ in 1998 and 2¢ in 1999 are dedicated to the remaining downsized federal program, to pay off existing obligations, and to fund the Infrastructure Special Assistance Fund.

The remainder of the gas tax (7¢ in 1998 and 12¢ in 1999) is returned to the states in a block grant based on their contributions to the trust fund. The block grant could be used for transportation purposes without restriction from Washington.

At the beginning of fiscal year 2000, the federal gas tax is reduced to 2¢.

This two-year transition gives states time to prepare to regain control over their highway program and raise their state gas taxes if they choose. Any money collected would stay within the state to be used as the state sees fit without restriction from Washington.

OTHER PROVISIONS

The Mack/Kasich legislation acknowledges that states will need to cooperate on many transportation issues. The bill authorizes states to establish multi-state ''compacts'' for planning, financing and establishing safety and construction standards.

The legislation will encourage innovative approaches on the part of the states, such as use of infrastructure banks and privatization. The bill repeals the requirement that states repay federal grants associated with transportation infrastructure which is slated for privatization.

This legislation only addresses gas taxes currently dedicated to transportation purposes. it does not address the 4.3¢ currently dedicated to deficit reduction.

Currently, other transportation funding ''reform'' proposals are being discussed on the Hill. Generally, these proposals seek to reform the highway program by increasing flexibility and revising current formula which returns gas tax dollars to the states. However, because gas taxes would continue to be funneled through Washington, these formulas invite the re-emergence of Washington micro management and changes to the formulas in future authorizing legislation.

The Mack/Kasich bill permanently returns control over America's infrastructure to the states by phasing out much of the Federal program *and* reducing the gas tax. This greatly reduces the risk of Washington micro management in the future.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3454. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to the rule entitled ''Notice 96–37,'' received on July 16, 1996; to the Committee on Finance.

EC–3455. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, a report relative to a rule entitled ''Notice 96–39,'' received on July 16, 1996; to the Committee on Finance.

EC–3456. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds,'' received on July 11, 1996; to the Committee on Finance.

EC–3457. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes,'' received on July 17, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3458. A communication from the Comptroller General, transmitting, pursuant to law, a report relative to the financial statements of the Resolution Trust Corporation for the calendar years 1994 and 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3459. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Groundfish of the Gulf of Alaska,'' received on July 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3460. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Groundfish of the Gulf of Alaska,'' received on July 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3461. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Groundfish of the Gulf of Alaska,'' received on July 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3462. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Groundfish of the Gulf of Alaska,'' received on July 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3463. A communication from the General Counsel, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Procedures for Consideration of New or Revised Energy Conservation Standards for Consumer Products,'' (RIN1904–AA83) received on July 15, 1996; to the Committee on Energy and Natural Resources.

EC–3464. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a report relative to the American Discovery Trail; to the Committee on Energy and Natural Resources.

EC–3465. A communication from the General Counsel, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Administrative Procedures and Sanctions,'' received on July 15, 1996; to the Committee on Energy and Natural Resources.

EC–3466. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dihydroazadirachtin,'' received on July 17, 1996; to the Committee on Environment and Public Works.

EC–3467. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''NRC Enforcement Manual,'' received on July 17, 1996; to the Committee on Environment and Public Works.

EC–3468. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to amend the Act of May 13, 1954; to the Committee on Environment and Public Works.

EC–3469. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report regarding the rule entitled ''Revenue Procedure 96–40,'' received on July 17, 1996; to the Committee on Finance.

EC–3470. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report regarding the rule entitled ''Action on Decision in Estate of Cristofani v. Commissioner,'' received on July 15, 1996; to the Committee on Finance.